



# WATER SERVICE REGULATIONS

ELLCOTTVILLE ENGINEERING DEPARTMENT – WATER DIVISION

TOWN & VILLAGE OF ELLCOTTVILLE, NY

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## **SECTION 1 - DEFINITIONS**

### **ACCEPTABLE BACKFLOW PREVENTION DEVICE:**

An acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for such a device to be acceptable, it must be listed in the current New York State Department of Health list of Acceptable Backflow Prevention Devices.

### **AESTHETICALLY OBJECTIONABLE FACILITY:**

Is one in which substances are present, which, if introduced into the potable water supply, could be a nuisance to other water customers but would not adversely affect human health. Typical examples of such substances are food grade dyes, hot water and stagnant water from fire lines in which no chemical additives are used.

### **AIR CONDITIONING SYSTEM:**

Any combination of equipment, whether compressor or other type, by which heat is removed from the air of temperatures which are less than 60 degrees Fahrenheit and from which the accumulation of effluent heat is wholly or partially removed by the use of water.

### **AIR GAP SEPARATION:**

The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or any other device and the flooded level rim of the receptacle. The differential distance shall be at least double the diameter of the supply pipe, measured vertically, and in no case shall the air gap be less than (1) inch.

### **AUXILIARY WATER SUPPLY/PRIVATE WELL:**

Any water supply, on or available to the premises, other than from the public water supply system. These auxiliary supplies may include water from natural sources such as a well, spring or stream.

### **CONTRACTOR:**

A person or entity acceptable to the Town and Village as qualified to perform the installation of water lines and appurtenances thereto.

### **CURB BOX:**

The point of connection between a street lateral and a building lateral.

### **CURB STOP:**

A valve accessible for operations from the surface of the ground for interrupting flow from the service lateral/street at the curb box.

**CUSTOMER:**

The word "Customer", as used herein, means the owner or the tenant contracting for or using water service on a single premise; and the word "Customers" means all so contracting for and using service.

**CUSTOMER'S WATER SYSTEM:**

The piping used to convey water supplied by the public water supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Town or Village. The control point is either the curb valve or the main valve located in the public right-of-way that isolates the customer's facilities from the Town and Village's water distribution system.

**CROSS CONNECTION:**

A connection to a water supply, the source of which is other than the water lines owned by the Town & Village. Cross connections without an approved backflow prevention device are unauthorized and illegal.

**HAZARDOUS FACILITY:**

A facility, in which substances may be present which, if introduced into the public water system, would or may endanger or have an adverse effect on the health of other water customers. Typical examples are laboratories, sewage treatment plants, chemical plants, hospitals and mortuaries.

**INTERCONNECTION:**

An inter-connection is a plumbing arrangement, other than a cross connection, by which contamination might be admitted or drawn into lines connected therewith used for the conveyance of potable water. Inter-connections without an approved backflow prevention device are unauthorized and illegal.

**MAINS:**

Distribution pipelines which are located in streets, highways, public ways or private right-of- way, and which are used to serve the general public.

**MAIN EXTENSIONS:**

Extensions of distribution pipelines beyond existing facilities and exclusive of service connections.

**MISCELLANEOUS FEES:**

A schedule of fees established by the Town and Village for the cost of services, labor or materials as included in the Schedule of Rates and Fees, as established by resolution of the Town or Village Board from time to time.

**OCCUPANT:**

The person actually in possession or control of any premises or part thereof.

**OWNER:**

The word "Owner", whenever the same appears herein, means the person, firm, corporation or association having an interest as owner, or a person, firm or corporation representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which is or is about to be supplied with water by the Town and Village; and the word "Owners" means all so interested.

**PERSON:**

Any individual, public or private corporation, political subdivision, Federal, State, or Local agency or entity, trust, estate or any other legal entity whatsoever. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

**PUBLIC WATER SUPPLY SYSTEM:**

The water supply system owned [or utilized] by the Town [for the delivery of water to any Person in the Town], including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This includes the distribution system up to the connection with the customer's water system.

**PREMISES:**

The word "Premises", as used herein, means the property or area, including improvements thereto, which water service, is or will be provided and, as used herein, shall be taken to designate:

- a. A building under one roof owned or leased by one customer and occupied as one residence or one place of business; or
- b. A group or combination of buildings owned by one customer, in one common enclosure, occupied by one family or one organization, corporation or firm, as a residence or place of business, or for manufacturing or industrial purposes, or as a hospital, church, public or private school or similar institution, except as otherwise noted herein; or
- c. Each apartment, office or suite of offices, and/or place of business located in a building or group of buildings, even though such buildings in a group are interconnected by a tunnel or passageway, covered areaway, or patio or by some similar means or structure; or
- d. A public building devoted entirely to public use, such as
  - i. town hall, schoolhouse, fire house; or
  - ii. a single vacant lot or park or playground; or
  - iii. each house in a row of houses; or
  - iv. each dwelling unit in a row of houses; or
  - v. a dwelling unit with exclusive culinary facilities designed for occupancy and used by one person or one family (household); or
  - vi. each dwelling unit in a public housing development owned and operated by the United States of America, a municipal subdivision of the State of New York, or an agency or instrumentality of the United States or the State of New York; by a philanthropic foundation or organization or some such similar body or organization; or operated under private ownership; or
  - vii. each trailer, whether free standing or located in a trailer park area.



## **SCHEDULE OF RATES (TARIFF):**

The entire body of effective rates, rentals, charges and regulations, as established by resolution of the Town and Village Boards from time to time.

### **REDUCED PRESSURE ZONE (RPZ) DEVICE, ACCEPTABLE:**

A minimum of two (2) independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow, the pressure between these two check valves shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device. Each device shall be fitted with properly located test cocks. This device must be approved as a complete assembly and must be on the list of approved devices published by the New York State Department of Health.

### **REFRIGERATION SYSTEM:**

Any combination of equipment, whether compressor or other type, by which heat is removed from the air of temperatures which are not less than 60 degrees Fahrenheit, and from which the accumulation of effluent heat is wholly or partially removed by the use of water.

### **SERVICE-COMMERCIAL:**

Provision of water to premises where the customer is engaged in trade and/or commerce.

### **SERVICE-DOMESTIC:**

Provision of water for office or household residential purposes, including water for sprinkling lawns, gardens (not commercial type) and shrubbery, watering livestock, washing vehicles, and other similar and customary purposes.

### **SERVICE-INDUSTRIAL:**

Provision of water to premises for use in manufacturing or processing activities.

### **SERVICE LATERAL-BUILDING:**

A water line owned by the property owner serving a building extending from the curb box downstream to a building.

### **SERVICE LATERAL-STREET:**

A water line owned by or to be conveyed to the Town or Village serving a building extending from the corporation co-located on the water main downstream to a curb box.

**SERVICE - METERED:**

Provision of water to premises in measured quantities.

**SERVICE - MULTIPLE:**

Provision of water through one meter installation to more than one premises.

**SERVICE - PRIVATE FIRE PROTECTION:**

Provision of water to premises exclusively for fire protection.

**SERVICE - PUBLIC FIRE PROTECTION:**

The furnishing of service through public fire hydrants.

**SERVICE - PUBLIC OR MUNICIPAL:**

Provision of water to a municipal subdivision of the State of New York or agency thereof or to other similar public bodies.

**SERVICE - TEMPORARY:**

A service for uses which are not permanent.

**SERVICE LINE CONNECTIONS:**

The pipe, valves and other facilities by means of which the Town and Village conducts water from its distribution mains to the curb valve to be located at the curb line or property line of the premises, and specifically includes the corporation stop or other means of connection to the main, the service line connection to the corporation stop and extending to the point of connection to the curb valve, the curb stop, the services box and such other facilities.

**SERVICE LINE EXTENSION:**

The pipe, valves and other facilities by means of which water is conducted from the curb valve to the premises, and specifically includes the service line extending from a point of connection to the curb valve to a point inside the walls of the premises or meter box, where approved, a stop cock or approved valve on the line at this point, connections for the inlet and outlet sides of the meter, a stop and waste cock on the outlet side of the meter and such other facilities.

**SUPPLIER OF WATER:**

The owner or operator of a public water supply.

**TAPPING FEES:**

A fee which shall not exceed an amount based upon some or all of the following fee components:

- a. Capacity Part - A fee which may not exceed an amount based upon the real cost of labor, material, equipment and handling, including overhead costs, incurred by the Town and Village in providing water system related services to premises served by the water system, users, the public or persons who request such services. These facilities will include those required to provide service such as mains, hydrants and pumping stations as well as those that will provide future service. The fee may be scaled to the level of service involved.
- b. Connection Fee – The one time application fee to offset the Town’s and Village’s expenses to process an application for a connection of a building/street lateral to the public water system. The fee which may not exceed an amount based upon the cost of distribution facilities required to provide service such as mains, hydrants and pumping stations. These facilities will include those that provide existing service and or those that will provide future service. The fee will cover the cost of the plan review, permit issuance, materials and labor expended by the Town and Village in connection with the application and inspection of the work. The fee may be scaled to the level of service involved.
- c. Special Purpose Part - Fees for special purpose facilities applicable only to a particular group of customers, or serving a particular purpose and/or serving a specific area, based upon the cost of such facilities, including but not limited to booster pump stations and fire service facilities. These facilities will include those that provide existing service and/or those that will provide future service. Special purpose charges will be accessed as part of a tapping fee only on a case by-case basis and only based upon the cost of those facilities necessary to service the needs of the particular customer in question.

**TENANT:**

The word "Tenant", whenever the same appears herein, is anyone other than the owner occupying the premises and obtaining water from the mains of the Town and Village.

**TOWN:**

The word "Town", whenever the same appears herein, means the Town of Ellicottville, a municipal corporation of the State of New York, located in the County of Cattaraugus.

**WATER DIVISION SUPERVISOR:**

The individual designated by the Town and Village as the administrator and responsible person in charge of the Public Water Supply System. The Water Division Supervisor shall report directly to the Town and Village Engineer.

