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**Town of Ashford Cattaraugus County, New York (P.O. Box 306, West Valley, New York
14171)**

Article 1 Short Title Citation, Purchase and Applicability

1.01 Interim Water Regulations to apply to the West Valley Water District from August 18, 2015 until the water delivery service from the water works of the West Valley Crystal Water Co., Inc. is terminated.

1.02 Cite As: Town of Ashford, West Valley Water District Rules and Regulations Local Law.

1.03 General Purpose: The general purpose of this Local Law is the following: to provide for efficient, economic, healthful and legal operation of the water system leased by the Town of Ashford for the West Valley Water District. This Local Law shall apply to all areas and users within the West Valley Water District of the Town of Ashford.

1.04 Word Usage: The gender and number used in this Local Law are used as reference terms only and shall apply with the same effect to the masculine or feminine gender, corporate or other business form, and the singular shall likewise include the plural. "Town" shall mean the Town of Ashford.

Article 2 Definitions

2.01 Defined Terms: Unless otherwise stated in the section where the term is used in this Law, the meaning of terms used in this Law shall be as stated below. When not inconsistent with the context, the present tense shall include the future, and words used in the plural shall include the singular and vice versa. Furthermore, a masculine pronoun shall include the feminine. Shall is mandatory; may is permissive.

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 most current New York State Department of Health List of Acceptable Backflow Prevention Devices.

Adapter – A fitting used to connect pipe, tubing, or other fittings having differing characteristics such as sizes, diameters or material.

Aesthetically Objectionable Facility – Is one in which substances are present which if introduced into the public water supply system 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.

Agricultural-Associated Animal Waste – Manure obtained from agricultural industries.

Air Gap Separation – The unobstructed vertical distance through the free atmosphere between the lowest openings from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood 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 one (1) inch.

American Society for Testing and Materials – The latest edition of any ASTM specification, when stipulated in this Law.

Applicant – That person who makes application for any permit or his agent.

Approved – Accepted by the Superintendent as meeting an applicable specification stated or cited in this Article or as suitable for the proposed use.

Authorized Representative: A person or persons authorized by the Town Board to represent it.

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

Backflow – A flow condition, induced by differential in pressure, that causes the flow of water or other liquids and/or gases into the distribution system of a public water supply from any source other than its intended source.

Backpressure – The resulting backflow of water from a plumbing fixture or other customer source(s) into a public water supply system due to greater pressure within the customer's system.

Board – The Town Board of the Town of Ashford.

Certified Tester – That individual or firm approved to accomplish the necessary inspections and operational tests of backflow prevention devices and who meets the required certification of the New York State Department of Health.

Chamfer – A bevel made on the end of a thread to facilitate thread engagement.

Chloride Salt – The solid compounds or solutions of potassium chloride (commonly used as fertilizer), calcium chloride (commonly used for winter road maintenance) or sodium chloride (commonly used for water-softener regeneration).

Connection Charge (Tap Fee) – The one time application fee to offset the Town’s expenses to process an application for a connection of a building/street lateral to the public water system. The fee also covers plan review, permit issuance, materials and labor expended by the Town in connection with the application and inspection costs. The fee may be scaled to the amount of the work involved.

Containment – Cross connection control which isolates the customer’s entire facility from the public water supply system in the event of a backflow from the customer’s facility.

Contamination – the presence in water of a substance that tends to degrade its quality.

Contractor – A person, acceptable to the Town as qualified to perform the installation of water lines and appurtenances thereto.

Coupling – A fitting for connecting two pipe or thread sections together.

Cross Connection – A physical connection through which a water supply could be contaminated.

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 at the curb box.

Customer – A water user serviced by the public water supply system.

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. 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’s Water distribution system.

Degree of Hazard – Whether a facility is rated as hazardous, aesthetically objectionable or non-hazardous.

Double Check Valve Assembly Acceptable – Two single independently acting check valves, with tightly closing shutoff valves located at each end of the assembly, and suitable connections for testing the water tightness of each check valve. This device must be approved as a complete assembly.

