

## Rules and Regulations and Schedule of Rates and Charges:

Clymer Water District - Chautauqua County - Clymer, New York

Adopted by Resolution of the Town Board of the Town of Clymer at a meeting held on Tuesday May 9th 2023 to become effective on May 19th 2023.

The following rules, regulations and schedule of rates and charges shall be considered a part of the contract of any person, firm, or corporation who obtains water from the Water District and every such person, firm or corporation shall be deemed bound thereby upon execution of an Application in the form set forth herein.

Applications will not be required from persons, firms, or corporations being served on the effective date of these rules and regulations, but this shall in no way relieve them of compliance with such rules and regulations or applicability of such rates and charges.

All ordinances, rules, regulations, rates, and charges heretofore enacted by the Water District in connection with water supply are hereby repealed.

### 1.0 Definitions

As used in these rules and regulations and schedule of rates and charges, the words and phrases listed below shall be deemed to have the following meanings:

1:1 Water District - shall mean the Town of Clymer, New York ; the Clymer Water District ; the Town Board, and it's fully authorized officers, agents and employees.

1:2 Owner - shall mean the owner of the premises served, or to be served, his authorized agent or representative.

1:3 Applicant - shall mean the individual, firm or corporation making an application for water service from the Clymer Water District.

1:4 Schedule - shall mean the schedule of rates and services in connection therewith.

1:5 Rules - shall mean the rules, regulations and provisions contained herein and as amended from time to time by resolution of the Town Board.

### 2.0 Applications

2.1 All persons, firms, or corporations desiring water service from the Water District shall make a written application to the Water District, stating the uses for which it is desired and the approximate number and kind of outlets, appliances, and devices to be used. The application shall be signed by the owner of the premises to be served, or his authorized agent such

authorization to be filed with the application at the Office of the Town Clerk. Upon approval of the application by the Water District a permit will be issued by their authorized agent.

2.2 At the time of making application for water service, or at any time thereafter, the Water District may require an applicant or owner, a prepayment or deposit in an amount equal to their estimated charges for six (6) months service. Such prepayment or deposit, less any amount owing, shall be returned whenever service is terminated pursuant to these Rules, or may be returned at any time at option of the Water District.

### 3.0 General Information

3.1 All rentals and charges contained herein are based upon one-family occupancy, or a single commercial establishment. Where more than one family or one commercial establishment occupies any premises served through a single meter, the Owner shall be liable for and charges shall be imposed in accordance with the Schedule, multiplied by the number of families or commercial establishments using the water through the single meter.

-For purposes of interpretation of multi-family use, it shall be considered a family and shall be charged for as such according to the Schedule if one or more of the following conditions apply:

- A. Meals are prepared and taken separately from other occupants of the premises.
- B. Separate facilities such as sinks, baths, showers, toilets, laundries, etc., are provided and used.
- C. The premises are designed for multi-occupancy and are occupied by separate family units or individuals.

3.2 The owner of the premises to which water is supplied shall be chargeable for all water taken from the Water District mains through their lateral connection and if un-metered leaks occur in the portion of the lateral which his is required to maintain under these Rules, the Water District shall estimate the amount of water lost by such leaks and shall charge the same to the owner.

3.3 No person other than the Superintendent of the Water District, or those acting under their direction, shall molest or interfere with or open or close or attempt to do so, any valve, gate, or shut-off appurtenant to the mains or laterals ; nor molest, remove, or interfere with any way, any curb stop, curb box, by pass, water meter, or part there-of, or any seal placed thereon.

3.4 No person other than the Superintendent of the Water District, or those acting under their direction, or the Chief of the Fire Department, or those acting under their directions, shall take water from, operate, use, or disturb any fire hydrant or part thereof.

3.5 The Town Supervisor, any member of the Town Board, the Superintendent of the Water District , or those acting under their direction, may enter the premises of any customer at any reasonable time to examine the pipes, meters, fixtures, outlets and appliances on the premises; the manner of use and the quantity, and in the case of fraudulent representation on the part of the owner or applicant, or unnecessary waste of water, the water may be shut off forthwith and without notice.

3.6 No person other than the Superintendent of the Water District, or those acting under their direction, or other persons duly authorized, shall perform the installation of meters, service laterals, valves, water lines, hydrants or other appurtenances within public rights-of-way or other rights-of-way obtained for the installation and maintenance of the Water District distribution system.