**WATER SUPPLY:**

The public water supply of the Town,{ including water accessed on or under Village of Ellicottville property}.

**WATER FACILITY or WATER FACILITIES or WATER SUPPLY SYSTEM or WATER SYSTEM:**

Means any plants, structures and other property, real, personal or mixed, acquired, rehabilitated, constructed or planned for the purpose of accumulating, storing, supplying, transmitting, treating or distributing water, including, but not limited to, surface or groundwater reservoirs, basins, dams, canals, aqueducts, aqueduct

taps, standpipes, conduits, pipelines, interceptors, mains, pumping stations, pumps, water distribution systems, compensating reservoirs, intake stations, waterworks or sources of water supply, wells, purification plants or other treatment plants or works, contract rights, franchises, approaches, connections, permits, water meters, rights of flowage or diversion and other plants, structures, equipment, vehicles, conveyances, real or personal property or rights therein and appurtenances thereto necessary or useful and convenient for the accumulation, supply, transmission, storage, treatment or distribution of water.

**VILLAGE:**

The word "Village", whenever the same appears herein, means the Village of Ellicottville, a municipal corporation of the State of New York, located in the County of Cattaraugus.

**SECTION 2 – GENERAL PROVISIONS**

1. The purpose of this part is to provide for the beneficial use of the Town and Village water facilities through the regulation of connection and water use, as well as to provide for the equitable recovery of the costs of the water facilities. This part shall apply within the corporate limits of the Town and Village and to persons and properties outside of the Town and Village, who are, by contract or agreement with the Town and Village, users of the water facilities. The property within the Town and Village boundaries, and persons or properties located outside the Town and Village who are users, shall constitute the service area of the Town and Village Water Facilities.
2. The Town and Village maintains its principal office at the Town Hall, 1 Washington Street, Ellicottville, New York 14731. Unless otherwise provided or directed, all communications related to these Rules and Regulations shall be delivered to such office address.
3. The headings and table of contents used herein are for convenience and reference only and shall not define, describe, limit or control the scope or meaning of the provisions of these regulations.
4. All applications, contracts, agreements, notices and any other forms required in connection with the regulations prescribed herein shall be in the form and shall contain such general conditions, provisions and terms as the Town or Village boards shall approve. Copies of all such forms shall be on file at the office of the Town.
5. The confidentiality of user information and data submitted as necessary for any application, record, report, plan, or other document required by these regulations shall be governed by the state Freedom of Information Law (sections 84 through 90 of the Public Officers Law of the state of New York) and by other applicable state or federal statutes and regulations. Any requests by a user to keep specific data and information confidential must be made in writing at the time of submission.
6. If any provision, paragraph, word, section or article of these regulations is invalidated by any court, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.
7. The occupancy of any building or any water service connection and user service connection lawfully existing on the date of the adoption of these regulations shall be permitted to continue without change;

except that any repairs, replacements, reconstruction or construction thereafter shall be performed in compliance with these regulations, and also excepting as is otherwise provided in the Town and Village Code, the Building Code of the State, the Plumbing Code of the State, the Property Maintenance Code of the State, the Fire Code of the State and the State Sanitary Code or other applicable law or regulation.

8. The provisions of these regulations shall not be deemed to nullify or modify any provisions of local, state or federal laws and regulations.

### **SECTION 3 – CONDITIONS OF SERVICE**

#### **A. GENERAL:**

The Town and Village will furnish water and services only in accordance with the currently prevailing and as hereafter revised Rates, Rules and Regulations of the Town and Village, which Rates, Rules and Regulations are made a part of every application, contract, and agreement of license entered into between the property owner or customer and the Town and Village. These Rates, Rules and Regulations Governing Water Service are applicable alike to the main or basic service system and districts herein and to the other public and private systems and districts therein that may be connected to the system, except as otherwise set forth.

The Town and Village hereby reserves the right, so often as it may deem necessary, to alter, amend, and/or repeal the Rates and/or these Rules and Regulations, or any part thereof; and in whole or in part to substitute new Rates, Rules and Regulations, which altered, amended and/or repealed said new Rates, Rules and Regulations shall forthwith, become and thereafter be a part of every such application, contract, agreement or license for water service in affect at the time of such alteration, amendment and/or adoption.

#### **B. CONNECTION TO THE PUBLIC WATER SUPPLY:**

The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation, or other purposes, situated within the Town and Village, and abutting on any street, alley, or right-of-way in which there is now located or may, in the future, be located a public water line, is hereby required, at the owner's expense to install suitable facilities therein, and to connect such facilities directly with the proper public water main, in accordance with the provisions of this law, within 30 day period after official notice by the Town and Village to do so, provided that said public water main is within 250 feet of the property line.

### **SECTION 4 – APPLICATION FOR SERVICE AND CONTRACTS**

#### **A. APPLICATION FOR WATER SERVICE:**

A written application in the form of a water tap permit application, prepared on the form furnished by the Town and Village, must be submitted to the Town and Village for the purpose of requesting water service; said application must be signed by the owner or tenant of the premises or the owner or tenant's duly authorized agent.

When the Town and Village has agreed to provide water service through a separate meter and separate service line to a residential dwelling unit in which the owner does not reside, the owner shall be liable to pay the tenant's bill for service rendered to the tenant if the Town and Village notifies the owner and the tenant within 30 days after the bill first becomes overdue. Such notification shall be provided by first class mail to the address of the owner provided to the Town and Village by the owner and to the billing address of the tenant respectively. Nothing herein, shall be construed to require the Town and Village to terminate service to the tenant provided that the owner shall not be liable for any service which the Town provides to the tenant 90 or more days after the tenant's bill first becomes due unless the Town and Village has been prevented by court order from terminating service to that tenant.

The Town and Village will make every attempt to notify the owner as soon as permissible under the law of any delinquency of a tenant who has been provided service through a separate meter and separate service line. In the event that a tenant has vacated a unit without notice to the Town and Village, the Town and Village will continue to exert every effort to collect any delinquent water bills due and owing at the time of the vacation of the premises. Provided however, that the owner shall be requested to render any assistance to the Town or Village by providing the Town and Village with a forwarding address of the tenant or other appropriate information as to the tenant's whereabouts. Notwithstanding such assistance, the owner will be responsible for payment in accordance with the preceding paragraph.

Before any application for water service made by a tenant will be approved, the owner of the premises shall provide to the Town and Village an address where the owner will accept mail for the purposes set forth in this section. It shall be the responsibility of the owner to notify the Town and Village of any change of address within 30 days of the occurrence of such change.

**B. APPLICATION – A CONTRACT:**

The application for water service shall be a binding contract on both the customer and the Town and Village. The customer will be considered to have entered into contract with the Town and Village upon signing a request for a water tap application. Rates for water service shall accrue from the date the water supply service has been completed and water is available to the premises, with respect to the work and responsibilities of the Town and Village.

**C. CONTRACTS WITH DELINQUENTS:**

No agreement will be entered into by the Town or Village with any applicant for water service, whether owner or tenant, until all arrears for water, rents, bills for meter repairs or other charges, due from applicant and/or owner at any premises now or theretofore owned or occupied by him, shall have been paid or until satisfactory arrangements for payment of such unpaid bills shall have been made. Such payments shall include the minimum charge for each month the service was suspended.

**D. SPECIAL CONTRACTS:**

The Town and Village may require, prior to approval of services, special contracts other than applications under the following conditions:

- a. If the construction of an extension and/or other facilities is necessary;
- b. For providing temporary service, including water service for building or other special purposes. Water for building purposes shall be used only from a temporary metered connection approved by the Town and Village, and shall not be permitted for flow into the house fixtures;

- c. For standby or fire protection service;
- d. For connections with other qualified utilities or political subdivisions; if deemed necessary by the Town and Village.

**E. GOVERNMENTAL REGULATIONS PART OF CONTRACT:**

All contracts for water service shall be subject to the following provision. The contract shall at all times be subject to such changes or modifications as may be directed by action of the Legislature of the State of New York or any other regulatory body.

**F. INDIVIDUAL LIABILITY FOR JOINT SERVICE:**

Two or more parties who join to make application for service shall be jointly and severally liable and shall be sent one single periodic bill to the person designated by the parties at the time the application for service is made.

**G. CONDITION OF PLUMBING SYSTEM:**

The piping and fixtures on the property of the customer are assumed to be in satisfactory condition at the same time service facilities are connected and water furnished; and the Town and Village, therefore, will not be liable in any case for any accidents, breaks or leakage that in any way are due to the connection with the supply of water, or failure to supply the same, or for the freezing of piping and fixtures of the customer, nor for any damage to the property which may result from the usage or non-usage of water supplied to the premises.

**SECTION 5 – CHARGES**

**A. GENERAL:**

Charges are as defined in the Schedule of Rates as established by resolution of the Town and Village Boards from time to time.

**SECTION 6 – BACKFLOW PREVENTION / CROSS CONNECTION CONTROL**

**A. GENERAL:**

The purpose of this article is to safeguard the potable water supply of the Town and Village from potential contamination by preventing the backflow from a water user's system into the public water system and to comply with the requirements of the New York Sanitary Code; Part 5, Section 5-1.31 and Local Law No. 1 of the year 1993 of the Town of Ellicottville and Local Law No. 2 of the year 1993 of the Village of Ellicottville, and any other applicable Local Law, codes or ordinances governing such installations. The Water Division Supervisor shall be responsible for the protection of the water distribution system from contamination due to the backflow of contaminants into the public water supply. If in the judgment of the Superintendent a

backflow prevention device is required in accordance with the requirements referenced herein, the Water Division Supervisor shall give notice to said customer at the premises. The customer shall install such approved device or devices at their own expense; any failure, refusal, or inability on the part of the customer to install such device shall immediately constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed. The customer's water system shall be open for inspection by the Superintendent at all reasonable times.

