

Local Law #2 of 2014 TOWN OF SPRINGWATER WATER RULES AND REGULATIONS

SECTION 1 PURPOSE

The following rules and regulations adopted by the Town Board of the Town of Springwater, Livingston County, New York, are intended to set forth the conditions under which the Town shall provide water and services related to the delivery of water to any person, firm or corporation within the Town. Each person, firm or corporation supplied with water, or whose property is supplied with water, shall be required to comply with the following rules and regulations and such provisions are intended to be contractual in nature. Compliance with such rules and regulations is deemed to be a condition precedent to the regular supply of water and water related services by the Town.

SECTION 2 DEFINITIONS

As used in these rules and regulations the words and phrases listed below shall be deemed to have the following meaning:

"BOARD" shall mean the Town Board of the Town of Springwater, Livingston County, New York.

"OWNER or CUSTOMER" shall mean the person who has legal or equitable title to the premises and is responsible for payment of charges for water or other facilities and services furnished.

"PERSON" shall mean an individual, firm, association or corporation.

"PREMISES" shall mean real estate, a building, structure, mobile home, apartment, suite or other like facility under one roof regardless of whether the same is occupied or not or whether it is used as a residence for more than one person or as a place of business for more than one business, or a combination of business and residential use.

"SUPERINTENDENT" shall mean the Water Superintendent of the Town of Springwater.

"DIG SAFELY NEW YORK" shall mean Underground Facilities Protection Organization.

"TOWN" shall mean the Town of Springwater, Livingston County, New York.

"WATER MAIN" shall mean any water mains owned and operated by the Town.

"WATER IMPROVEMENT" shall mean any water improvement authorized Pursuant to the Town Law of the State of New York as amended.

"WATER SERVICE" shall mean any individual connection from the water main to the premises.

"WATER SYSTEM" shall mean any Water Main, Water Improvement or other form or type of infrastructure completed by or on behalf of the Town for purposes of delivering public water to Owners or Customers within the District.

"DISTRICT" shall mean the Town of Springwater Water District and extensions thereto, as well as any other water district established in the Town of Springwater.

"VACANT" shall mean no activity, personal contents have been removed.

"UNOCCUPIED" shall mean no one is living in building.

SECTION 3 CUSTOMER AGREES TO ABIDE BY PROVISIONS

Any customer accepting water from the water system subscribes to and agrees to

abide by all provisions, rules, regulations as stated herein. Failure to do so will render the Owner or Customer liable for the penalties hereinafter defined. Additionally, any Owner or Customer accepting water from the Water Ssystem agrees that the Town is not liable for any Damages of any nature whatsoever (including but not limited to loss of income, etc.), as a result of the Town's failure to supply adequate quantities of water.

SECTION 4 TERRITORIAL LIMITS

The rules, regulations, rates, charges and fees herein prescribed shall be applicable to all Owners or Customers that receive water or water related services within the Town of Springwater.

SECTION 5 APPLICATION FOR SERVICE

All applications for water service must be made in:

A. writing, by the Owner or Customer (also sometimes referred to as "Applicant"), on forms provided by the Town. On acceptance by the Town, the application shall constitute a contract between the Town and the Applicant obligating the Applicant to pay the Town its established rates and charges and to comply with all rules and regulations as set forth herein. Any form application adopted by the Town will specifically reference these Rules and Regulations and the Applicant shall have to acknowledge acceptance of the same.

B. A separate application must be made for each Premises. Sub-metering within a Premises will not be permitted.

C. No agreement to provide Water Service will be entered into by the Town with any Applicant for service of any type until all charges past due from the Applicant for water and/or services at any premises, including those for which the application is made, now or heretofore owned or occupied by the Applicant or which are under the control of the Applicant, and which are in arrears or are due at the time of making the application shall be paid.

D. and shall state that charges, including by way of illustration but not limitation, for tapping the Water Main, installing the water meter, inspection, water service rates, shut-off and turn on charges, etc., shall be as established from time to time by the Board and on file with the Town Clerk.

SECTION 6 * INSTALLATION AND DISCONNECTION OF SERVICE

A. Authorization Required - No person shall make any connection to or opening into a Water Main or in any way perform work, service or maintenance which shall affect a Water Main or any connections thereto without written authorization from the Superintendent or his duly authorized agent. Authorization shall be issued after the filing of the application as above provided and the payment of all fees and charges. The authorization shall be signed by the Superintendent or his duly authorized agent and shall specify the type of tapping, service work, maintenance, construction or other activity authorized,

with notation on authorization.

