
TABLE OF CONTENTS

SECTION 1.00 DEFINITIONS AND GENERAL PROVISIONS..... 1
Section 1.01 Definitions..... 1
Section 1.02 Authority to Adopt Rules and Regulations 3
Section 1.03 Application; Non-exclusivity of Remedies..... 3
Section 1.04 Changes in the Commission’s Address and Telephone Numbers, Department and Divisions 3
Section 1.05 Review of Materials and Notices 3
SECTION 1.10 BILLING AND METERING PROCEDURES 3
Section 1.11 Billing and Payment..... 3
Section 1.12 Billing Information 4
Section 1.13 Meter Readings 5
Section 1.14 Estimated Bills 5
Section 1.15 Installation and Replacement of Water Meters and Remote Reading Devices 6
SECTION 1.20 THE TERMINATION OF WATER SERVICE FOR NON-PAYMENT OF BILLS..... 6
Section 1.21 Conditions to be Met Prior to Termination..... 6
Section 1.22 Minimum Amount Past Due for Termination of Customer Water Service 7
Section 1.23 Termination When Amounts are in Dispute 7
Section 1.24 Termination for Illegal Taking and Emergencies 7
Section 1.25 Time When Termination may be Effected..... 7
Section 1.32 Non-Payment; Termination Appeal..... 7
SECTION 1.40 TERMINATION OF WATER SERVICE FOR OTHER CONDITIONS.. 7
Section 1.41 Scope of this Chapter 7
Section 1.42 Non-Exclusivity of Remedies 7
Section 1.43 Inspection..... 7
Section 1.44 Notice to Remedy Condition 8
Section 1.45 Appeals of the Notice to Remedy Conditions..... 8
Section 1.46 Immediate Termination of Customer Water Service 9
Section 1.47 Resumption of Service..... 9
SECTION 1.50 DISPUTES AND APPEALS 9
Section 1.51 Application..... 9
Section 1.52 Appeals, Procedures, and Resolutions of Appeals..... 9
SECTION 1.60 COMMISSION IMPLIMENTATION 9
APPENDIX A

- Billing Schedule
- Overdue Notice
- Final Notice and Demand (Shut-Off for Non Payment)
- Final Notice and Demand (Notice to Remedy Condition)
- Appeal Form
- Abatement/Refund Request Form
- Payment Agreement

SECTION 1.00 DEFINITIONS AND GENERAL PROVISIONS

Section 1.01 Definitions

- a. Appeals Board means the Board of Water Commissioners designated to hear cases relating to disputes of charges, billing, services rendered, and termination of service.

- b. Bill means a written statement issued by the Commission to a Customer, in which is set forth the actual or estimated amount of water consumed through the period stated on the Bill, all Charges due for Water and/or related services during such period, and any such additional information as may be required under these Regulations.
- c. Charges means all fees, rates, rents, assessments, or liens for water or other services, facilities and commodities which are furnished or supplied by the Commission and for which it is authorized under Massachusetts General Law and St.1892 c. 384, to assess.
- d. Commission means the City of Chicopee, Board of Water Commissioners, the powers of which are exercised by a board of three members appointed in accordance with Massachusetts General Law and St.1892 c. 384 and includes without limitation all its departments, divisions and sections.
- e. Commissioners refers to a board of three appointed members who shall govern the Commission as set forth in Massachusetts General Law and St.1892 c. 384.
- f. Customer means the person or entity (including but not limited to domestic, commercial, and/or industrial entities) listed on the records of the Commission as the party of record (property owner) responsible for payment of Bills for Charges for Water Services,
- g. Customer Water Service, for billing purposes, shall be defined as the entire water service excluding any corporation stop and/or valves directly associated with the water main and the service line from the water main to the curb stop located at the Customer's property line. The Customer will be assessed for any repairs, replacements, or other services rendered to the Customer Water Service. In the event that a Master Meter is installed, the Customer's Water Service shall be the water service from the water main up to the Master Meter. The customer will be billed for repairs on the water service from the property line to the master meter. Any repairs after the meter will be the responsibility of the owner.
- h. Final Notice and Demand is a document informing the Customer that the Customer's Water Services has been scheduled for termination after fifteen (15) days from the date of issue. The form of the notice is set forth in **Appendix A** of the Commission Regulations.
- i. Late Payment Fee is any additional Charge adopted and assessed by the Commission for delinquent accounts, currently a late payment fee of 14% APR is assessed against all outstanding balances after 45 days.
- j. MGL means Massachusetts General Laws.
- k. Master Meter shall be defined as a meter installed at the entrance to an industrial, commercial or large residential subdivision where individual metering is prohibited.
- l. Payment Agreement shall be defined as the contract agreement signed by the Customer for payment of Water Charges to the Commission. Failure to follow such provisions may result in the termination of water service pursuant to these regulations.
- m. Remote Meter Device means an instrument for reading a water meter, located at a distance from the meter, generally outside the building being metered.
- n. Water Services shall include but not be limited to water and other services, facilities and commodities furnished or supplied by the Commission.
- o. Water Meter means any device for measuring and recording the water consumption at a building or property, installed by or at the order of the Commission, which may be used for billing by the Commission. Generally, any repairs after the meter shall be the responsibility of the owner of the property.