3.7 All charges made for water supplied, for repairs, meter testing, service lateral installations and all other charges made in connection with the supply of water to any premises, shall be regarded as due from the Owner. And, notwithstanding that the ownership of the premises may have changed subsequent to the charges being incurred, payment therefore may be enforced under appropriate provisions of the Town Law or as herein provided.

#### 4.0 Service Laterals & Meters

4.1 Charges will be made to the Owner for tapping a water main in installing a water service lateral one inch (1") in diameter or smaller, between the street main and the approximate R. O. W. line in front of the Owners property, in accordance with the Schedule. The Water District will make no charge to the service lateral from the main to R.O.W. lines other than such tapping charge and the lateral from main to curb shall thereafter be maintained by the Water District. The portion of the service lateral between the R.O.W. line and the Owner's premises shall be furnished, installed and thereafter maintained by the Owner at their expense.

4.2 Water service laterals larger than one-inch (1") diameter will in all cases be installed complete from the street main to the Owner's premises by, and at the expense of the Owner, in accordance with Water District specifications and under Water District supervision, and shall thereafter be maintained by the Owner at their expense.

4.3 Water service laterals less than two-inches (2") diameter shall be 200 PSI Pex Pipe, excepting that in cases of laterals in excess of one hundred feet (100') in length, installed entirely on private property, meter to be installed in a vault or pit at the point where such tubing begins.

4.4 Water service laterals of two-inch (2") diameter must be 200 Pex Pipe.

4.5 Water service laterals larger than two-inches (2") diameter shall be 200 PSI Pex Pipe meeting current AWWA standards for laying conditions and operation pressure to be encountered.

4.6 Water service laterals shall be laid not less than four feet (4') below the surface of the ground, at any point and whenever the grade of a street or lands through which the lateral is laid, is changed so that the lateral is less than four feet below the ground surface, the lateral shall be relaid to the required minimum depth at the expense of the party responsible for maintenance of the portion affected.

4.7 Every premises shall be supplied by a separate service lateral from main to the building excepting:

- A. Where other conditions exist on the effective date of these rules and regulations.
- B. Where use in the other buildings is incidental and where buildings are under the same ownership and occupancy.

4.8 No pipe or fixture connected with the Water District mains shall be connected with pipes or fixtures supplied with water from any other source or with any apparatus which may endanger the quality of the Water District water supply, except with the written approval of the Water District and the New York State Department of Health.

4.9 Water will be supplied only through a meter excepting in the case of fire protection service. Sub-metering will not be permitted.

4.10 The Water District reserves the right to stipulate the size, type, and make of meter to be used to record the consumption of water by the Applicant and to stipulate the size and location of the service lateral.

4.11 Meters up to, and including one inch (1") in size will be furnished and maintained by the Water District though the territory served. Meters larger than one inch (1") in size will be furnished by the Water District at the expense of the Owner and will be kept repaid by the Water District at the Owner's expense.

4.12 The expense of installing a water meter on either new or discontinued service will be borne by the Owner in accordance with the Schedule.

4.13 A stop and waste valve shall be provided by the Owner on the supply side of the meter at a point designated by the Water District, on all service laterals up to, and including one inch (1") diameter.

4.14 Service laterals having a diameter greater than one inch (1") shall be provided by the Owner with an approved gate type valve on the supply side of the meter, and in addition, shall have a by-pass of the same internal diameter as the lateral, equipped with sealable by-pass valves to permit water being supplied with the meter removed or out of service.

4.15 Meters will be tested upon request of the Owner and if found to be registering more than 102% of accuracy, no charge will be made for the testing and a refund based upon the best information available will be allowed. If the meter is found upon testing to be registering at less than 102% of accuracy, a charge will be made for the testing in accordance with the Schedule.

4.16 Upon request and after reasonable notice, either written or verbal, the Water District will turn water off at the curb box to permit the Owner to make repairs to his piping or perform other related work. No charge will be imposed for this service unless performed outside regular Water

District working hours, in which case a reconnection charge will be imposed in accordance with the Schedule.

## 5.0 Extensions

5.1 Extensions within the Water District will be made in accordance with Section 199 of the now existing Town Law or the latest decision or passage there-of.

5.2 In all cases the Water District shall determine the size and shall specify the material to be used in the construction of an extension.