B. Inspection - No Water Main shall be tapped nor any service connection made, laid, constructed or covered except in the presence of the Superintendent or his authorized representative. No tapping, connection, line or work thereon shall be covered until the Superintendent or his duly authorized representative shall have approved all such work and materials and authorized the tap, the connection and the covering thereof.

C. Turn on and off - No person, except the Superintendent or his duly authorized representative, shall turn the water on or off at any connection to the water main.

D. Permanent Connections-

1. The Town shall make all taps into the public Water Mains and furnish and install the curb stop at the mains, the curb stop and the curb box and the connection line from the public main to the curb box. If the Water Main has not yet been completed, the cost of the above improvements shall be a part of the construction contract for the Water Main being constructed. The cost for such service after the conclusion of the construction of any Water Main, shall be made at the expense of the Applicant on a cost basis for time and materials used in accordance with the current billing policy of the Town existing at the time of said tap. The Town shall thereafter maintain the service line and tap from the main to and including the curb valve and box and shall retain full ownership and control thereof at all times.

2. The curb stop and box will be generally located at the property line unless determined otherwise by the Superintendent.

3. All supply lines from the curb box and curb valve shall be a minimum of 3/4 inch diameter without reduction in size from the curb box to the meter, except that larger service connections will be permitted upon proper application and upon approval of the Superintendent. Service pipe materials and installation shall be in accordance with the Plumbing Code of NY.

4. No underground joints will be permitted except where distances are greater than the lengths of supply line available from the manufacturer.

5. A stop cock for shutting off the water must be located immediately inside the wall of the premises and between such wall and the water meter. A waste valve must be arranged downstream of the meter so that water can be drawn from the meter whenever and wherever there is danger of freezing.

6. Taps in the Water Main will be made only after issuance of a permit as above provided and only after not less than four (4) days advance notice of the time desired for the tap as well as the payment of all costs thereof. No taps will be made on Saturday, Sunday or holidays. The Applicant or Owner or Customer shall be responsible for notifying the Dig Safely New York for utility

stakeouts prior to excavation. Dig Safely New York requires that a minimum of two (2) days advance notice be given for a stakeout.

7. The water at the mains and/or curb box or curb valve shall be turned on or off only by authorized persons as herein provided. No turn on or turn off of water shall be made on Saturday, Sunday, or holidays and only after at least twelve (12) hours notice and on payment of all charges and fees.

8. After the completion of construction of a Water Main, as above provided, the charge for subsequent tapping into the Water Main, connections, installation of curb box, curb valve and like items, as above provided, shall be the actual cost as determined by the Superintendent for both short side and long side water services, which said charge shall be paid by the Applicant prior to the commencement of such work.

9. In the case of any excavation for the installation of any water pipe or connection under authority of a permit from the Town, the Owner will be held responsible for the trench excavation. Public safety and conveniences shall be duly regarded and conserved by the construction of such bridges across open trenches as may be required to insure safety to the public. Lights, barricades and all such other means of protection against accident must be provided. Before trenches are backfilled, materials and workmanship shall be inspected by the Superintendent and approved in writing, and added to the authorizing permit.

10. Meter pits shall be required at the discretion of the Water Superintendent.

E. Temporary Connection - Temporary service connections shall consist of, but not be limited to, temporary agricultural use, construction jobs, fairs and circuses, emergency connections, and temporary service to a property upon which no permanent structure is or has been erected. No such temporary service connection shall be made until the issuance of a permit after application and payment of all costs and fees as provided in these regulations. The connections, type of pipe, size of meter, backflow preventers, length of time of service, use of water and all other applicable factors shall be specifically enumerated in the application, and no permit shall be issued until the Superintendent shall have approved thereof and the approved condition set forth in writing on the permit. The costs and fees for such temporary service, including deposit for meters shall be established by the Board, from time to time, and on file in the Office of the Town Clerk.

F. Special Services - Any service, not otherwise specifically provided for in these rules and regulations, shall be subject to separate agreement with the Town, which agreement shall contain such terms and conditions as the Board may deem necessary upon advice and counsel of the Superintendent.

G. Irrigation Services - All persons desiring to draw water from a hydrant for irrigation or other agricultural use shall use an approved hydrant meter, backflow preventer and screw type gate valve. The cost of the meter shall be borne by the user and paid to the Town prior to installation, which costs shall be the Town's actual purchase price of the

items in question. No water shall be drawn from a hydrant for said purpose until the installation shall have been approved by the Superintendent. Irrigation services shall be defined as a temporary service.