Section 1.02 Authority to Adopt Rules and Regulations

These Regulations are adopted pursuant to the authority granted the Commission under Massachusetts General Law and St.1892 c. 384.

Section 1.03 Application; Non-exclusivity of Remedies

These Regulations shall apply to all billing and collection of Charges for Water Service, to termination of service for non-payment of the same, and to appeals from such termination. However, nothing in these Regulations shall be construed to limit or infringe upon the right of the Commission to pursue any other remedies available under any other applicable law for the collection and enforcement of charges for Water Service.

Section 1.04 Changes in the Commission's Address and Telephone Numbers, Department and Divisions

In the event that the Commission's address, telephone numbers, departments or divisions change, the Water Superintendent is authorized to confirm all addresses, telephone numbers, departments and divisions in these Regulations and to publish the confirmed regulations. This section shall not be interpreted to authorize the Water Superintendent to make any alterations to these Regulations other than to address, telephone numbers, departments and divisions.

Section 1.05 Review of Materials and Notices

The Commission shall review and approve the form of all printed materials and notices required under these Regulations.

SECTION 1.10 BILLING AND METERING PROCEDURES

Section 1.11 Billing and Payment

- a. When Due. All Bills shall be due and payable within forty-five (45) days of the date of issue. No Bill shall be considered delinquent and subject to Late Payment Fee under applicable law or these Regulations if paid by the due date.
- b. Disputed Charges. That portion of a Bill in dispute shall not be considered due during the pendency of any complaint, investigation, hearing or appeal under these Regulations. That portion not in dispute shall be due and payable to the Commission and subject to Late Payment Fees pursuant to these Regulations. Any amount of Charges not in dispute shall be subject to Late Payment Fees during the appeals process. Thirty (30) days subsequent to a final determination of the disputed amount Late Payment Fees will be incurred on any unpaid Charges.
- c. Payments; Applications to Charges. A Customer may make payments by mail or in person at the City of Chicopee, Collector's office. A Customer may designate the account or accounts to which a payment will be applied. When a customer with more than one account fails to designate the account to which a payment is to be applied, the City of Chicopee, Collector's office shall credit the payment first to the account with the largest past due balance. When a payment is insufficient to cover all current Charges for said account, the City of Chicopee, Collector's office shall apply the payment to those Charges in the following order:
 1. Water Arrears

2. Late Payment Fees
 3. Administration Fees
 4. Water Charges
 5. Other Charges
- d. Refunds; Applications of Credit Balances. In the event that a Customer overpays a Bill or for some other reason has a credit balance on an account, he or she may obtain upon request a refund from the Commission. The Customer may elect to have an overpayment or credit balance applied to a future Bill. If a Customer does not otherwise instruct, the Commission shall apply a credit balance to the next Bill for the account and to successive Bills, until it is depleted. If the Customer has more than one account, the Commission shall apply the remainder of the credit balance to the account with the largest past due balance.
- e. Payment to Avoid Termination. In order to forestall termination of service to a delinquent account, payment following the issuance of a final notice and demand shall be made either in cash, certified check or money order. Payment to forestall termination must be made at City of Chicopee, Collector's office and shall be given a receipt by the Collector's office and referred to a Commission representative. Upon receipt of proof of payment, the Commission representative shall issue a stop termination order and present the individual with a receipt.
- f. Payment After Termination. A Customer seeking restoration of water service after termination due to the Customer's non-payment of Charges must pay the arrearages and all other Charges on the account. Payment must be by cash, certified check or money order.
- g. Partial Payments and Payment Plans. A Customer who cannot pay the full amount due the Commission for charges may be permitted to enter into a Payment Agreement with the Commission. Customers will be required to sign the agreement which will be furnished by the Commission; said agreement will detail all the conditions that are required to stay termination. Failure to adhere to the Payment Agreement will result in termination of the service pursuant to these regulations.