## 6.0 Private Fire Protection

6.1 Private water supply for fire protection will be furnished to the owner of any premises abutting on a public street or highway in which a Water District main appropriate to the required service is located. The Owner will furnish, install, maintain and renew the necessary fire protection main, including the connection with the Water District main, and any valves, hydrants or other facilities which are part of the installation. The Water District shall in no event be responsible for its failure to supply water for the protection purpose beyond the refund of the most recent service charge for sure service.

6.2 Private fire protection will be furnished under the following express conditions:

- A. The Owner shall use the connection for fire protection purposes only.
- B. There shall be no connection between the fire protection line and any source of water except as provided in paragraph 4.8, Chapter 4.0 of these rules.
- C. No water shall be drawn through the fire protection line except for the extinguishing of fires, and for periodic tests of the fire protection system.
- D. The Owner shall notify the Water District whenever a test is to be made so that if desired, the Water District may have a representative present.
- E. The Owner shall pay charges set forth in the Schedule.

## 7.0 Refunds and Abatements

7.1 All claims for refunds, on whatever bases, shall be submitted to writing to the Town Clerk within six (6) months of the date on which the claim originated ; shall be signed and verified by the claimant, and shall set forth the post office address of the claimant, the location of the premises concerned if any, and the facts upon which claim is based. The claim shall be presented by the Town Clerk to the Town Board at the next regular meeting. The Board shall make such investigation of the facts as it shall deem warranted and may require the claimant to appear personally before the Board at a time and place fixed by the Town Board.

7.2 Refunds or abatements will not be granted for any of the following:

- A. Failure of the Owner, their tenant or agent to promptly repair any broken, leaking, or otherwise defective pipe, fixture, or appliance.

- B. Failure to use the maximum amount of water allowed by the minimum charge.
- C. Failure to notify the Water District to discontinue the service as provided herein.

7.3 No abatement of any water bill, rental, or minimum charge shall be allowed by reason of vacancy of a building or other premises, or any part thereof, except as follows:

- A. If a single dwelling, or a single dwelling unit in a multi-family unit, or a single commercial establishment, or any other premises or occupancy, to which water is supplied through an individual meter, shall be vacant for a period of six (6) consecutive months, no minimum charge will be imposed during the period, provided that the service is discontinued at the beginning of the period pursuant to Paragraph 8.4, Chapter 8.0 of these Rules.
- B. The minimum charge for periods which do not coincide with the semi-annual billing period shall be charged or credited as the case may be, by an amount equal to the semi-annual minimum divided by six (6) and multiplied by the number of months or major fraction thereof, in the period.

7.4 Bills for service on a semi-annual basis, the period of which does not coincide with the regular semi-annual billing period, will be equitably prorated at the applicable rate.

#### 8.0 Discontinuance of Service

8.1 The Water District shall have the right at all times, and whenever in its opinion the public good requires it, to regulate, diminish, or entirely cut off the supply of water from any or all promises being served and to make such temporary or permanent rules and regulations for the use thereof as it shall deem necessary and expedient to the conditions prevailing.

8.2 The Water District undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure but reserves the right at any time after notice, except when circumstances do not permit the giving of such notice, to shut off the water in its mains or laterals for the purpose of repairs, testing, cleaning, disinfection, maintenance or installation work. No refund will be made for any such interruptions to services unless the interruption shall continue for a period in excess of ten (10) days, in which case an equitable adjustment of water charges will be made.

8.3 The Water District may discontinue the water supply to any premises at any time and without notice, when necessary to protect itself from fraud.

8.4 Orders for the discontinuance of water supply to any premises shall be given by the Owner or their authorized agent at the office of the Town Clerk and they shall be chargeable for such water supply for a period not to exceed five (5) days from the date of such notice.

8.5 Service will be discontinued by turning off water at the curb box ; by removing the water meter and sealing the valve, or both.

## 9.0 Penalties

9.1 Unless otherwise provided by law, the Water District may discontinue the water supply to any premises upon five (5) days written notice, for:

- A. Failure to pay within sixty (60) days from the date thereof, any water bill rental, tapping charge, repair charge, meter testing or installation charge, minimum or service charge, damage charge, or other charge of any nature, legitimately imposed in connection with water supply to the premises.
- B. Violation of any of the rules and regulations of the Water District as herein contained or as they may be hereinafter amended, revised or supplemented.
- C. Use of Water District water for any purpose other than that for which application is made.
- D. Failure to promptly repair any leak occurring on the premises, or in the portion of the service lateral required to be maintained by the Owner

9.2 Whenever services are discontinued pursuant to the foregoing, it will not be re-established until the violations have been corrected and/or the charges paid in full, including any reconnection charge or mileage charge which may be imposed in accordance with the Schedule.