**B. REQUIREMENTS:**

All initial applications for backflow prevention devices shall be made to the New York Department of Health (NYDOH). Once approved, installed, and inspected it shall be the duty of the customer to have certified inspections and operational tests made at least **once a year**. In those instances where the Water Division Supervisor deems the hazard to be great enough, he or she may require certified inspections at more frequent intervals. Certified inspections and operational tests must also be made when any backflow prevention device is to be installed, repaired, overhauled or replaced, in addition to the requirement of an annual certified inspection and operation test. All inspections and tests shall be at the expense of the customer and shall be performed by the device manufacturer's representative, Town or Village personnel, or by a certified tester approved by the Water Division Supervisor. The Water Division Supervisor shall make available the names, addresses and telephone numbers of these persons who are certified as testers for the backflow prevention devices. The customer shall notify the Water Division Supervisor in advance, in writing, when the tests are to be undertaken so that he or she may witness the tests if the Water Division Supervisor so desires. These devices shall be repaired, overhauled or replaced at the expense of the customer whenever said devices are found to be inadequate. Records of tests, repairs and overhauls shall be kept and made available to the Water Division Supervisor. Copies of all testing and maintenance records shall be sent to the Water Division Supervisor immediately after the work is performed. The failure, refusal or inability on the part of the customer to obtain such certified inspections and operational tests shall immediately constitute grounds for discontinuing water service to the premises until such inspections and tests have been properly conducted.

The Town and Village Boards may, by local resolution, adopt fees and penalties associated with customer failure to adhere to the above requirements and the established local laws within the Town and Village.

**SECTION 7 – WATER MAIN EXTENSIONS**

**A. APPLICATION FOR EXTENSION:**

Unless otherwise indicated, a written application, in the form of a Public Improvement Permit application, on the form furnished by the Town and Village must be submitted to the Town and Village for the purpose of requesting approval of a water line extension and water service. Said application is to be signed by the owner or owners, and is subject to the terms and conditions included herein. Which application, together with the Rules and Regulations of the Town and Village, shall regulate and control the installation of water line extensions and the furnishing of water service therefrom. In addition, all applicable forms and permit fees shall be submitted and paid to the NY Department of Health in conjunction with forms and fees paid to the Town and Village.



In general, the following rule shall be followed when determining whether the construction of a new water line shall be dedicated to the public:

- If the water line will be used to serve more than one private entity then the water main line and all associated main-line appurtenances will be made public. However, the final determination will be made by the Town and Village Engineer.

The entire cost of the water main extension, including the cost of fire hydrants and other appurtenances and facilities, shall be borne by the developer.

**B. LEGAL REQUIREMENTS TO BE MET:**

The Owner and the Town and Village are subject to federal, state and county laws and regulations relating to the construction of new water mains or water system extensions whose application varies depending upon the circumstances and whose requirements must be complied with including the following:

A. *New York State Environmental Quality Review Act.* As early as possible, the Town and/or Village has to determine whether an Environmental Assessment Form needs to be prepared for the proposed action. The extension of water service to "approved subdivisions", not otherwise requiring the preparation of an Environmental Assessment Form, is exempt.

B. *Cattaraugus County Sanitary Code and New York Public Health Law.* The Cattaraugus County Department of Health must approve the plans and specifications.

C. *Town and Village Requirements.* The requirements of the Town and Village are set forth in this law. Additional requirements may need to be satisfied depending upon the Owner's particular proposal to implement the provisions and purposes of the law; such requirements may not be evident to the Town and Village at the time of the initial review of the design to be submitted by the Owner but may arise as design, construction and testing of facilities progresses.

**C. DESIGN:**

A. *Submissions to the Town and Village.* The Owner who desires to construct a new watermain or a water system extension must submit the following to the Town and Village:

1. One hard copy and one electronic PDF copy of the plans and specifications.
2. Cattaraugus County Department of Health Application for Approval of Water Distribution System partially completed with information specific to the water system extension. The Water Division Supervisor will supply related Town and Village information on the form, will sign this application and will forward it to the Cattaraugus County Health Department.

B. *Standards.* Drawings to scale bearing the stamp of a New York licensed engineer are required. Such plans and specifications shall include without limitation the location, size, nature and specifications of all physical components of the system (e.g. water lines, valves and associated equipment) the location and construction of all access roads, the location of any easements or other property rights to be provided to the Town and Village, a surveyor's description of the property rights required for the operation, maintenance and repair and replacement of the water system extension and such other information as is deemed necessary by

the Town, Village or its engineers. Design of the system must include, without limitation, adequate means of ingress and egress to the entire system for its operation, maintenance, repair and replacement. Where deemed necessary by the Town and Village, provision must be made for roads of sufficient hardness to support vehicular traffic.

C. *Review.* The Town, Village and its engineers will review the materials submitted. The Owner must provide information and general cooperation with the Town and Village as is necessary to effectuate the review. The Town and Village engineer may require a capacity analysis/study to be completed in conjunction with the design review depending the scope of the project and the type of facility being constructed.

D. *Approval.* The Town and Village will either approve the Owner's plans and specifications, reject them in whole, or return them with comments for needed modifications. The Owner's engineer shall consult closely with the Town's and Village's staff during the review by the Town, Village, and the Cattaraugus County Department of Health. After the approval of the plans and specifications by the Cattaraugus County Health Department and the Town and Village, application for and receipt of the appropriate building and public improvement permits, and the proof of liability insurance required by this Article are filed with the Town and Village, construction may begin.

#### **D. CONSTRUCTION**

*Inspection.* During construction, the Town and Village may have inspectors on the site from time to time, and the Owner shall make the site of the construction freely available to them. Such inspectors function solely to advise the Superintendent on the progress of construction. Their presence does not imply knowledge of or approval of any aspect of the construction, nor shall they have any responsibility to advise the Owner or the Owner's agents with respect to the construction.

*Testing.* Upon completion of construction, the Owner shall cause the system must be tested as set forth in this Article and other applicable laws and regulations by the Owner's engineer who shall witness such testing.

#### **E. MATERIALS FOR WATER PIPE AND APPURTENANCES**

*Pipe:*

Pipe used on new water mains or water system extensions shall be constructed of new and unused pipe of one of the following materials (listed in priority order). The choice of pipe for the specific application shall be as proposed by the design engineer and approved by the Water Division Supervisor. A list and standard drawing set showing the approved materials and methods can be found on the Ellicottville Engineering website – [www.evlengineering.com](http://www.evlengineering.com):

1. AWWA C900 DR14 (305 psi) pressure pipe – gasketed bell joints and tracer wire – AWWA C605 installation methods
2. AWWA C901/906 DR9 (250 psi) HDPE pressure pipe – tracer wire – butt fusion joints
3. Ductile Iron Pipe – AWWA C150/151 – tyton joint type – cement mortar lined, double seal coated inside and out with a bituminous coating of at least 1 mil thickness in accordance with AWWA C104.

Ductile iron pipe shall only be used when it can be proven to the Town and Village engineer that its use is necessary and economically efficient. All use of ductile iron pipe shall be preceded by soil borings and a 10-point DIPRA standard corrosion test.

*Mainline Fittings:*

1. Shall be compact fittings manufactured of ductile iron in accordance with AWWA Standard C153, Class 350. Preferred manufacturer – American Flow Control.
2. Shall be cement mortar lined and seal coated inside and out with an approved bituminous coating at least 1 mil thick in accordance with AWWA Standard C104.
3. All fasteners used on these fittings shall be fluorocarbon coated such as SC-1 fasteners as manufactured by StandCote, or approved equal.
4. Mechanical joint restraints shall be installed in accordance with AWWA C600. Mechanical joint restraints shall be Megalug by EBAA Iron Sales, Inc., or approved equal.

*Gate Valves:*

Gate Valves shall be resilient wedge with non-rising stem, having parallel seats and a ductile iron body and shall conform to AWWA Specification C515, and the following supplemental details:

1. Valve Gates: Ductile iron encapsulated with resilient material.
2. Rated for 250 psi
3. Type of Stem Seal: O-ring (3).
4. Ends are to be mechanical joint.
5. Two inch (2") operating nut.
6. Mainline and hydrant auxiliary valves shall have resilient seat.
7. Preferred manufacturer – American Flow Control

*Valve Boxes:*

Valve Boxes shall be of two piece, Buffalo style cast iron construction, slide type.

1. Coating: Two (2) coats of asphaltic coating.
2. Extensions: If needed for abnormally deep valve installations.
3. Lid: The word WATER shall be cast in the lid.

*Hydrants:*

Hydrants used in the work shall conform to AWWA Standard C502 and the following:

1. Dry-barrel construction – 250 psi working pressure.
2. Ductile Iron construction.
3. Two (2) 2-1/2 inch hose connections with national standard threading (NST thread).

4. One (1) 4" pumper connection (4.72x6 TPI).
6. The boot (base) shall be mechanical joint with a 6" inlet diameter.
7. Hydrant shall be factory painted red.
8. Traffic model with breakaway flange.
9. Nozzle caps shall be securely fastened to the barrel with chain.

A dirt (weather) shield shall be provided to protect the operating mechanism from grit buildup and corrosion due to moisture.

10. Hydrant shall be draining.
11. Manufacturer: American Darling – B-84-B-5

#### **F. WATER PIPE INSTALLATION:**

Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.

The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, and stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles, and posts. Any tree which will not hinder construction shall not be removed, and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.

The public shall be protected from personal and property damage as a result of the construction work.

Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least 1/2 of a street shall be kept open for traffic flow.

Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control work shall be implemented following the guidance provided in the New York State Guidelines for Urban Erosion and Sediment Control of the latest revision. If the project is large enough to require a State Pollutant Discharge Elimination Permit (SPDES) for the storm water runoff from the construction activity as required by NYSDEC regulations, a Storm Water Pollution Prevention Plan shall be prepared and filed with the Town and a Notice of Intent (NOI) shall be filed with NYSDEC prior to any work be completed.

The trench shall be excavated only wide enough for proper installation of the water pipe and appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing, before trench excavation is initiated.

Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.

Open trenches shall be protected at all hours of the day with barricades.

Trenches shall not be open for more than 50 feet in advance of pipe installation nor left unfilled for more than 50 feet in the rear of the installed pipe, when the work is in progress, without permission of the Town/Village Engineer. When work is not in progress, including overnight, weekends, and holidays, the trench shall be backfilled to ground surface.

The trench shall be excavated as necessary to allow for the final design pipe line and grade. When unsuitable soils are encountered, these shall be excavated and replaced with select materials.

Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.

Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods approved by the Town/Village Engineer. All water mains and extensions shall be installed with a minimum depth of earth cover of 4.5 feet, unless specifically directed by the Town/Village Engineer.

No structure shall be undercut unless specifically approved by the Town/Village Engineer.

Proper devices shall be provided, and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the water line be used for removal of water from the trench.

To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed but cut off no lower than one foot above the pipe crown and no higher than one foot below final grade, and left in the trench, during backfill operations.

The pipe barrel shall be adequately supported, along its entire length.

When the material encountered at grade in the trench is unsatisfactory to support the pipe or is otherwise harmful in the judgment of the Town/Village Engineer, the unstable or unsuitable soils shall be removed and replaced with select material or bedding stone.

All pipe materials shall be installed in accordance with the latest AWWA standards and the latest Ellicottville Engineering Department standards.

Clean earth fill free of debris and any stones larger than 4 inches shall be hand placed and compacted to a depth of at least 12 inches over the top of the pipe bell to provide proper pipe embedment prior to machine backfilling being allowed to begin.

The remaining portion of the trench above the pipe embedment shall be backfilled in one foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be done with select backfill compacted to 95% of the maximum moisture-density relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or other frozen material shall not be used for backfill.

All main extensions shall be of such length as to provide access to each premise to be served and shall be constructed across the entire frontage of the lot(s). The applicant shall construct the water service connections for each parcel within the approved development or extension.

## **G. TESTING:**

After installation is complete, the applicant shall conduct hydrostatic testing. The hydrostatic testing shall be conducted in accordance with the procedures outlined in AWWA C600 for ductile iron pipe, and AWWA C605 for PVC pipe. The hydrostatic testing shall be performed by the applicant while under the observation of the Water Division Supervisor or his approved agent. Only Town/Village personnel shall operate existing water valves.

If the main should fail the hydrostatic test, the necessary corrective measures shall be taken and the tests repeated until satisfactory results are obtained.

After the line has satisfactorily passed the hydrostatic testing, the line shall be flushed with a sufficient volume of water to achieve a minimum velocity of 2.5 feet per second in the main. The flushing shall continue until the line is, in the opinion of the Water Division Supervisor or his agent, clear of all dirt and debris.

After flushing is completed, the line shall be disinfected in accordance with AWWA C651 of the latest revision. After disinfection is complete, samples shall be taken at locations approved by the Superintendent for bacteriological testing.

The applicant shall arrange for the bacteriological testing to be performed by the Cattaraugus County Health Department or an approved commercial laboratory. The results shall be given, in writing, to the Town and Village and the Cattaraugus County Health Department. Should the results prove satisfactory, the line will be approved to be placed in service when all other requirements of this local law are met.

## **H. DEDICATION OF WATER SYSTEM TO PUBLIC USE:**

All water mains and extensions to the water system constructed at the Owner's expense, after final approval and acceptance by the Water Division Supervisor, shall become the property of the Town or Village and shall thereafter be operated, maintained and repaired by the Town and Village.

A. *Bill of Sale.* Legal transfer of the physical components of the system to the Town and Village must be by Bill of Sale executed by the Owner accurately describing the components of the system.

B. *Property Rights.* Transfer of the system shall also include the grant of property rights acceptable to the Town and Village to property surrounding the water system required for the operation, maintenance, repair and replacement thereof as identified on the plans including street laterals but excluding building laterals. The Owner shall obtain any necessary rights from other property owners, municipalities or right-of-way holders having such interests. Generally, no acquisition of property rights is necessary for water facilities to be installed within the right-of-way of a state, county, or town road as long as the Owner obtains all necessary consents of such governmental entities to the placement of water facilities within the bounds of such roads prior to construction.

C. *Attorney's Certificate of Good Title.* The Owner shall provide within thirty (30) days of the recording of instruments conveying property rights required for the operation, maintenance, repair and replacement of the water system extension the certification by an attorney admitted to the practice of law within the State of New York stating that the party transferring the system by Bill of Sale and conveyance of property rights as described in this article has clear and marketable title to the property rights transferred to

the Town and Village and that the grant of such rights to the Town and Village is free and clear of any prior liens or encumbrances or a title insurance policy in an amount and containing terms acceptable to the Town to the same effect. The Owner is responsible for obtaining any subordination or other agreements necessary to grant clear title to the Town and Village.

D. *Warranty and Maintenance Bond.* The Owner shall warrant the system to be free of defects for eighteen (18) months after the date of the first use of the system or its components and shall provide a cash deposit with the attorney for the Town and Village, a Letter of Credit, or a Maintenance Bond or other security in a form and amount satisfactory to the Town and Village holding the Town and Village harmless from operation, maintenance, repair and replacement of such facilities arising from defects in the design, materials, or construction of such facilities. The requirement for financial security may be waived by the Town and Village where the sponsor of the water system extension providing the warranty hereunder is the State of New York, a New York municipal corporation, or agencies thereof.

E. *Third Party Warranties.* The Owner will provide assignments of all warranties applicable to equipment or appurtenances to the system.

F. *Professional Expenses of the Town.* The Owner shall reimburse of the Town and Village for all expenses incurred by the Town and Village incident to the project, including, but not limited to, engineering fees and legal fees, payable as bills are rendered therefor by the Town and Village to the Owner.

G. *Engineer's Certification and Record Drawings.* The Owner shall provide the Town and Village with (a) a certification to the Town and Village by a New York licensed professional engineer that the system has been constructed in accordance with the approved plans and specifications and that it has been tested in accordance with this Law, and (b) three (3) sets of original signature paper copies of record drawings and an electronic PDF copy, designated as such, bearing the seal of the New York licensed Professional Engineer, plus a full digital copy, similarly annotated, in AutoCAD or equivalent software acceptable to the Town and Village.

## **I. LIABILITY INSURANCE COVERAGE DURING CONSTRUCTION**

Before commencing work, the contractor performing the work shall file with the Town and Village insurance certificates for the following:

1. Workman's Compensation and Employer's Liability Insurance as required by the laws of the State of New York covering the contractor;
2. Personal Injury Liability Insurance having limits of not less than \$1,000,000 each occurrence and \$2,000,000 aggregate (personal injury);
3. Property Damage Liability Insurance having limits of not less than \$1,000,000 for all damages arising during the life of the contract; and shall include, but not be limited to, the following designated hazards:
  - i. Premises and Operations;
  - ii. Independent Contractors;
  - iii. Completed operations and products;
  - iv. Property Damage; and
  - v. Explosion, Collapse, and Underground
4. Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:

- i. Bodily injury each person \$1,000,000 each occurrence \$1,000,000
  - ii. Property damage - each occurrence \$1,000,000
5. All insurance policies must provide for thirty (30) business days' notice to the Town and Village before cancellation.

## **SECTION 8 – SERVICE CONNECTIONS**

### **A. GENERAL:**

The Town and Village reserve the right to defer the installation of service connections during inclement weather until such times as, in the judgment of the Town, conditions are suitable for an expeditious and economical installation.

The Town and Village reserve the right to determine the size and the kind of the service line connection.

All service lines between the curb box and the meter shall be owned and maintained by the property owner without expense to the Town and Village for repairs, renewals or replacements. Any leaks in such service lines must be repaired immediately by the owner or occupant of the premises. The Town and Village reserves the right to discontinue service to any owner who fails to make any repairs required for a continuous period of five days after notice of an obligation to make such repairs is served on the owner by first class mail or posted at the address of the owner provided to the Town and Village. Provided that, if the Town and Village, in its discretion, determines that an emergency situation exists the customer's service will be suspended until repairs are completed by the owner.

When meter boxes are located at the curb, the riser pipes and connections therein will be installed by and at the expense of the customer, and no customer or workman shall alter, change or in any way tamper with the meter box, meter, or piping and connections therein without authorization from the Town or Village. In cases where services are frozen, the thawing out of the service pipe shall be done by the customer at his own expense. To avoid a recurrence of freezing, the Town and Village will make an examination of customer's service pipe and, if the same is not at a depth of five feet as required, the Town and Village shall have the right to require it to be relocated before service is resumed.

The service line extension, and all required appurtenances, shall be installed by the customer at his/her expense. The installation shall be in accordance with the latest engineering standards adopted by the Ellicottville Engineering Department and posted to the Department website at [www.evlengineering.com](http://www.evlengineering.com).

The installation shall include a connection of the service line to the curb stop extension of the service line from the curb stop to a point within the building wall or facilities housing the meter, the installation of a stop cock or compression valve, without waste, the same size as the service line on the street side and immediately before the meter, a stop and waste cock on the outlet side of the meter, an approved backflow preventer if applicable, and all facilities inside the building to be located so as to be readily accessible, protected from freezing and to provide proper drainage for the piping in the building, the installation to include also such facilities as are hereinafter set forth. The installation shall be made by skilled and qualified workmen. The Contractor for the customer shall provide the Town and Village sufficient time in advance, not less than



twenty-four (24) hours, when the service line extension will be installed, in order to permit the Town and Village sufficient time to schedule its work and install the service line connection.

## 1.0 MATERIAL AND INSTALLATION

The material for all service lines two inches in size and under shall be Polyethylene (PE) pressure pipe with a minimal pressure class rating of 200 p.s.i., manufactured and installed in accordance with AWWA Standard C901- 02. All service lines over two inches in size shall PVC manufactured in accordance with the Specifications of the American Water Work Standards Association C900, and shall have bell and spigot joints and tracer wire installed throughout the entire length of the service.