Section 1.12 Billing Information

- a. The Face of the Bill. The face of every Bill rendered by the Commission to a Customer shall include, but not be limited to the following information:
1. The date of issue (billing date);
 2. The due date within which payment in full must be made in order to avoid Late Payment Fees on the account;
 3. The amount of all charges remaining unpaid or unadjusted from the previous Bill, labeled past due;
 4. A phone number for the Commission Customer Service Department to answer any questions about the Bill.
 5. The amount of the current Charges for Water Service;
 6. A statement of the current Late Payment Fees due on past balances;
 7. The amounts due for betterments or assessments (if applicable);
 8. The actual or estimated meter reading;
 9. A statement of the rate or rates upon which such Charges are based;
 10. The dates of the billing period (From and To dates);
 11. The total current Charges; and

12. The total amount due.
 13. A notification that the Customers may dispute the Bill as per these Regulations and the location where said information may be found.
 14. The location where Bills may be paid.
 15. The rates for Water use.
- b. The Reverse of the Bill. The reverse of a Bill rendered by the Commission shall include the following:
1. Information on estimated Bills.
 2. Information on how to dispute your Bill.
 3. A statement of Late Payment Fees and fines that the Commission may impose and how they are calculated.
 4. A statement that the Customer Water Service may be terminated if past due amounts remain unpaid.
 5. A statement that, in addition to any Late Payment Fees or other remedies of the Commission, service may be terminated if the past due amount remains unpaid;
 6. A statement of Late Payment Fees, administrative fees and/or Charges for the termination of a Water Service.

Section 1.13 Meter Readings

- a. Meter Readings Required. Except as otherwise provided in this section, the Commission will read the Water Meter for each account at a minimum of semi-annually. The Commission reserves the right to change the frequency of the actual meter readings at its sole discretion.
- b. When Meter cannot be Read; Procedure. If the Water Service Inspector is unable to gain access to a water meter for any reason other than willful refusal of permission by the Customer, a customer service representative may take appropriate and reasonable measures to assure an actual reading is obtained.
- c. Notice Left at Account Premises. In addition to the efforts to be made to gain a reading listed in this subsection, employees of the Commission assigned to read meters shall complete a pre-printed notice form and leave it at the premises.

Section 1.14 Estimated Bills

- a. In General. In the preparation of Bills for Water Service, the Commission may rely upon an estimate of a Customer's water consumption if:
 1. The procedure used for calculating such estimates is based the registration of the water meter for a corresponding prior period or quarter at the premises in question;
 2. The Bill includes on its face a statement indicating that it is based upon estimated water consumption; or
 3. The Commission meter or remote reading device is broken, absent or disconnected; or
 4. The Commission employee has been denied access; or
 5. Circumstances beyond the control of the Commission make an actual reading unreasonably difficult or hazardous.

Section 1.15 Installation and Replacement of Water Meters and Remote Reading Devices

- a. The Commission reserves the right to repair or replace any meter at its sole discretion. Meters replaced at the discretion of the Commission will be done so at the Commission's expense except as set forth in the Commission Regulations.
- b. In the event that a Water Meter or any appurtenance thereto has been determined to have been tampered with, the Commission shall repair or replace said meter and/or appurtenance at the expense of the Customer. A fine may be levied pursuant to any other applicable Commission Regulations.