Easement – An acquired legal right for the specific use of land owned by others.

Fitting – A part used to connect piping or tubing.

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.

Herbicide – Any substance used to destroy or inhibit plant growth.

Human Excreta – Human feces and urine.

Junkyard – An area where two or more unregistered, old or secondhand motor vehicles are being accumulated for purposes of disposal, resale or used parts or reclaiming certain materials such as metal, glass, fabric, and/or the like.

Lateral, Building – A water line owned by the owner of the property which it serves serving a building extending from a curb box downstream to a building.

Lateral, Street – A water line owned or to be conveyed to the Town running from a water main to a curb box.

Linear Distance – The shortest horizontal distance from the nearest point of the structure or object to the extension of the centerline of the wells.

Maintenance Personnel -- A person or persons, firm, corporation or LLC under the direction of the Town Board in charge of or responsible for the maintenance of the District water system.

Manufacturer – The party that manufactures, fabricates, or produces materials or products.

Manure – Animal feces and urine.

National Pipe Thread – As specified in ANSI/ASME B1.20.1.

Nonagricultural-Associated Animal Waste – Manure obtained from nonagricultural industries.

Non-Hazardous Facility – Is one that does not require the installation of a backflow prevention device within the customer's system.

Operator – Shall mean a person certified by the New York State Department of Health as possessing the qualifications prescribed by Subpart 5-4 of the State Sanitary Code, for a grade C-Plant or Distribution Water System operator.

Owner – Shall mean a person, firm, corporation, LLC, trust or other entity having title to real property served or to be served, his authorized agent or representative.

Parcel – Shall mean parcel as defined in the Real Property Tax Law and contained in the current assessment roll.

Person – Any individual, public or private corporation, political subdivision, Federal, State, or local agency or agency, association, trust, estate or any other legal entity whatsoever.

Pesticide – Any substance used to destroy or inhibit pests such as rodents and insects.

Pollutant – Dredge, spoil, solid waste, incinerator residue, sewage, garbage, sewage sludge, chemical waste, biological materials, radioactive materials, heat, wrecked or discarded equipment, rock, sand, cellar dirt and industrial and municipal and agricultural and nonagricultural-associated animal wastes.

Public Water Supply System – The water supply system owned by the Town, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This includes the distribution system up to its connection with the customer's water system.

Radiation – Ionizing radiation; that is any alpha particle, gamma ray, X-ray, neutron, high speed proton and any other atomic particle producing ionization, but shall not mean any sound or radio wave, or visible, infrared, or ultraviolet light.

Radioactive Material – Any material in any form that emits radiation spontaneously.

Rate Schedule – Shall mean the schedule or rates and charges for water supplied and services in connection therewith.

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 and at the cessation of 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.

Refuse – All putrescible and non-putrescible solid wastes including garbage, manure, rubbish, ashes, incinerator residue, street cleanings, dead animals, offal and solid commercial and industrial wastes.

Refuse Disposal Area – Land used for the depositing of refuse except that it shall not include the land used for the depositing of refuse from a single family, a member of which is the owner, occupant or lessee of said land, or any part of a farm which only animal wastes resulting from the operation of the farm are deposited.

Right-of-Way – Shall mean the street or highway right-of-way.

Rules – Shall mean the rules, regulations and provisions contained herein and as amended from time to time by the Town Board.

Sewage – Any liquid or solid matter from a domestic, commercial, private or industrial establishment, which is normally carried off in sewer or waste pipes.

Sewage Disposal System – Any system used for the disposal of sewage.

Superintendent – The individual who may be designated by the Board as the administrator of the Public Water Supply System of the Town or a portion thereof or his representative.

Supplier – the party that supplies materials or services. A supplier may not be the manufacturer.

Supplier of Water - The owner or operator of a public water system.

Town – The Town of Ashford, a municipal corporation of the State of New York located in the County of Cattaraugus.

Toxic Substance – Any toxic substance as so defined by Subdivision 2 of Section 4801 of the Public Health Law.