The service line extension must be laid in a straight line, at right angles to the street where possible, and at a depth to provide not less than 5 feet cover, and as necessary to secure proper alignment and avoid obstacles. The bottom of the trench shall be excavated so as to conform to the curvature of the pipe and afford good bearing surface. No service pipe shall be laid in the same trench with gas pipe, drain or sewer pipe, or any other facility of another public service company or within three feet thereof, nor within three feet of any open excavation or vault.

The joints in pipe laid underground shall be made with a mechanical coupling of a design and material satisfactory to the Town and Village, no soldered joint shall be used, and no joints shall be made within a distance of less than five feet from the exterior wall of the premises. All pipes passing through foundation or bearing walls shall be provided with suitable sleeves and the annular space between the sleeve and the pipe made watertight. The sleeves shall be the size specified by the Town and Village. The installation of the service lines shall be in complete accordance with the Standard Specifications of the Town and Village as contained herein with respect to such work.

## 2.0 TESTING

All service lines greater than or equal to 2" in diameter shall be subjected to testing and disinfection requirements IAW Section 7.G. of this regulation document.

## 3.0 INSPECTION

The Town and Village shall be notified when the installation is completed and prior to backfilling, so that the service line can be subjected to the aforesaid hydrostatic test in the presence of a representative of the Town and Village and an inspection made of both workmanship and materials. In addition to the preceding testing mentioned above, the Town and Village shall be notified when tracer wire testing is to be conducted and completed so the superintendent may be present for testing. The notice shall include such data as the location, the name of the owner and tenant and the time the work will be ready for inspection.

Water will not be supplied through the service line extension or any related part thereof or through any service or supply line which has not been inspected in the open trench and approved by the Town and Village. This regulation applies to both original installation and repairs. The Town and Village may charge a fee for the inspection of an original installation and a fee for each additional trip necessary to complete the inspection, said fees to be the charges in effect at the time of said inspection work and made a part of the Schedule of Rates. If the inspection indicates failure to comply with the requirements, water service will not be granted until the proper remedial measures have been taken.

**B. MAINTENANCE – SERVICE LINE EXTENSION:**

All service lines shall be maintained in satisfactory condition by the customer; and all valves, meters and appliances furnished and owned by the Town and Village and on the property of the customer shall be protected properly and cared for by said customer. When repairs, renewals or replacements or other necessary work are required on the aforesaid facilities of the customer, the customer shall employ, without delay, competent tradesmen to do the work, all said work shall be done at the expense of the customer.

The operation or use of the curb stop shall be subject to control by Town and Village employees only.

**C. LENGTH OF SERVICE LINE:**

The Town and Village will exercise the right, in cases where the length of the service line extension exceeds 100 feet to inspect and approve the service line and in all cases where deemed advisable, to require the customer to construct, at his own expense, a watertight brick or concrete or other approved meter pit provided with a suitable cover and constructed in accordance with a plan furnished by the Town, said meter pit to be constructed at the property or curb line and to be used for the housing of the meter required for the service of the premises.

**D. PENALTY FOR PLACING OBSTRUCTIONS:**

If obstructions are placed over, in or around water meters or curb boxes in such manner as to prevent normal access to or operation of the water meter, curb stop or to result in damage to the water meter, curb box, curb stop or service line, the Town and Village reserves the right to remove any obstruction to the water meter, curb stop, curb box or service line. In the event of such removal, the Town and Village will not be liable for any damage occasioned as a consequence of the process of removal of any obstruction. The customer may also be subject to any expense incurred by the Town or Village for such in accordance with the Schedule of Rates.

Prior to laying new cement sidewalks, making changes in the grade or other changes in sidewalk construction, the customer shall notify the Town and Village, in order that the Town and Village may relocate the curb box and the meter box, if any, at the proper grade. If such notice is not given and the box or boxes are covered or cemented over, thereby necessitating additional expense to the Town and Village for finding and relocating the same, the customer shall be billed for such additional expense and the Town and Village will, under no circumstances, be responsible for damage to the sidewalk.

Before service will be renewed, the customer shall pay to the Town and Village the expense incurred in shutting the water off and in turning it on again, including the cost of necessary trenching and backfilling, of cutting and replacing pavement, sidewalk or curbing, of any municipal permit or permits for opening the pavement.

**E. ONE SERVICE CONNECTION FOR EACH CUSTOMER:**

A water street lateral and curb box, including a curb box and curb stop, shall be required for each premises where the total quantity of water delivered and furnished is to be billed and metered to a single customer.

A service line will be used to supply a single customer only, and no premises supplying a single customer shall have more than one service connection except where impossible or impracticable to furnish an adequate water supply service thereto through one service connection; in which event, the Town or Village may agree to the installation and use of more than one such connection. The provision by the Town of separate services at the request of the property owner shall not relieve a property owner of ultimate liability for the charges therefor as provided by law.

The owner will be responsible to install the water service from the curb stop into the premises. A valve shall be located just inside the structure, at the point of entry of the street lateral, adjacent to and ahead of the meter to permit control of the water supply.

In General, the following rule shall be followed for determining the number of meters assigned to a facility:

If the facility is meant for permanent/long-term occupancy, then there shall be one meter assigned for each resident/occupancy. If not meant for long-term occupancy, then there shall be one meter for the entire facility.

Examples:

Apartments – One meter per apartment

Hotels – One Meter for entire facility

Etc.

#### **F. SINGLE SERVICE LINE WITH TWO OR MORE CUSTOMERS:**

The Town and Village acknowledges that prior to the passage of these regulations, customers may have been allowed connection of two or more customers through a single service line, this section is designed to deal with those customers. However, as is set forth in Section 7.E. above, no future customers will be allowed to connect in this manner. Where two or more customers are supplied through a single service line, any violation of the Rules of the Town and Village by either or any of said customers shall be deemed to be a violation as to all; and unless said violation is corrected after reasonable notice, the Town and Village may take such action as may be taken for a single customer, except that such action shall not be taken until the innocent customer who has not violated the Town's and Village's Rules had been given notice and a reasonable time to attach his/her service pipe to a separately controlled service connection.

In the event that an owner is servicing multiple premise dwellings from a single service line with one meter, the account shall be the responsibility and remain in the name of the owner. The Town and Village may establish a separate water account for each of the separate tenant dwellings and apply a flat rate fee or service connection charge for each of the separate units or accounts in accordance with the Schedule of Rates.

If, the quantities of water furnished to the premises are to be separately and individually metered and billed by the Town and Village to several occupants thereof, then a separate water meter, including a proper valve without waste, the same size as the service line on the street side and immediately before the meter, and a stop and waste cock or valve on the outlet side and immediately after the meter, shall be installed for the delivery of water to each occupant. All meters, unless otherwise indicated, will be furnished, installed and inspected by the Town and Village, subject to the fees currently in effect, and will remain the property of the

Town and Village and be accessible to and subject to its own control and maintenance. The Town and Village shall establish a separate water account for each of the separate tenant dwellings.

**G. OTHER SERVICE LINE EXTENSION REQUIREMENTS:**

The Town and Village reserves the right to require any owner to install on or in conjunction with his service line, at their own expense, such valves, stop cocks, check valves, relief valves, pressure regulating valves, air chamber, tank, float valve or other apparatus of approved design, when and where, in its opinion, the conditions may require it for the safeguarding and protection of the Town's and Village's property or the water supply.

Should the use of water through a service line connection become excessive during period of peak use, and cause a substantial decrease in pressure in the distribution system of the Town and Village to the extent that normal water service to other customers is impaired, the Town and Village exercises the right to require the installation of the properly designed and adequate storage and other required facilities on the system of the premises involved.

The said facilities shall include all piping, valves, fittings, storage structures, pumps, automatic controls and such other appurtenances as are required to permit the storage of water and delivery periods of peak use on the premises, and thereby avoid direct use from the system of the Town and Village during such periods. The basic design for such system shall be subject to approval by the Town and Village.

When steam boilers take a supply of water directly from the service pipe, depending upon the hydraulic or hydrostatic pressure in the pipe system of the Town and Village for their supply under working pressure, it will be at the risk of the parties making such attachments, as the Town and Village will not be responsible for any accidents to which such devices are subject.

House boilers for domestic use in all cases must be provided with vacuum valves to prevent collapsing when water is shut off from the distributing pipes. The Town and Village will in no case be responsible for accidents or damages resulting from failure to observe this rule or due to conditions in the distribution pipes, or from the imperfect action of any such valves, or due to such other causes.

**H. CHANGES IN LOCATION OF SERVICE LINE CONNECTION:**

The customer shall pay for the cost of relocation of all service line connections made at his request or for his convenience. All changes or altering of the location of the service line will be subject to all conditions and requirements referred to in these regulations.

**I. RENEWAL OF SERVICE LINE:**

Where renewal of a service line from the street main to the curb stop is found necessary, the Town and Village will renew said service in the same location as the old one if possible. If the property owner or customer, for his own convenience, desires the new service line at some other location and agrees to pay all expenses of such relocation in excess of the cost of laying the service line in the same location as the old service line and cutting off and disconnecting the old service line, the Town and Village will lay the new service line at the location desired.

**J. USE OF CURB STOPS:**

Curb stops at the curb line shall not be used by the customer for turning on or shutting off the water supply. The control of water supply by the customer shall be by means of a stop cock located, in general, just inside the building wall. Curb stops are for exclusive use and operation by employees of the Town and Village.

**SECTION 9 – PRESSURE REDUCING VALVES**

**A. GENERAL:**

Due to the nature of the Town and Village of Ellicottville public water supply system, the possibility of high-pressure events exist. These events could occur due to equipment failures or other causes. Therefore, to minimize the possibility of damage it shall be required that all services be equipped with a pressure reducing valve to protect the plumbing within the premises from high pressures which may from time to time occur in the street mains. These pressure reducing valves shall be furnished, installed and maintained by the property owner and will remain the property of the property Owner and be accessible to and subject to the Owners control and maintenance. The pressure reducing valve installed shall be a valve approved for installation in the Town and Village of Ellicottville. The minimum size of pressure reducing valve installed shall be the same size as the service line.