9.3 It shall be the duty and responsibility of the Owner to protect the curb box from damage, to familiarize himself with its location and to keep it uncovered and accessible at all times. Damaged curb boxes will be repaired or replaced by the Water District and the cost thereof will be charged to the Owner if such damage is caused by their negligence.

9.4 Any person, firm, or public or private corporation causing any damage to any water main, service lateral, valve, hydrant, meter, spring, well, reservoir, pump, or other water supply facility or appurtenance, shall reimburse the Water District therefore and for any loss of water caused thereby and any damage caused by escaping water.

**9.5 The Owner shall protect the meter from damage and provide ready and convenient access to it for the purpose of reading, testing, or inspecting the same. Any damage that may result to the meter from freezing, hot water or steam backing up, falling objects, theft, or any other cause resulting from the failure of the Owner, their tenant or agent to properly protect the same, shall be charged to the Owner and collected as herein provided.**

9.6 Whenever two or more premises or customers are supplied by a single service lateral, the failure of any one of these to pay any rentals or charges due, or to comply with any of the rules and regulations herein contained, will subject all of the users on the lateral to the provisions of Paragraph 9.1 of this chapter

9.7 The violation of the rules and regulations set forth herein or as amended shall be deemed an offense against such rule or regulations and all be punishable upon conviction therefore by a fine not to exceed \$50.00 for each violation, and/or imprisonment not to exceed ten (10) days.

## 10. Schedule of Rates & Charges

10.1 Rate schedule applies to Clymer Water District for all domestic, farm and commercial use.

10.2 Meters read semi-annually on or about April 1st and October 1st. Rates based upon semi-annual consumption for six (6) month periods ending on the meter reading date.

### 10.3 Rates:

Consumption Charge: 0-40,000 Gallons - \$5.75 per 1,000 Gallons. 40,001 and more gallons - \$3.30 per 1,000 Gallons. With a Minimum charge of \$75.00 per bill.

Late Fee : 10% penalty with a minimum charge of \$20.00

Disconnection Charge : \$50.00

Reconnection Charge: \$50.00

Service Connection Charge: All new service costumes will be billed for materials at cost +15%. If the customer would like the Water District to supply materials for their portion of the installation (curb box to the house), those will also be bill at cost +15%.

Estimated New Service Cost ( $\frac{3}{4}$ " Line):

Tapping Fee: \$120.00

Meter: \$150.00

200 PSI plastic from Main to Valve : \$5.00 per foot

Digging Fee: \$5.00 per foot

Road Push (where main is on opposite side of residence) :  $\frac{3}{4}$ " \$800.00 ; 1" \$1,200.00 ; any

Road Push for the County or State Roads, ass \$200.00 additional cost.

Additional costs for digging, pex pipe from house to curb, valve inside home, tie-ins, etc. are property owners responsibility.

Provision for Taxes: Each property owner within the district is charged a tax that is reflected in the County Tax Bill. Charges are as follows:

Price Per Unit = \$20.00

Vacant Parcel of Land = \$14.00

Each House = \$20.00

Each Commercial Customer = \$50.00

TERMS: Reconnection and mileage charges are payable in advance. Sprinkler charges are due and payable semi-annually in arrears on April 1st and October 1st : net cash, payable 30 days after bill is rendered subject to the provisions of Paragraph 9.1.



Charges for “Sprinkler or Private fire protection line” larger than 4” connection will be set by the Water District when application for such connection is made.

Charges for installation items not shown will be charged at no less than actual cost plus 15%.

All other charges are net cash, payable 30 days after the bill is rendered subject to the provisions of Paragraph 9.1.

All bills not paid within the 30 day due period will be subject to a penalty fee in the amount of 10% of the due bill.

#### 11.0 Effective Date

These Rules and Regulations shall take effect ten (10) days after due publication and posting.

Clymer Town Board

Brian Willink - Supervisor

Leonard Neckers - Councilman

Todd Kolstee - Councilman

Levi Swanson - Councilman

Melissa Murphy - Councilwoman

Dennis Cooper - Justice of the Peace

Karen Foster - Town Clerk

Dated :