Treatment Works – Any treatment plant, sewer, disposal field, lagoon, pumping station, septic system, construction drainage ditch or surface water intercepting ditch, incinerator, area devoted to sanitary landfill, or other works not specifically mentioned in this paragraph, installed for the purpose of treating, neutralizing, stabilizing or disposing of sewage.

User – Any person who is connected to or is required to be connected to the public water system of the Town.

Water District – shall mean that portion of the Town of Ashford as outlined on the map filed in the Town Clerk’s office locating the West Valley Water District where water service is provided and required to be used.

Water Supply – The public water supply of the Town of Ashford.

Wells – Wells used as a source of the water supply including but not limited to wells located adjacent to ----- on parcel now or formerly designated on the Cattaraugus County Tax Map for the Town of Ashford as Section ----- Block ----- Lot ---- and located adjacent to ----- on parcels now or formerly designated on the Cattaraugus County Map for the Town of Ashford as Section ----- Block ----- Lot ----- or any additional wells which may be constructed as a source for the water supply. (For inclusion in regulations after water is delivered from wells,)

2.02 Abbreviations: The following abbreviations shall have the designated meanings:

AWWA – Shall mean the American Water Works Association.

Article 3 Requirements for Connection

3.01 The Owner of any house, building, farm or other property used for human occupancy, employment, farming, recreation or other purposes, situated within the Water District, and abutting any street, alley or right-of-way in which there is no located or may in the future be located a water main of the Water District situated within the Town of Ashford, is hereby required at the Owner’s expense to install suitable plumbing facilities therein, and to connect such facilities directly to the water main in accordance with the provisions of this Local Law and any applicable provisions required by the State of New York/Cattaraugus County Health Department, within 30 days after the date of official notice to do so, provided that said public water main has been installed and is located within one hundred feet (100’) of the property line. Such connection to the water main must first be approved by the Town Board or, upon delegation, by appropriate water board, after consideration of the existing water capacity.

3.02 All properties currently serviced by the system now or formerly owned by the West Valley Crystal Water Co., Inc., located within the Water District, must connect or remain connected to the water mains of the West Valley Crystal Water Co., Inc.’s system.

Article 4 Permits, Water Taps, Maintenance

4.01 Application for Permit: All persons desiring a water supply from the Town or replacement and/or modification of existing installations shall first make written application, on forms supplied by the Town, to the Town of Ashford stating fully the several and various uses for which the water is to be used and be issued a permit to perform the work covered by the application. Such application shall be signed by the Owner of the premises or his duly authorized agent and be accompanied by such plans, specifications and drawings as may, from time to time, be required by the Town. If said application is approved by the Town, no permit shall be granted for the installation, replacement or modification of a water supply until the application fee for the same in an amount to be established and modified from time to time by Resolution of the Town Board shall have been paid in full to the Town Clerk. Upon completion of the work, or as stages of construction dictate, the Town shall be notified and inspections performed. The Town reserves the right to waive fees associated with hookups done as part of a Capital Project.

4.02 Certificates of satisfactory inspection shall be issued as appropriate by the Town Board or the Town Clerk. When the work is completed to the satisfaction of the Town and in compliance with all rules and regulations contained in this Article, and on payment as directed by the Town Clerk of either all fees, charges and all other expenses due the Town or a deposit in an amount set by the Town Clerk against anticipated fees, charges and all other expenses accompanied by a written agreement to pay the balance due when billed by the Town, the water to the premises shall be turned on.

4.03 Water Tap Requirements and Fees: The Owner, at his own expense, shall obtain all excavation, backfill, street opening and other permits prior to the commencement of work. In addition the person or organization carrying out such excavation must present to the Town Clerk prior to commencing such work evidence of the existence of a performance bond and liability insurance coverage providing the Town of Ashford with adequate protection against any and all claims against it for personal injury, including wrongful death, or property damage arising as a result of such excavation. If any question arises as to the adequacy of such bond and/or liability coverage, the decision of the Town Board shall be final. No work shall be performed on or within 10 feet of any water main without prior Town approval and Town supervision.