**B. LOCATION, INSTALLATION, AND MAINTENANCE:**

The location for the PRV shall be at a convenient and accessible point, shall permit protection and control of the entire supply and shall be located prior to the meter to allow proper protection of the meter from any high-pressure events.

In cases where there is not a practical place to place the meter within the building, the Town may require the property owner to construct inside the property line, a brick or concrete or approved meter pit with a suitable cover or a similar type of approved meter box. In those instances, the PRV must be housed in the meter pit and located on the street side of the meter.

All piping, fittings, valves, check valves, gauges, bolts, nuts, meter pit structures, manholes or other accessories or materials, and the labor for installing the same, used in connection with the installation of the PRV shall be at the expense of the customer. The customer shall employ for this work the services of skilled and qualified tradesmen, who shall cooperate with the Town and Village and install the piping and appurtenances in accordance with the dimensions and requirements for each specific case, so that the meter or meters can be properly installed and connected by the Town and Village.

The customer shall furnish and install on the service line a stop cock or gate valve, without waste, the same size as the service line on the street side and immediately before the PRV.

Immediately after installation, the owner or his/her plumber shall verify that the PRV is operating correctly. Should the owner or customer at any time doubt the proper function of the PRV, they shall have the valve serviced, repaired, or replaced at their own expense.

The owner shall maintain the PRV at the owner's expense. If the PRV is not properly operated and maintained the possibility exists for damages to the premises served. The Owner shall be responsible for any such damage.

## **SECTION 10 – METERS**

### **A. GENERAL:**

All meters, unless otherwise indicated, will be furnished, installed and inspected by the Town and Village, subject to the fees currently in effect, and will remain the property of the Town and Village and be accessible to and subject to its own control and maintenance. Any damage to a meter resulting from customer negligence (i.e. freezing pipes, improper plumbing, etc.) shall be replaced at the expense of the customer.

In general, the following rule shall apply when determining the number of meters needed for a particular facility or establishment:

A meter shall be required for each service connection that services a facility or establishment meant or intended for long term/full-time occupancy. For multi-use buildings, at least one meter shall be used for each use type. Properties or complexes that have a "Master Meter" shall be billed for each long term/full-time occupancy served by the master meter, and if the system is privately owned, shall also be billed if there is a positive difference between the master meter and the sum of the individual accounts. The "Master Meter" shall be owned and maintained by the property owner in addition to all service lines between the servicing shut-off valve and the "Master Meter" as further detailed in Section 8.

Examples:

Apartments/Condos – One meter for each apartment or condo

Hotels/Restaurants – One meter needed

Bed and Breakfasts – One meter needed

Multi-Use Building – Restaurant & Apartments – One meter for restaurant, one meter for each apartment

If a facility has already been built and does not meet the above requirement, then they shall be "Grandfathered" into their current configuration. However, one bill will be given for **each** resident and that bill will be subject to the minimum water/sewer fee at the time in addition to any cost associated with any water use over the minimum amount.

Example:

Apartment Building with 5 units was built in 2015 w/ only 1 meter:

Option A: Re-plumb building and install 5 meters (one meter for each apartment)

Option B: Keep existing configuration and each resident will get bill based on minimum rate plus overage

Ex. If minimum usage is 12,000 gallons for residential customers and 100,000 gallons goes through the one meter – each resident will get minimum bill for 12,000 gallons plus additional 8,000

gallon overage (12,000 gal \* 5 units = 60,000 gallons), (100,000 gallons – 60,000 gallons = 40,000 gallons), (40,000 gallons/5 units = 8,000 gallons per unit)

The final determination of meter configurations shall rest with the Town/Village Engineer and the Town/Village Water Division Supervisor.

**B. SIZE OF METER:**

The Town and Village reserves the right in all cases to stipulate the size and type of meter to be installed on each service line and to require the installation of a larger size meter in any case where the peak use of water places any meter under undue or unusual strain and/or exceeds the recommended meter capacity, and reserves the right to charge any fees currently in effect for the larger meters.

The minimum size of a meter installed shall be the same size as the service line, except that, on 3/4 - inch or 1-inch line serving a domestic customer, a 5/8 inch meter may be installed.

**C. LOCATION:**

The location for the meter shall be subject to the approval of the Town and Village, shall be at a convenient and accessible point, shall permit control of the entire supply and shall allow proper protection of the meter from the freezing or other harm.

No fixture shall be attached to, or any branch made in the service pipe between the meter and the street main. In cases where there is not a practical place to place the meter within the building, the Town and Village may require the property owner to construct inside the property line, a brick or concrete or approved meter pit with a suitable cover or a similar type of approved meter box, such installations to be made in accordance with a plan furnished or approved by the Town and Village. The design of the meter pit shall permit adequate access to the meter.

**D. INSTALLATION:**

All piping, fittings, valves, check valves, gauges, bolts, nuts, meter pit structures, manholes or other accessories or materials, and the labor for installing the same, used in connection with meter settings within the property line of the premises, shall be at the expense of the customer. The customer shall employ for this work the services of skilled tradesmen, qualified and approved by the Town and Village, who shall cooperate with the Town and Village and install the piping and appurtenances in accordance with the dimensions and requirements for each specific case, so that the meter or meters can be properly installed and connected by the Town and Village.

The customer shall furnish and install on the service line a wheel handle round way stop cock or gate valve, without waste, the same size as the service line on the street side and immediately before the meter, and a stop and waste cock or valve on the outlet side and immediately after the meter. When a check valve is installed, a safety valve shall be furnished and installed by the customer at a convenient point in the house piping to relieve excess pressures due to heating of water. The customer will also furnish and install a back-flow preventer if applicable in accordance with the regulations contained herein.

Meter bypasses shall not be allowed unless otherwise approved by the Town and Village.

For all services over 2 inches, where there is a demand or necessity for uninterrupted water service, in order to eliminate inconvenience to both the customer and the Town and Village when repairs to or replacement of the meter is necessary, the Town and Village may, at its option, require the installation of a battery of two lines on the one service line, with a combined capacity approximately equal to the capacity of the single line requested. Such installations shall be properly valved to control or put any single line out of service and permit its removal without interruption of service through the remaining meter or meters.

**E. MAINTENANCE:**

The Town and Village will maintain all meters and remotes at its expense, except meters and remotes for which the customer is liable and responsible for all damage while located on their premises. In the event of the injury to or nonworking of the meter and/or remote, the customer shall promptly notify the Town and Village. The Town and Village will furnish and set another meter and/or remote to replace those frozen or damaged by such causes, and the cost of the repairs shall be billed to the customer in accordance with the Schedule of Rates. The Town and Village reserves the right to remove and replace any meter at any time as part of a maintenance program or for any other reason.

**F. METER TESTS:**

All meters will be accurately tested before installation and thereafter periodically tested.

Should the customer at any time doubt the accuracy or correctness of the meter measuring water delivered to the customer's premises, the Town and Village will make a test of the accuracy of the meter. A customer may require the meter to be sealed in his presence before removal, which seal shall not be broken until the test is made in his presence. If the meter tested is found to be accurate within the limits herein specified, the customer will be charged a fee as set forth in the Schedule of Rates. If the meter tolerances are outside the appropriate limits, the test will be made at no charge to the owner. When making such request, the customer shall agree to the basis of payment currently in effect.

A report of such test shall be made to the customer and a complete record of such tests shall be kept by the Town and Village. Rates for testing meters will be furnished by the Town and Village.

In the event the meter so tested is found to have an error in registration in excess of four percent (4%), the cost of the test will be borne by the Town and Village and the advance fee will be refunded. The bill, based on the last reading of such meters, shall be corrected accordingly. This correction shall apply prospectively.

The Town and Village reserves the right to remove and test any meter at any time at its own expense and, if such meter is found to be inaccurate, to substitute another meter of the same size in its places, either permanently or temporarily.

**G. CHANGES IN METER LOCATION:**

The customer shall pay for the cost of relocation of all meters made at his request or for his convenience.

**H. LEAKS:**



Customers are urged to give careful attention to their plumbing and fixtures and make immediate correction of any leaks. No allowance will be made by the Town and Village for water used, lost, stolen or otherwise wasted after passing through the water meter.

**I. READING AND REGISTRATION OF METERS:**

Reading of meters shall be taken periodically at the option of the Town and Village; the official water meter shall be the only one read by the Town and Village. The quantity recorded by the meter shall be taken to be the amount of water passing through the meter, which amount will be conclusive on both the customer and the Town and Village, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, the quantity may be determined by the average registration of another meter for a period of at least 20 days, or of the same meter for a period of at least 29 days after it has been repaired, tested and requested; or the quantity consumed during a previous corresponding period may be used as a basis for settlement.

Any and all additional meters desired by the property owner shall be installed on the house or outlet side of the official water meter, and all such additional meters shall be furnished, installed and maintained by the property owner (s) at their own expense.

**J. ACCESS TO METERS:**

The Town and Village shall have access at all reasonable times to meters, service connections and other property owned by it on customer's premises for the purpose of maintenance, operation and meter readings. The failure of any customer to permit reasonable access shall be sufficient cause for discontinuance of service.

Should the Town's or Village's agent empowered to read meters and/or remotes, be unable to obtain access for a meter reading if necessary, the customer may be notified of his default by leaving a notice on the premises that customer must arrange for access for the Town and Village meter reader within thirty days. Should customer fail to make such arrangements for meter reading during meter reader's normal working hours (7:00 A.M. - 2:30 P.M.) within a thirty day period, a notice shall be given either by registered mail or by delivery to an adult member of customer's household on the premises. Said notice shall advise water service will be discontinued five days after mailing or service of the notice, unless customer has ceased to be in default under the terms of these Rules and Regulations.