H. Spray Rig Services - All persons desiring to use a public source of water to fill a spray rig or other apparatus using chemicals shall, in addition to applying for the correct type of service and in addition to complying with all other applicable rules and regulations, equip the service with an approved type backflow preventer.

SECTION 7 INSTALLATION OF METERS

A. All water used in the Town shall be metered except that used for firefighting purposes. Except as otherwise provided for, no charge shall be made for water used in domestic firefighting sprinkler systems as long as the same are installed and maintained after authorization and approval of the Board. Such domestic firefighting sprinkler systems shall meet such standards as shall be from time to time established by the New York State Fire Prevention Code, and if none are so established, in accordance with the acceptable standards approved by the Fire Underwriters or their successor organization.

B. All water meters shall be of the "K. type" approved by the Board and will be furnished and installed by the Town in accordance with these rules and regulations. All meters and meter couplings shall, at all times, remain the sole property of the Town. All meters will be maintained by and at the expense of the Town insofar as ordinary wear and tear are concerned, but the Owner or Customer shall be responsible for all damage due to misuse of the meter, to freezing, to fire, to external damage and other like causes. In such case or cases, the damage will be repaired by the Town or the meter will be replaced and the cost of such repair or the replacement of the meter shall be paid by the Owner or Customer.

C. The Superintendent or his authorized agent, at any reasonable time upon reasonable notice, may enter any building or upon any premises, whether public or private, where there is located a water service connection pipe or pipes connected with a Town Water Main, and make any necessary examinations and/or repairs. Examination may include, but is not limited to, the service connection pipes and equipment including meters thereon, outlets, the quantity of water used and the manner of its use.

D. All complaints concerning correctness of meter registration or water bills on which an overcharge is claimed must be made to the Superintendent in writing within fifteen (15) days after such bill has been received or delivered to the Owner or Customer. A deposit of twenty (\$20.00) dollars shall be made to the Town Clerk with the written request to have the meter tested. Should the meter be found to be correct or to under register, the said deposit shall be retained by the Town to defray the removal and testing cost. Should the meter be found to over register, the twenty and (\$20.00) dollars shall be returned to the complaining party and proper correction made upon the bill for which the complaint is made. Bills on which no complaint shall have been filed within the said fifteen (15) day period shall be paid in full as

rendered. The Town may correct any charges on its own initiative due to fault in the meter or to incorrect dial reading without cost of expense to the owner.

SECTION 8 HYDRANTS AND FIRE REGULATIONS

A. In case of fire or alarm of fire, all consumers are requested to cease the use of water except for emergency purposes, in the interest of keeping up a strong and effective pressure and water flow for firefighting purposes.

B. No person, except the Superintendent or his duly authorized representative or the chiefs of fire departments or their authorized assistants shall be authorized to operate, open, close or work upon any hydrant or to draw water there from for any purpose whatsoever. In the event of the opening, closing or work done upon any hydrant or to draw water there from for any purpose whatsoever by anyone who is not so authorized, that said person shall be liable to the Town for all damage to the hydrant, Water Main, water system and for the water estimated reasonably to have been consumed and shall further save harmless and indemnify the Town from any other damages resulting from the unauthorized use of the hydrant or the drawing of water there from.

C. In addition to any civil damages which might exist for unauthorized or improper use of a hydrant or drawing of water there from, any person who shall so improperly or without authorization use the said hydrant or who shall deface, injure or disturb or in any way interfere with any part of the water system used or calculated to be used for fire protection shall be subject to prosecution to the fullest extent of the law.

SECTION 9 PAYMENT FOR SERVICE

A. Bills for metered water shall be payable quarterly. In each instance, meter bills, if not paid on or before 30 days from date of bill, shall be increased ten per centum as a penalty for failure to pay promptly. Failure to receive bill shall not act as a waiver of said penalty. In case of inability to read meter, an estimated bill will be submitted to the owner.

B. All charges for water, service pipe installation, repairs, damages caused by carelessness or neglect, penalties, etc., shall be made against the Premises supplied, and the Owner of the Premises shall be held responsible therefore. Such charges, if not paid, shall be a lien on the property benefited. All such unpaid charges shall be added to the next general tax against property.

C. Bills for debt service: All Premises within the Water District shall contribute to any debt service of the District.

SECTION 10 DISCONTINUANCE OF SERVICE

A. Water service may be discontinued by the Town for any of the following reasons:

1. For use of water other than represented in the Customer's application, or through branch connections on the street side of the meter or place reserved for the meter.

2. For tampering with or damaging any service pipe, seal, meter or other

appliance owned by the Town.