4.04 The work of inserting the taps, tees, and connection and/or any other work involving any water main shall be done only by the Town of Ashford or by persons authorized by it to make such connections. All such taps shall be made at the side of the main unless otherwise authorized by the Town.

4.05 Property owners within an existing or subsequently created Town of Ashford Water District desiring a water tap of up to and including two inches shall pay a flat fee to the Town in an amount established by schedule and modified from time to time by Town Board Resolution.

4.06 Property owners within an existing or subsequently created Town of Ashford Water District desiring a water tap of greater than two inches shall pay all costs associated with the tap and delivery of Town water to the property line, together with such fees as are established and modified from time to time by Resolution of the Town Board.

4.07 Property owners outside of an existing or subsequently created Town of Ashford Water District, whether within or without the Town, desiring a water tap of any size shall pay all Town costs, together with such fees as are from time to time established by the Town Board.

4.08 Installation and Maintenance of Service: The Owner receiving a permit for the introduction of a water service or lateral into his premises shall be required to cause such service to be placed not less than five feet below the surface of the earth at all places between the water main and the inside of the foundation wall of the building into which the water service is introduced. Exceptions may only be approved by the Town or its authorized person upon written application setting forth the location and reasons supporting the exception.

4.09 All service pipes from the water main must be connected with the main by a separate pipe of not less than $\frac{3}{4}$ inch diameter. No service line shall be closer than 10 feet horizontal separation and 18 inches vertical separation from any septic/sewer system. Where not possible, exceptions must be approved by the Town Board or its authorized person.

4.10 All service pipes must be of HDPE DR-9 (200 psi) material, except that service pipes of a diameter of two inches or larger may be of ductile or cast-iron pipe or equivalent. A six-inch sand bed for the service pipe and six-inch sand cover or equivalent over the pipe are required, if deemed necessary by the Town or its authorized person. Exceptions in pipe material may be granted on an individual basis as determined by the Town or its authorized person.

4.11 The Owner of property into which water is introduced by a service pipe shall maintain such services in proper order and make all repairs to said service pipe from curb stop to meter or from meter pit to inside foundation at his own cost and expense. The Owner shall promptly repair damage from frost, leaks and breaks to prevent waste of water. If the Owner fails to observe these requirements, the situation shall be deemed an emergency and the Town may shut off water to the premises until the requirements of this subsection are complied with. The Town shall have the right but not the obligation to make the necessary repairs required by this subsection and to charge the cost thereof to the property Owner. In addition, the cost of lost water may be assessed against the property affected, to be collected as part of the water rent.

4.12 Interruption of Service; Rights Reserved by Town: The Town reserves the right at any time, without notice, to shut off the water in its mains for the purpose of repairs, extension, tests or for any other similar purpose. Where water service has been interrupted, the Town shall not be liable for any loss or damage resulting from any deficiency or failure in the supply of water for any reason whatsoever; for any loss or damage resulting from the bursting or breaking of any

mains or service pipes; or for any loss or damage resulting from any accident to the Water Distribution System. In addition, the Town shall not be liable for any loss or damage from any excess, deficiency or variation in the pressure or volume of water; for any loss or damage caused by water escaping from or obstructions in a service line due to frost or any other cause; or for any loss or damage as a result of water escaping from laterals, fixtures, appliances or pipes owned by consumer. It is the intention of the Town, to the extent practicable, to give suitable notice of actual or potential interruption of service to the consumer. No deduction for any water bill shall be made as a result of interruption or curtailment of such service as described herein.

Article 5 Multiple Users

5.01 Multiple Users:

A. Except as authorized by the Town Board under rules to be promulgated by it, every residential building and commercial establishment shall have a separate service from a Town water main.

B. When water is supplied to more than one party through a single tap, the bill for water supplied shall be rendered to one or more of the Owners of the premises, any one of whom shall be considered solely responsible for the same and for complying with this Article. In case of nonpayment, the water may be shut off and/or other penalties imposed by the Town, notwithstanding the fact that one or more of the parties using said water may have paid his proportion to such Owner or to any other person. The Town acknowledges no responsibility for any adverse consequences borne by any multiple users of water affected by Town dealings with the Owner of the property as described above.