SECTION 1.20 THE TERMINATION OF WATER SERVICE FOR NON-PAYMENT OF BILLS

Section 1.21 Conditions to be Met Prior to Termination

Except as otherwise provided in these regulations, the Commission may terminate service for non-payment as follows:

- a. Unpaid Bill. An amount due the Commission that remains unpaid after the due date, or such longer periods as may be permitted by a Payment Agreement;
- b. Overdue Notice. At least forty-five (45) days after the billing date, an overdue notice will be mailed to the customer. Any amounts past due will be assessed a 14% APR late payment fee against the outstanding balance.
- c. Final Notice and Demand. The form of the notice is set forth in **Appendix A** of the Commission Regulations.
- d. Final Notice and Demand Process. At least seventy-five (75) days after the date of the Bill, the Commission shall:
 1. Mail to the Customer a Final Notice and Demand, by postage paid first class certified or registered mail, to the address of the premises scheduled for termination of service, and to the Customer at the address as shown on the records of the Assessor's Office for the city or town in which the premises is located, and
 2. Mail to the Customer a Final Notice and Demand at the billing address as indicated on the records of the Commission, and
 3. Mail to the occupant(s) of the premises, a Final Notice and Demand, postage paid by regular mail at the address of the premises scheduled for termination of service, and
 4. Post the premises scheduled for termination with a Final Notice and Demand.
- e. Termination Date. The date of termination shall not be scheduled for earlier than 15 days from the date of posting and mailing of the Final Notice and Demand.
- f. Final Check. The Commission will check at the close of business on the last business day before the date on which service is scheduled to be terminated that:
 1. The Commission has sent and/or posted the notices requires by MGL and these Regulations and has evidence of such requirements, and
 2. No payment has been made on the account sufficient to justify halting termination, and
 3. The account is not in the Commission appeals process and/or subject to any judicial order.

Section 1.22 Termination When Amounts are in Dispute

A Customer Water Service shall not be terminated for failure to pay a Charge, the amount of which is subject to a pending appeal pursuant to these Regulations.

Section 1.23 Termination for Illegal Taking and Emergencies

Nothing in this Chapter shall be construed to prevent termination for the illegal taking of water or for reasons including but not limited to emergencies of public safety, public health, and/or in cooperation with civil authorities or any other reason for which the power to terminate service is specifically granted by MGL or by any other applicable Commission Regulations.

Section 1.24 Time When Termination may be Effected

Termination of service for failure to pay a delinquent account may be instituted from March 15th through November 15th from Monday through Thursday provided that such day is not a holiday observed by Commission employees or the day before such a holiday.

Section 1.32 Non-Payment; Termination Appeal

Service to any Customer may be terminated on account for failure of a Customer to comply with the provisions of **Section 1.31**.

SECTION 1.40 TERMINATION OF WATER SERVICE FOR OTHER CONDITIONS

Section 1.41 Scope of this Chapter

Application and Definition. This Chapter applies to cases in which the Commission has discovered the existence of any condition identified in the Regulations of the Commission as a violation of said Regulations that may be grounds for the termination of the Customer Water Service.

Section 1.42 Non-Exclusivity of Remedies

Nothing in this Chapter shall be construed to limit or infringe upon the right of the Commission to:

- a. Make, without notice, such temporary interruptions in water service as it deems necessary on a routine or emergency basis for restoration, repair, or replacement of the water works system as defined in MGL, or
- b. Pursue its remedies for the unauthorized use or diversion of water for damage to the Commission's property under the Commission Regulations, MGL, or other applicable laws.

Section 1.43 Inspection

- a. Initial inspection. Upon receipt of notification that any conditions identified as a violation of Commission Regulations exists on a Customer's premises, a Commission employee shall inspect the premises and verify the existence of said condition.
- b. Notice to Remedy Condition. When the Commission determines, after an inspection, that a condition exists or either is denied access to or is unable, after reasonable efforts, to secure access to the premises for the purpose of verifying the condition, the

- Commission shall forthwith proceed with the notification of the Customer as set forth in **Section 1.44** of these Regulations.
- c. Final Inspection for Notice to Remedy Condition. After the expiration of the period specified in the Notice to Remedy Condition, a Commission employee shall return to the premises in order to determine whether the condition has been corrected. If the condition has not been corrected or if the Commission employee is unable to obtain access to the premises, the Commission shall terminate the service.
 - d. Pre-Reactivation Inspection of Customer Water Service. No Customer Water Service will be reactivated unless the customer is on the property at the time of reactivation and all conditions have been remedied and all other fees, rates, rents, assessments, delinquency charges, fines, and other charges have been paid or are current.