3. For cross connecting pipes carrying water supplied by the Town with any other source of supply or with any apparatus which may endanger the quality of the Town's water supply.

4. For refusing reasonable access to the Premises for the purpose of reading, repairing, testing or removing meters or inspecting water piping and other fixtures.

5. For violation of any other water rules and regulations promulgated from time to time by the Town.

B. Where two or more Customers are supplied with water through one (1) service pipe, under the control of one curb stop, if any of the parties so supplied shall violate any of the above rules, the Town reserves the right to apply its shut off regulations to the joint service line, but such action shall not be taken until the non-offending customer shall have been given notice of the violation and shall have had an opportunity to either correct the violations or to cause an attachment from the service pipe leading to his or her particular portion of the premises to be separately controlled through a separate service connection, which opportunity shall not exceed fifteen (15) days from notice given by the Town.

C. The Superintendent on behalf of the Town shall have the right to shut off the water from any street or to any Premises that he may deem necessary and neither the Town nor the Superintendent shall be responsible for any damage that may result there from. It shall not be necessary for the Superintendent or the Town to give notice that the water will be shut off.

D. Water service may also be terminated after seventy-two hours notice has been given to the Owner that a leak exists in any service line to the premises, provided the Owner has not repaired such leak within the above mentioned period of time. This provision shall not be construed to limit the right of the Superintendent to immediately discontinue service in the event of willful waste of water as above provided.

E. The Town reserves the right to refuse to supply water service to any Applicant unless such service is to be furnished to a permanent residence or dwelling including a mobile home erected and attached to a permanent foundation.

6. Unoccupied or Vacant Premise. If the an Owner wishes to disconnect from the Water District, the Owner shall schedule a disconnection with written authorization. Authorization shall be issued after the filing of the application. The authorization shall be signed by the Superintendent or his duly authorized agent. The Superintendent or duly authorized agent will shut the water off at the curb stop and the disconnection will be made beyond there with a cutting of the service. The excavation cost will be incurred by the Owner. The Superintendent or duly authorized agent will remove the meter as it is the property of the Town of Springwater Water District. If the Owner wishes to reconnect the premises, the Owner shall be required to furnish an application pursuant to Section 5 and to pay all associated fees.

SECTION 11 GENERAL RULES

A. Supply of Water - The Town undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to Customers, but reserves the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs, testing or making improvements to the system, or for other purposes, and it is expressly agreed that the Town shall not be liable for any deficiency or failure in the supply of water, or the pressure thereof, for any cause whatsoever or for any damage caused thereby, or for the bursting or breaking of any main or service pipe or any attachment to the Town's property. All Premises supplied with Town water shall be fitted with a suitable check valve or other device by the owner so as to fully prevent all damage and injury that may occur by the sudden shut-off of water service. All Customers having installations upon their Premises depending upon pressure in the Town's pipes to keep them supplied are cautioned against danger of collapse and all damage shall be borne exclusively by the Customer. The Town shall not be liable for any damage or loss of any kind of property or persons which may arise from or be caused by any change, either increase or decrease, in pressure of water supplies, from any cause whatever. No metered service shall be allowed to supply or connect to another unit, household or water user without an agreed upon emergency that is acceptable to the Town. (Any existing well water connections shall be disconnected.) All such agreements shall be in writing and be time limited. A single water service unit shall be established within the established agreed upon time limit, not to exceed a six (6) month period. Service charges shall be established for such an emergency status service. If a metered water service unit is not established within the agreed upon time limit, the water service shall be discontinued.

B. Public Health - In the interest of public health, the Town will not permit its mains or services to be connected with any service pipe or piping which is connected with any source of water supply not approved by the Department of Health or the Department of Environmental Conservation of the State of New York. The Town will also not permit its mains or service pipes to be connected in any way to any piping, tank, vat, or other apparatus which contains liquids, chemicals, or any other matter which might flow back into the Town's service pipe or mains and consequently endanger the supply. All services supply lines, meters, valves connections and other pipes shall be disinfected after installation and/or repair and before use according to Department of Health practices.

C. Emergency - The Town reserves the right, in periods of drought or emergency or when deemed essential to the protection of public health, safety and welfare, to restrict, curtail or prohibit use of water for secondary purposes, such as sprinkling, car washing, filling swimming pools and like activities, and shall have the right to fix hours and periods when water may be used for such purposes and may have the right, if need be, to restrict the use of water for any other non-essential purposes temporarily or permanently.