C. Whenever two or more parties are supplied by the same service pipe or meter, the Town shall have the right to invoke whatever penalty provisions of this Article it shall deem appropriate upon the failure of any one of the parties supplied to pay the water rents when due or to comply with any other provision of this Article.

Article 6

Limited Supply, Leaks, Discontinuance

6.01 Limiting or Cutting Off Water Supply: The Town reserves the right to limit the amount of water furnished to any consumer when circumstances warrant such action, although no limit may be stated in the application or permit for such use, or the Town may entirely cut off the use for any manufacturing purpose or any use for supply power at any time by giving reasonable notice to the consumer of such intended action.

6.02 Owner's Responsibility for Consumption and Leaks: The Owner of the premises to which water is supplied shall be chargeable with all water taken from the Town mains, and, if leaks occur in the service lines between the curb stop and the meter, the Town may estimate the amount of water lost by such leaks and charge the same to the Owner of the premises.

6.03 Discontinuance of Use of Water:

A. Any property owner wishing to discontinue use of his water supply from the Town's water distribution system must give written notice thereof to the Town.

B. In the event water is shut off at the request of the property Owner and a final bill rendered, a shutoff charge of \$20.00 shall be assessed.

C. Discontinuance of Service – Non-Payment: Service may be discontinued under the following provisions: for non-payment of any amount due for water supplied, for failure to make any payment due under a deferred payment agreement Approved by the Town Board or for meter repairs (see Section 8C), for failure to post a required deposit or for failure to pay any fee or charge accruing under the contract or tariff.

General Information:

(1) A bill not paid within 30 days of mailing is considered delinquent, and the Town may discontinue service after complying with 16 NYCRR, Part 533 which requires: (a) 15 days written notice if served personally, or (b) 15 days after a registered letter containing such notice has been signed or refused, or (c) 18 days after mailing written notice in a postpaid wrapper. Service will not be re-established until payment of all proper arrears, charges and deposits is made or a deferred payment agreement is entered into. Receipt of a subsequently dishonored negotiable instrument in response to a notice of discontinuance shall not constitute payment of the customer's account and the Town shall not be required to issue additional notice prior to discontinuance. There will be a charge for processing all returned checks equal to the bank charge plus a handling fee of \$20.00 (not to exceed the maximum allowed by Section 5-328 of General Obligations Law).

(2) The Town will not discontinue service to residential premises for non-payment of bills on a Friday, Saturday, Sunday, public holiday (as defined in General Construction Law), or on a day on which the utility's main office is closed. Discontinuance can only take place from Monday to Thursday between the hours of 8 a.m. and 4 p.m.

(3) The Town will not discontinue service for non-payment of bills to any person or entity receiving public assistance if the payment for such service is to be paid directly by the Department of Social Services by the local Social Services representatives.

D. Discontinuance of Service – Other:

(1) Service rendered under any application, contract or agreement may be discontinued by the Town upon reasonable notice for any of the following reasons:

(a) For willful or indifferent waste of water due to any cause for non-authorized use of water.

(b) For failure to protect from damage the meter and connection, or for failure to protect and maintain the service pipe or fixtures on the property of the customer in a condition satisfactory to the Town.

(c) For tampering with any meter, connections, service pipe, curb cock, seal or other appliance of the Town controlling or regulating the customer's water supply.

(d) For failure to provide the Town's employees reasonable access to the premises supplied, or for obstructing the way of ingress to the meter or any other appliances controlling or regulating the customer's water supply.

(e) In case of vacancy of the premises.

(f) For cross connections.

(g) For sub-metering or reselling water.

(h) For non-compliance with water usage restrictions.

E. Written notice of discontinuance of service shall contain the information required by 16 NYCRR Section 533.3 and will be given except in those instances where a public health hazard exists.

F. The Town may, at any time, temporarily discontinue water service in case of accident, or the purpose of making connections, alterations, repairs, changes, etc.