Section 1.44 Notice to Remedy Condition

- a. Notice to Remedy Condition, Termination of Service. The Notice to Remedy Condition shall serve as the Final Notice and Demand for purposes of termination of the Customer Water Service pursuant to this chapter. The notice to Remedy Condition will identify the condition which requires a remedy and state that if the provisions set forth in the notice are not met the Customer Water Service will be terminated. The form of the notice is set forth in **Appendix A** of these regulations.
- b. Notice to Remedy Condition; Process. In the event the Commission identifies a condition warning the termination of the Customer Water Service, the Commission shall:
 - 1. Mail to the Customer a Notice to Remedy Condition, by postage paid first class certified or registered mail, to the address of the premises scheduled for termination of service, and to the Customer at the address as shown on the records of the Assessor's Office for the city or town in which the premises is located, and
 - 2. Mail to the Customer a Notice Remedy Condition at the billing address as indicated on the records of the Commission, and
 - 3. Mail to the occupation(s) of the premises, a Notice to Remedy Condition, postage paid on regular mail at the address of the premises scheduled for termination of service, and
 - 4. Post the premises scheduled for termination with a Notice to Remedy Condition.
- c. Charges. The Customer will be responsible for any and all other fees, rates, rents, assessments, delinquency charges, fines, and other Charges pursuant to these and all other Commission Regulations.

Section 1.45 Appeals of the Notice to Remedy Conditions

The procedures described in this Chapter shall apply when a Customer who received a notice under this section requires more time to remedy a condition or disputes the validity of an allegation contained in it. These procedures shall also apply to any dispute arising out of a termination of service under this Chapter. In the event that the Customer Water Service has already been terminated, the Customer may appeal, however the Customer Water Service will not be reactivated until the appeals process has been resolved or the Commission finds due reason to reactivate the service.

Section 1.46 Immediate Termination of Customer Water Service

In the event that an emergency of public safety or public health exists, as determined by the Commission or other public authority, a Customer Water Service may be terminated without prior notice. The Commission will attempt to notify the Customer and/or occupants of the premises as soon as possible of the conditions and reason for termination.

Section 1.47 Resumption of Service

At any time following termination, upon receiving satisfactory proof that a condition that required termination has been remedied and that all charges associated with the termination have been paid, the Commission shall order service restored to the account.

SECTION 1.50 DISPUTES AND APPEALS

Section 1.51 Application

The procedure described in this Chapter shall apply to all disputes between the Customer and the Commission for non-payment of a Bill or for any other dispute pursuant to the Commission Regulations.

Section 1.52 Appeals, Procedures, and Resolutions of Appeals

- a. Initial Contact and Resolution Procedure. A Customer requesting an investigation shall notify the Commission at the address or phone number indicated on the Bill or notice. The matter shall be referred initially to a customer service representative of the Commission. The customer service representative shall make his or her best effort to resolve the dispute and shall notify the Customer of that resolution. A record of said resolution will be made by the customer service representative. The Customer shall be mailed the form required to initiate the appeals process. The forms of the application are set forth in **Appendix A** of these Regulations.
- b. Customer not Satisfied with the Initial Resolution. A Customer not satisfied with the initial resolution of the customer service representative may appeal said resolution to the Board of Water Commissioners within 10 days of the date of the initial resolution.
- c. Appeals to the Commission; Process. Upon request for an appeal, the Commission will provide the Customer with the opportunity to present evidence to support the appeal either by written letter or in person. The Commission will review all evidence and provide the Customer with a written resolution within 30 days. The findings of the Commissioners shall be final.

SECTION 1.60 COMMISSION IMPLEMENTATION

The Billing, Termination and Appeal regulations were initially voted and signed into effect by the City of Chicopee, Board of Water Commissioners at their regularly scheduled meeting of January 22, 2003. These regulations were updated and approved by said Board of Water Commissioners at their meeting of April 8, 2015. These regulations are to be applied to all customers of the City of Chicopee, Water Department effective this date.