

# SENATE . . . . No. 522

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## The Commonwealth of Massachusetts

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SENATE, March 30, 1948.

The committee on Bills in the Third Reading, to whom was referred the Senate Bill establishing the water department of the city of Fitchburg and transferring to it the powers and duties of the water division and changing the title of water registrar to water commissioner the (Senate, No. 135), report recommending that the same be amended by substituting therefor a new draft entitled "An Act establishing the office of water commissioner of the city of Fitchburg and defining his powers and duties" (Senate, No. 522), and that, when so amended, the same will be correctly drawn.

For the committee,

NEWLAND H. HOLMES.

## The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Forty-Eight.

AN ACT ESTABLISHING THE OFFICE OF WATER COMMISSIONER OF THE CITY OF FITCHBURG AND DEFINING HIS POWERS AND DUTIES.

*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 water department of the city of  
2 Fitchburg, created by chapter one hundred and  
3 seventy-seven of the acts of eighteen hundred and  
4 sixty-five, now operating by ordinance as the water  
5 division of the public works department of said  
6 city, is hereby established as a separate department  
7 to be under the control of a water commissioner who  
8 shall have the powers, duties and authority as provided  
9 by section three of this act. Upon the acceptance of  
10 this act, the water registrar shall thereupon become  
11 the water commissioner and shall retain as said com-  
12 missioner the civil service status which he now holds  
13 as water registrar. Upon a vacancy in said office  
14 the mayor, subject to the approval of the council, shall  
15 appoint a commissioner from an eligible civil service  
16 list. Said water commissioner may, subject to the  
17 approval of the mayor, appoint such assistants as he  
18 may deem necessary to perform the duties of the  
19 department. The commissioner may, subject to

20 the approval of the mayor, fix the compensation of  
21 such assistants. The rules of said water division in  
22 effect on the effective date of this act shall remain  
23 in effect until changed in accordance with law.

1 SECTION 2. The income of the water department  
2 shall be appropriated to defray all operating expenses,  
3 interest charges and payments on the principal as they  
4 apply upon any bonds or notes issued for the purpose  
5 of a municipal water supply. If in any year there  
6 should be a net surplus remaining after providing for  
7 the aforesaid charges such surplus shall be appropriated  
8 only for such new construction and additions as the  
9 commissioner determines, with the approval of the  
10 mayor and council; provided, however, that if in any  
11 year the maintenance expenditures, including debt  
12 and interest, of the water department should be more  
13 than the water revenue, the amount of the deficit  
14 created shall be appropriated from the said water  
15 revenue

1 SECTION 3. Notwithstanding other provisions of  
2 law or of the charter of the city, the water commis-  
3 sioner of the city of Fitchburg shall have exclusive  
4 charge and control of the water department and  
5 water system, subject to all lawful by-laws and to  
6 such instructions, rules and regulations as the city  
7 may from time to time impose. Said water commis-  
8 sioner may establish fountains and hydrants, may  
9 relocate or discontinue the same, and regulate the use  
10 of the water and fix and collect just and equitable  
11 prices and rates for the use thereof, and shall prescribe  
12 the time and manner of payment of such prices and  
13 rates.

1 SECTION 4. This act shall be submitted for ac-  
2 ceptance to the registered voters of the city of Fitch-  
3 burg at the biennial state election in the current year  
4 in the form of the following question, which shall be  
5 placed upon the official ballot to be used at said elec-  
6 tion:—“Shall an act of the general court passed in  
7 the current year establishing the office of water com-  
8 missioner of the city of Fitchburg and defining his  
9 powers and duties, be accepted?” If a majority of  
10 the votes in answer to said question is in the affirm-  
11 ative, then this act shall take full effect, but not  
12 otherwise.