G. Except as stated in the preceding paragraph, or in the case of a violation that threatens the integrity of the water system, the Town shall not discontinue service to any customer on a Friday, Saturday, Public Holiday or on a day when the Town is not open for business. Public Holiday shall refer to those holidays defined in the General Construction Law.

H. Discontinuance of Residential Service – Special Procedures: If termination of service would result in serious impairment to the health and safety, the Town must delay the termination of service or, if service has already been terminated, must restore service, for thirty days under the following conditions:

- (1) All occupants are either blind, disabled, 62 years or older or 18 years of age and under;
- (2) A medical emergency exists; or
- (3) If heating would be affected between November 1st and April 1st.

It is the customer's responsibility to notify the Town that such conditions exist and to provide any required documentation. The Town may require that the customer make appropriate arrangements to pay any arrears as well as pay current bills.

I. Deferred Payment Agreements: In addition to those circumstances in Section 13, the Town may consider granting customers reasonable payment terms in cases where a customer is threatened with termination of service, or where the Town has issued a back-bill to a customer. Any such agreement may require the customer to make a reasonable down payment, and to pay bills when issued.

J. When water is turned off for nonpayment of rents or for violation of any rule or regulation, a \$20.00 shutoff fee will be charged to the customer, and it shall not be turned on again until the party in default shall pay all water rents due and the amount of all penalties which may be imposed by the regulations set forth herein. In addition, a \$20.00 turn-on charge shall be assessed.

Article 7 Cross-Connections

7.01 Cross-Connections: No person shall install or permit to be installed any crossconnection, whether permanent or temporary, between the Town's water distribution system and any other source or supply of water or source of contamination, any water-softening device or pressure tank previously hooked up to a non-municipal water source, any boiler

without appropriate check valves or any other installation prohibited by either State of New York or County of Cattaraugus Health Department rules and regulations. If the Owner fails to comply with this section, the situation shall be deemed an emergency and the Town may shut off water to the premises until the requirements of this Section are complied with.

Article 8 Hydrants

8.01 Fire Plugs and Hydrants: No person shall open any fire plug or hydrant, whether public or private, to draw water therefrom except under the direction of the Town Board or its authorized person and/or in compliance with the New York State Uniform Fire Prevention and Building Code. Where private plugs or hydrants are being used for improper purposes, the Town shall require a suitable outside tap to be installed and the hydrant or plug shall be sealed at the Owner's expense. In an emergency, any fire company may access the hydrant water supply for immediate firefighting purposes.

Article 9 Water Rates

9.01 A. Flat Rate: During the time in which users of water within the West Valley Water District are receiving their supply from the system of the West Valley Crystal Water Co., Inc., until its abandonment, the water users shall pay water rates at a flat rate. The Town Board shall, by Resolution, establish and from time to time modify the flat rate for all water sold by the Water District. Annexed hereto is a schedule of water rates which shall be in effect until amended.

B. All water bills shall be due and payable at the office of the Town Clerk within 30 days of the billing date. All water bills will be mailed by the Town Clerk, but the failure of any consumer and/or Owner to receive a bill shall not excuse nonpayment of same.

C. In the event a consumer shall not pay a water bill within 30 days from its billing date, an additional 10 percent of the total charge shall be added to the amount due as a penalty. All billing amounts considered overdue by the Town as of October 20th of any calendar year shall be turned over to the County for levy on the following year's tax rolls. (Town Law Section 198 (3) (d) "...no later than November first in any year, ---)

Article 10 Interference with Town Water System

10.01 Interference with the Town Water System

A. Stop Valves, Stop Cocks or Gate Valves. It shall be unlawful for any person, unless duly authorized, to open, close, turn or interfere with any stop valve, stop cock or gate valve belonging to the Town.

B. Injury to Town Water Supply. The malicious, willful, careless or negligent destruction of or injury to any of the works on property in anyway connected with the water supply of the Town is hereby prohibited.

C. Street Mains: No person, except employees of the Town or those acting under its direction, shall open or close any valve or gate in the street mains or molest or interfere with the same in any manner whatsoever.