**K. NOTIFICATION RELATIVE TO CONDITION OF METER:**

The customer shall notify the Town of damage to or of the nonworking of the meter, or of the breaking of the seal or seal wire, as soon as he/she is cognizant of such a condition.

**L. METER REMOVAL:**

If the Town or Village is required to remove a meter at the request of a customer, the customer will be charged according to the Schedule of Rates.

**SECTION 11 – SERVICE**

**A. BY THE CUSTOMER:**

Any customer may terminate his service contract with the Town or Village by reason of moving permanently away from the premises, and have his water service discontinued upon giving no less than three (3) days' notice to the Town and Village, and upon the lapse of a reasonable time to permit the Town and Village to take final meter readings and attend to other details in connection with such discontinuance of service. The customer shall remain liable for water furnished to the premises until a final reading is taken.

When a customer temporarily suspends service, water shall not again be furnished to such person until the minimum meter charge has been paid for the period of nonuse, provided such period charged shall not exceed four quarters or one year. This charge shall be in addition to any other charge due from the customer.

Discontinuance of service by the Town and Village for nonpayment of a bill or violation of these rules shall not cancel the application for service nor constitute a waiver of this rule.

**B. BY THE TOWN AND VILLAGE:**

Service under application may be discontinued for any of the following reasons:

- A. For the use of water for or in connection with, or for the benefit of, any other premises or purposes than those described in the application;
- B. For willful waste of water through improper or imperfect pipes, fixtures, or otherwise
- C. For failure to maintain in good order the service lines and fixtures owned by the applicant;
- D. For molesting or in any other way interfering with any service pipe, meter, meter box, curb stop, curb box or with any seal on any meter or other fixtures and appliances of the Town or Village;
- E. In case of continued vacancy of the premises;
- F. For refusal of reasonable access to the premises for purposes of inspecting the piping; fixtures and other water system appliances therein, or for reading, caring for, repairing or removing meters and/or remotes;
- G. For the neglecting or refusing to make or renew advance payments where required or for nonpayment of water service, or for any other charge accruing under the application;
- H. For making any cross connection between a pipe or fixture carrying water furnished by the Town and Village and a pipe or fixture carrying water from any other source;
- I. For resale of water except where subject to a special agreement;
- J. For premises where the demand for water is greatly in excess of past average of seasonal use, or where such excessive demands for water by the premises are or may be detrimental or injurious to, or make inadequate, or in any way impair water service furnished to other customers;

K. For premises where apparatus, appliances or equipment using water is dangerous, unsafe and not in conformity with laws or ordinances;

L. For fraud or abuse;

M. For violation of these Rules and Regulations or other requirements governing the supply of water furnished by the Town and Village.

**C. RENEWAL OF SERVICE AFTER DISCONTINUANCE:**

Service may be renewed under a proper application when the conditions under which such service was discontinued are corrected and upon the payment of all proper charges of amounts provided in the Schedule of Rates.

**D. SUSPENSION OF SERVICE DUE TO EMERGENCY:**

The Town and Village shall have the right, as necessity may arise in case of breakdown, emergency or for any other unavoidable cause, to cut off the water supply temporarily in order to make necessary repairs, connections, meet any emergency, and to do such other work. The Town and Village will use all reasonable and practical measures to notify the customer of such discontinuance of service. In such cases, the Town and Village shall not be liable for any damage or inconvenience suffered by the customer or any claim against it any time for interruption in service, lessening of the supply, inadequate pressure, poor quality of water or for any other causes beyond its control; and such temporary shutoff of the water supply shall not entitle the customer to any abatement or deduction in or from the water service charges, nor the refund or any portion of such service charges paid in advance during or for the time of such shutoff. When a supply of water is to be temporarily cut off, notice will be given, when practicable, to all customers affected by the shutting off, stating the probable duration of the interruption of service and also the purpose for which the shutoff is made. Nothing in these Rules contained, however, shall be construed as a guarantee, covenant or agreement of the Town and Village to give notice of any shutoff due to emergencies or otherwise.

**SECTION 12 – FIRE SERVICE & PROTECTION**

**A. PUBLIC FIRE SERVICE:**

All public fire hydrants will be maintained by the Town and Village at its own cost and expense, provided that any expense for repairs caused by carelessness or negligence of the employees of the particular municipality or the member of the fire department thereof shall be paid for by the municipality.

Only persons authorized by the Town and Village shall take water from any public fire hydrant except for fire purposes or for the use of the fire department in case of fire; no public fire hydrant shall be used for sprinkling streets, flushing sewers or gutters or for any other than fire purposes, except with the approval and issuance of a permit by the Water Division Supervisor, said permit being subject to revocation at any time. If prior approval has not been granted and a fire hydrant or hydrants are used by a fire department, municipality, or

any others, such party or parties shall notify the Main office of the Town and Village of such use immediately in order to allow the Town's and Village's checking the condition of the hydrant or hydrants.

Whenever a municipality or person or persons desire a change in the location of any fire hydrant, the Town and Village, upon written request will make such change if determined feasible, at the expense of the municipality or person or persons, making such request subject to the right of the Town and Village to refuse relocation because of size of main, pressure, condition of distribution system or other reasonable causes. The Town and Village will not approve changes which will compromise the fire protection of property within the area of the original hydrant.

Upon request of the duly authorized officials of the Town or Village or any municipality serviced by the Town and Village, the Town and Village will make inspections at convenient times and at reasonable intervals to determine the condition of fire hydrants located within said municipalities. Such inspection shall be made by a representative of the Town and Village and a duly authorized representative of the municipality requesting the inspection.

**B. PRIVATE FIRE SERVICE:**

A written application prepared on the form furnished by the Town and Village must be submitted to the Town or Village for the purpose of requesting a special connection for private fire protection service. The application shall be accompanied by accurate plans showing the proposed fire protection system. No fire protection facilities involving the use of Town and Village water shall be installed at any time and any changes in or additions to said fire protection facilities shall be made without prior approval by the Town and Village and the local Fire Department.

The application does not bind the Town and Village to approve the requested special connection. It is the customer's responsibility to provide an engineering study of each proposed installation to determine whether such a connection is reasonable and practical, and whether such a connection will in any way endanger the general water service in the vicinity; the Town and Village reserves the right to refuse approval of an application. The Town and Village further reserve the right to make an approval, subject to the installation of adequate storage facilities and related appurtenances on the premises, if found necessary in order to permit maintenance of adequate water service to other customers.

The final approval of an application and furnishing of private fire protection service will be subject to the execution of a contract between the owner and the Town and Village, containing the following terms and conditions and containing such other terms and conditions as are found necessary:

A. That the Town and Village, by its representative, shall have the right to enter the premises of the applicant at any reasonable time for the purpose of making such inspections as may be deemed necessary, and shall have the right to attach any testing devise or use any means which it may elect to ascertain the condition of the pipe and appurtenances and uses made of the same.

B. That the service connection from the street main up to and including the curb stop or valve and control box and control valve shall be installed at the expense of the customer and shall be maintained by the

Town and Village; that all other pipe, fixtures and appurtenances shall be installed in accordance with the requirements set forth relative to service line and/or water main extensions and maintained in good condition by and at the expense of the applicant. In such instances where the service connection is approved to provide fire protection service and other metered service, always being subject to a design satisfactory to the Town and Village, the control valves on the fire service line may be installed on the property of the premises at the approved locations.

C. All private fire systems shall be designed and maintained to the current NFPA and AWWA standards governing these systems.

D. That all fixtures and openings (other than the controlling valves) shall be kept closed and sealed and not open or used except in times of fire.

E. That the applicant agrees the Town and Village shall not be considered in any manner an insurer of property or persons, or to have undertaken to extinguish fire or to protect any person or property against loss or damage by fire or otherwise.

F. That the applicant does not contemplate uses of fixtures other than herein stated. If a supply for use other than extinguishment of fire is desired by the applicant, the same shall be taken only through a service pipe connected with the street main of the Town and Village and not connected directly or indirectly with the service pipe contemplated by this application. Where it suits the convenience of the Town and Village to allow dual domestic service-fire connections for a particular customer the Town and Village shall have the discretion to consider alternate designs, which employ a single service pipe connected with a street main, on a case by case basis. Any waste or use of water for purposes other than the extinguishment of fire through this connection shall be deemed a violation of the terms and conditions of this application and the rules and regulations of the Town and Village.

G. That the applicant shall furnish, attach and make a part hereof, an accurate drawing showing the pipes, valves, hydrants, tank openings and appurtenances contemplated in this application. Such drawings must also show any other water supply system and pipelines and appurtenances which may exist on the premises. There is no connection between such other supply and pipes connected to the Town's and Village's mains.

H. That the rights and obligations of the applicant hereunder shall be further subject at all times to the Rates, Rules and Regulations of the Town and Village that now exist or which may hereafter be adopted.

I. That the applicant agrees to obtain in advance the approval of the Town and Village for any change, alteration, addition or deduction contemplated in the fixtures, openings and uses herein specified.

J. That the Town and Village has the right to discontinue or disconnect said service pipe and terminate the application, upon written notice given 15 days in advance by the Town and Village to the applicant, for failure to pay and bill when due or for any violation or any of the terms and conditions of this application, or for any violation of its rules.

K. In case of an emergency the Town and Village has the right to shut off all or any part of its facilities and discontinue the service without notice in order that the Town and Village can make repairs, alterations or additions to existing facilities. Further, the Town and Village will interrupt services without notice to prevent possible contamination through cross connected facilities of the applicant or to prevent negligent or willful waste of water through the facilities of the applicant.

L. The entire installation, from the street main and including the hydrant, shall be installed at the expense of the customer.

In general, fire protection service will not be metered by the Town and Village, however, the final determination rests with the Town and Village Engineer and the Water Division Supervisor.