D. Qualified Persons - No person shall perform work upon any service line from the curb box or curb valve to and including the water meter unless the said person has been determined by the Superintendent to be duly qualified to perform such work and services taking into consideration technical knowledge,

experience and ability, other comparable work performed, the usual occupation of said person, and other factors. The Superintendent shall have as his main concern the proper installation, maintenance and repair of all service lines so as to eliminate insofar as possible any malfunction or disruption of water service in accordance with the terms of these rules and regulations.

E. Leakage - All liability for damage on account of leakage of water service pipes from the curb box to the water meter shall be assumed and charged against the Customer and/or Owner of the Premises.

F. Cross Connections - No installation of any nature whatsoever shall be permitted which has any connection in any manner whatsoever with any private pumping system regardless of how the same is valve or piped. No installation shall be permitted whereby the water is to flow or pass into any system or container which is or may become pressurized as a result of its construction and/or operation in which there is any likelihood that the water and/or any other liquid or solid may flow back into the water main. Any potential cross connection arrangement shall be protected with an acceptable backflow preventer. A current list of acceptable backflow prevention devices is available at the offices of the County Health Dept. Backflow prevention services are subject to periodic inspection by the Superintendent for satisfactory operation.

G. Winter Provision - The Town shall not be required to install any service lines or make service connections between November 15th and April 15th except by special arrangement, in which case the Customer shall pay for the excess over normal costs. In those cases where the service pipes or mains become frozen, the thawing thereof shall be done by the Town at the expense of the Customer. To avoid reoccurrence of freezing, the Town may order an examination of the service pipe or main and if the same is not to be the proper depth or has not been installed to Specifications as provided in these rules, the Town reserves the right to require that the service pipe or main be relocated and properly installed before service is resumed. All such relocation and reinstallation shall be at the cost of the Customer.

H. Penalties - A violation of any of the provisions of these rules and regulations shall constitute a violation and shall be actionable by the Superintendent in accordance with all of the appropriate provisions of the Penal Law, the Code of Criminal Procedure and of the Civil Practice Law and Rules of the State of New York and shall be punishable by a fine not exceeding \$250 or by fifteen (15) days in jail, or both fine and imprisonment. Each day of continued violation shall constitute a separate and distinct offense.

I. Sale of Water by Owner/Occupant - No water flowing through the Town's water system shall be sold or furnished to any person or entity outside of the Town without the prior written consent of the Town.

J. Easements - Applicants for service shall deliver without cost to the Town, permanent easements or rights-of-way when necessary for the installation and maintenance of the service lines and service connections, in a form which is

satisfactory to the Town. The Town shall not be obligated to commence any construction until Applicants have provided satisfactory easements or rights-of way.

K. Dead ends - There shall not be any water taps past the last hydrant or within 30 feet of a dead end Water Main.

L. Amendments - The Board may from time to time amend or revise these rules, adopt new rules or regulations, change the charge for installation of water services, or rates for water without notice and any charge shall be binding upon the owner after notice thereof.

SECTION 12 WATER SERVICE RATES & FEES

A. The Water Service charge or water rates shall be fixed annually, or more frequently if deemed necessary by the Town Board upon due deliberation. The said water rates as amended from time to time shall be contained in a current rate schedule affixed to and made a part of these rules and regulations. In fixing water service charges, itemization will be made for each of the following:

1. Gallonage rate for all use in excess of the amount (if any) of water provided as part of the minimum charge for service
2. Minimum charge for service

B. In cases where it is found that a reading cannot be obtained, an estimated bill will be rendered to the Owner. The quantity will be determined by the average registration of the meter in a corresponding past period except where it appears that there has been a change in occupancy or use of the Premises, in which case the estimated bill will be rendered to take such factors into consideration. Adjustments will not be made prior to the next actual reading of the meter.

C. Debt service charges per year is paid by each Premises in the Springwater Water District, not just the actual water users and shall be incurred as a line item on the Premises Tax Bill.

D. The Board may from time to time establish, change and modify the rates for services as provided in these rules and regulations without public hearing. The said charges shall be from time to time enumerated in the current rate schedule affixed to and made a part of these rules and regulations.

SECTION 13

In the event any part or section of this ordinance shall be held to be unconstitutional or invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.

Moved by: Supervisor Deborah Babbitt Henry
Seconded by: Councilmember Stephen Cowley
Roll Call:

Councilmember Thomas Canute Jr	absent
Councilmember Stephen Cowley	aye
Councilmember Patricia Willsea	aye
Deputy Supervisor Lawrence Gnau	absent
Supervisor Deborah Babbitt Henry	aye