D. Easement Rights: No person shall interfere in any manner with the waterline easement for any reason. Interference shall include, but not be limited to, construction within the easement right-of-way and the removal or addition of soil or any other materials.

Article 11

11.01 Right of Entry Upon Property and Easements:

A. All duly authorized employees of the Town, including the Town's Water System Operator and/or Highway Department, bearing property credentials and identification shall be entitled to enter the property of all users for the purpose of inspection, observation, measurement, sampling (including setting up sampling devices), testing and records examination for the purpose of ascertaining whether the provisions of this Chapter are being met and all requirements are being complied with. Persons or occupants of a premises where public water is used shall allow such Town employees ready access at all reasonable times to all parts of the premises to carry out the actions specified in this Section. Where a water user has security measures in force which would require proper identification and clearance before entry into his/her premises, the user shall make necessary arrangements with his/her security guards so that upon presentation of suitable identification, personnel from the Town will be permitted to enter, without delay for the purpose of performing their specific responsibilities. These representatives shall have no authority to inquire into any processes except those having a direct bearing on issues relative to compliance with all provisions of this Article.

(1) Any Town employee seeking to enter private property pursuant to the provisions of this Section may enter such property on the consent of such user, Owner or occupant. For all purposes of this Article, by use of such public water, the user, Owner and occupant shall be deemed to have consented to the entry onto any property serviced by public water within the Town of Ashford or otherwise containing records necessary or relevant to issues relating to compliance with the provisions of this Article. Failure to permit access based upon a

reasonable and otherwise valid request for entry shall be deemed a violation of this Article subject to all penalties and other remedies provided in this Article.

(2) In the event such entry is denied or if said employee determines that it is preferable to obtain a search warrant without first seeking such consent, said employee shall be entitled (in addition to all other available remedies) to obtain a search warrant pursuant to the applicable provisions of law from a Court of competent jurisdiction to compel the Owner or occupant to permit immediate entry and inspection.

(3) Notwithstanding the provisions contained in the immediately preceding subsection, in the event an emergency situation exists, Town employees, including employees of the Town's Highway Department or their designee, shall be entitled immediately to enter upon any private property for the purposes set forth in this Section either with or without a search warrant or with or without the cooperation of the water user, Owner or occupant.

B. Right to Enter upon Easements for Purposes of Inspection, Observation and Repair: The Town of Ashford including its Highway Department, Water System Operator, as well as its employees and duly authorized representatives, bearing proper credentials and identification, shall be permitted to enter all private properties through which the Town holds an easement for the purpose of but not limited to inspection, observation, measurement, sampling, repair and maintenance of any portion of the Town's water system lying within said easement above and below ground. All entries and subsequent work, if any, on said easement shall be done in accordance with the terms of the easement pertaining to the private property involved.

Article 12

12.01 Liability; Penalties for Offenses:

A. Any person violating any provision of these Rules shall be liable to the Town for any and all losses, damages, and expenses incurred by the Town or for which the Town may be held liable as a result of said violation.

B. Any person who shall violate any provision of these Rules, other than the provisions requiring payment of water bills or other charges, shall be guilty of an offense and, upon conviction, shall be subject to a fine of not more than \$250.00 or to imprisonment for a period of not more than 15 days, or both. Each day in which any violation shall continue shall be deemed a separate offense.

C. Nothing contained herein shall prevent the Town, either alone or in conjunction with the foregoing penalties, from maintaining an action or proceeding in the name of the Town

in any Court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of these Rules.

12.02 Termination of Service for Violation: In addition to any other remedy provided in these Rules or otherwise, the Town shall have the right to terminate the water service to any property based upon a violation of this Article, including but not limited to the non-payment of any bill for water services. Notwithstanding any of the foregoing provisions, except in the case of emergency, temporary interruption necessitated by repairs, extensions or maintenance operations, shortage of water or similar situations, no service shall be suspended or terminated by the Town without complying with the following procedures:

A. Notice of Violation and Hearing: Upon the determination by the Town that a violation has occurred pursuant to these Rules or that a bill for water services is not paid within 60 days of the date due, the Town Clerk shall notify in writing the occupant of the affected premises, as well as the owner thereof, in the manner and within the time frames provided in Subsection B hereof, setting forth specifically the grounds for termination of service and the time and place of a hearing within the Town to determine whether said service shall be terminated. Such notice shall contain a warning that unless such person or persons shall appear and offer proof or other evidence at such hearing, the service shall be terminated without further notice.