The Town and Village, by the provision of public or private fire service or water service of any kind does not warrant that it will provide any special pressure, capacity, or facilities other than can be supplied by the ordinary and changing operating conditions of the Town and Village, as the same exist from day to day. The Town and Village does not assume any liability to any party for injury to persons or property as a consequence of fire, lack of water, failure to supply water pressure or capacity or for any malfunction of Town/Village owned equipment.

### **SECTION 13 – BILLS AND PAYMENTS**

#### **A. PLACE OF PAYMENT:**

All bills are payable at any office or any pay agency as designated by the Town and Village. All invoices shall be paid in United States dollars, and may be paid by cash, check, money order, or credit/debit card if applicable.

#### **B. BASIS FOR PREPARATION OF BILLS:**

All bills for services furnished by the Town and Village will be based on the published Schedule of Rates of the Town and Village water system. All bills shall be rendered and are due and payable as noted on the bill. Each premise will be subjected to a fixed minimum charge based on the user class of the individual or facility. Any usage above the minimum will be charged at a fix/uniform rate.

#### **C. BILLS RENDERED AND DUE:**

The Town and Village will make regular meter readings either monthly or quarterly, at its option, and bills will be rendered as soon as practicable after the reading of the respective meters.

All bills are due and payable by the Due Date as required by these Rules and Regulations. Payment of the bill after the Due Date will incur such penalty added to the bill as is currently in effect.

If bills are not paid within the required period during which the gross amount shown thereon applies, a delinquent notice may be served by mail, telephone calls, or in person to the effect that, unless the bill is paid within the number of days currently allowed, service will be discontinued.

If service is thus discontinued, it will not be restored until all unpaid bills and charges, including the posting, termination and reconnect charges, are paid or satisfactory arrangements made for payment.

The Town and Village may mail or deliver the bills and notices to the customer at his address given in the application for service and the Town and Village shall not be responsible for the delivery thereto. Failure to receive bills will not be an excuse for nonpayment.

Any check received by the Town and Village in payment of any bill due the Town and Village, which check is returned unpaid by the drawee bank for any reason, shall be charged against the account involved and, in addition, charges shall be made against said account for cost of handling, for each call for collection and for any other costs involved, such charges to be as currently in effect.

**D. DELINQUENT ACCOUNTS:**

Any account that is delinquent in the payment of water charges shall be considered delinquent. All invoices issued by the Town and Village that remain unpaid after the due date shall be charged a one-time fee of 15% and the Town and Village shall reserve the right to levy the unpaid amount on the owner's taxes. Upon any account becoming delinquent for payment of water services for a period of time exceeding 60 days, the Town and Village shall provide a mailed written notice ("Shut Off Notice") to the resident and, if different, the owner of the premises, advising both persons of the delinquency. This delinquency may be disputed by filing a written statement of the reasons for the dispute with the Town and Village. If such a dispute is filed, it will be investigated and a formal written response will be given within twenty (20) days. The termination will be deferred pending the processing of the dispute.

If a delinquent account holder is unable to pay the balance due on the account prior to the termination date, the Town and Village shall offer a reasonable installment payment agreement plan to delinquent account holders who have not previously defaulted on an installment payment agreement. Any installment payment is to be made in addition to the amount due on the delinquent customer's regular monthly bills. A payment agreement may be denied to any delinquent customer who has defaulted on prior agreements.

In the collection of user charges and other Town and Village claims and assessments, the Town and Village shall reserve the right to assess and collect reasonable attorney fees.

**SECTION 14 – REGULATION FOR AIR CONDITIONING SYSTEMS**

**A. GENERAL:**

The following regulations shall apply to all water-cooled equipment installed on the premises for the purpose of reducing the dry-bulb temperature or decreasing the absolute humidity of air whether for comfort, air conditioning, refrigeration, processing or whatever other purposes.

**B. PERMIT REQUIRED:**

No one shall place into operation or use any equipment for air conditioning or refrigeration which requires a supply of water from the system of the Town and Village without first having secured a written permit therefore from the Town and Village.

**C. APPLICATION FOR PERMIT:**

A written application prepared in the form furnished by the Town and Village must be submitted to the Town and Village Water Division for the purposes of requesting a permit as set forth under the item "Permit Required", said application to be subject to fees as are required at the time of the application, which application together with the Rules and Regulations of the Town and Village shall regulate and control the use and operation of any equipment for air conditioning or refrigeration, said application is to be submitted at least one month before such use is planned, and including and accompanied by such information as may be requested by the Town and Village.

**D. WATER USE AND CONSERVATION:**

Systems with a capacity in excess of 2-1/2 tons per 24 hours shall not use water directly (or indirectly, except when used with conservation equipment) from the public supply. All such systems shall be equipped with evaporative condensers, cooling towers, spray ponds, or other water conservation equipment, the piping in connection therewith to be arranged so as to prevent any back siphonage into the public water supply system. Systems with a total capacity not exceeding 2-1/2 tons (per 24 hours) may use water directly from the public supply at a rate not exceeding 2.0 gpm per ton if the water temperature is 75 degrees Fahrenheit, provided they are equipped with an automatic regulating valve which will (1) stop the flow of water when the refrigerating machine is shut down, and (2) throttle the flow of water down to the momentary requirements of the system. All systems having total capacities exceeding 2-1/2 tons (per 24 hours) shall be equipped with evaporative condensers, cooling towers, spray ponds or other water-cooling equipment, unless otherwise approved. This equipment shall be of sufficient capacity to insure conformance with the requirements in the following table for making-up water when operating under full loading at maximum summer temperatures:

**SECTION 15 – OTHER GENERAL REGULATIONS**

**A. INSPECTION:**



Authorized employees of the Town and Village, identified by proper badges, shall have access to the customer's premises at all reasonable hours, for the purpose of turning water on or off; inspection, repair and/or replacement of service lines and service line extensions; inspection, setting, reading, repairing and removal of meter; and for any other justifiable purposes.

The Town and Village shall have the power to make such excavations as are required for the proper execution of the work.

**B. TURN-ON CHARGE:**

Where there is no delinquent bill, water will be turned off and on for a charge listed in the schedule of rates for consumers who wish to discontinue or renew water service. Notwithstanding the termination of water service each customer will still be responsible to pay a basic minimum charge. When water service has been terminated because of an unpaid bill or violation of the terms or the application of rules of the Town and Village, a reconnect charge, according to the Schedule of Rates must be paid in cash, check, money order, or other approved method of payment before water service is restored.

**C. INTERFERENCE WITH TOWN/VILLAGE PROPERTY:**

No workman, owner, tenant or other unauthorized person shall turn the water on or off at any corporation, curb stop or break the seals, disconnect or remove the meter, or otherwise interfere with the Town's and Village's property, without the express consent of the Town and Village.

For unauthorized operation of street valve, curb stop, service valve or other service connection, the person owning the premises served by the line connected to said street valve, curb stop, service valve or other service connection shall be charged in accordance with the Schedule of Rates.

**D. SERVICE OF NOTICES:**

All notices and bills relating to the Town/Village or its business shall be deemed to have been properly served if left upon the premises of the customer or if mailed to the customer, directed to, or left at his address as shown on the records of the Town and Village. Failure on the part of the customer to receive a notice or a bill following proper service by the Town or Village shall not excuse the customer for payment of all amounts due, including penalties for late payment.

The Town and Village will send all such notices and bills to the address given on the application for water supply until a notice of change has been filed with the Town and Village by the applicant.

All notices of general character, affecting or likely to affect a large number of customers, shall be deemed to have been properly given or served if advertised in the newspaper designated by the Town and Village.

**E. COMPLAINTS:**

Complaints relative to the character of the service furnished or the reading of meters or of bills rendered must be made in writing and delivered to the main office of the Town and Village.

**F. SERVICE NOT GUARANTEED:**

Nothing in these Rules and Regulations, nor any contract, nor representation, verbal or written, of the Town and Village or any of its employees shall be taken or construed in any manner to constitute a guarantee to furnish a given quantity of water through any service connections, whether for domestic, commercial, industrial, manufacturing or other general uses, or for public or private fire protection purposes, or for any other special purposes; but the Town and Village will at all times and under all conditions endeavor to maintain the efficiency of its service.

**G. RESTRICTION OF SUPPLY:**

The Town and Village reserves the right to restrict the supply of water in case of scarcity or whenever the public welfare may require it, and to reserve a sufficient supply of water at all times in its reservoirs to provide for fire and other emergencies.

**H. WATER HAMMER:**

No use of water will be permitted which may or does cause water hammer.

**I. ACTS OF TOWN/VILLAGE EMPLOYEES AND/OR OTHERS:**

No agent or employee of the Town and Village shall have the power or right to bind the Town and Village by any promise, agreement, or representation contrary to these Rules and Regulations.

**J. MISCELLANEOUS WORK AND SERVICE FURNISHED BY THE TOWN:**

The cost of repair and/or restoration of Town and Village facilities damaged due to the actions of others, including the cost of lost water, shall be paid for by those responsible or otherwise negligent. The cost of the work and any miscellaneous services furnished by the Town and Village set forth in these Rules and Regulations shall be determined based on the Schedule of Rates.

All bills for such work and services furnished by the Town and Village, based on the Schedule of Rates and methods of computing charges in accordance with the aforesaid schedules, shall be rendered by the Town and Village and be due and payable by the Due Date. The Town and Village, if necessary, will take appropriate legal action to recover all monies due if payment is not made.

**K. TAPPING FEES:**

The Town and Village has established schedules of tapping fees for all connections to main water lines. Fees are in accordance with the Schedule of Rates. The tapping fee is designed to cover the cost of material, labor, and installation of a typical residential service connection and the corresponding meter. For larger commercial service connections, the owner shall be responsible for the tapping fee, meter cost, and the cost associated with installation by a contractor. A tapping fee shall be paid each time a new and/or updated service connection is installed.

**L. AVAILABILITY – RULES AND REGULATIONS:**

Copies of these Rules and Regulations Governing Water Service including the Schedule of Rates may be obtained at the office of the Town and Village. Copies are available for review at the office of the Town and Village at all times during regular working hours.