B. Manner and Time of Service: The written notice provided for in Subsection A hereof shall be served in one of the following ways:

(1) By personal service of a copy thereof; or

(2) By certified mail, return receipt requested, addressed to the last known address of the occupant, as well as the Owner, of said premises. If said certified mail is refused or returned, service upon the occupant or Owner, as the case may be, shall be made by mailing a copy of said notice by first class mail to the address of the occupant or Owner, as the case may be, in a post office or official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

C. Where regular mail is used in lieu of certified mail, an additional copy of such notice shall either be served personally upon any adult person residing in or occupying the affected premises if such person can be reasonably found or shall be security affixed upon said affected premises.

D. If said notice is served in accordance with Subsection B(1) above, the same shall be served at least 10 days prior to the date of the hearing. Service shall be deemed complete on the date said service is made.

E. If said notice is served in accordance with provisions of Subsection B (2) above, service shall be completed at least 15 days prior to the date of the hearing. Service by certified mail shall be deemed complete upon depositing the same in a post office or official depository under the exclusive care and custody of the United States Postal Service within the State of New York.

F. Service by regular mail and either delivery to an adult person residing in or occupying the affected premises or by securely affixing a copy upon the affected premises shall be deemed complete upon depositing said mail and either delivery to an adult or affixing to the premises, whichever event shall last occur.

12.03 Conduct of Hearing: At the time and place specified in the notice, a Town official designated by the Town Board, hereafter referred to as the “hearing officer,” shall conduct the hearing. The hearing shall be conducted informally by the hearing officer, and oral or documentary evidence pertinent to the facts and issues raised by the Town or other interested parties may be received without regard to admissibility under the rules of evidence applicable to judicial proceedings. The hearing officer shall require the participants or spectators to conduct themselves in an orderly fashion. Failure to comply with the directions of the hearing officer to obtain order may result in exclusion from the proceedings or in a decision adverse to the interests of the disorderly party and granting or denial of the relief sought, as appropriate. All parties to the hearing shall further be afforded a fair hearing providing the basic safeguards of due process.

A. Determination: At the close of the hearing, the hearing officer may order the termination of the service or other appropriate action as he or she may determine. The hearing officer’s decision shall be made in writing and forwarded to each interested party pursuant at the address used in the proceeding or to their last known address if none is specified in the proceeding.

B. Appeal: Any party aggrieved by the action of the hearing officer shall have the right to appeal to the Town Board. Such appeal shall be taken by filing within 14 days after notice of the action complained of has been mailed to such party’s last known address a written notice of appeal, together with a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for the hearing on such appeal, and notice of such hearing shall be mailed to the aggrieved party at his or her last known address at least five days prior to the date set for the hearing. The Town Board shall, after hearing all interested parties, either affirm or reverse the decision of the hearing officer or make such other ruling as it deems appropriate. The Town Board’s decision shall be made in writing and mailed to each interested party at the party’s last known address. The decision and order of the Town Board shall be final and conclusive.

Article 13

13.01 Backflow Prevention and Cross-Connection Control -- Authority to Inspect Plumbing:

A. Responsibility of the Water System Operator: The Town Board or its authorized person, shall inspect the plumbing in every building or premises in this Town as frequently as in his judgment may be necessary to ensure that such plumbing has been installed in such a manner as to prevent the possibility of pollution of the water supply of the Town by the plumbing. The Town Board or its authorized person shall notify or cause to be notified in writing the Owner or authorized agent of the Owner of any such building or premises to correct, within a reasonable time set by the Town Board or its authorized person, any plumbing installed or existing contrary to or in violation of this Article, and which in his judgment, may, therefore, permit the pollution of the Town water supply, or otherwise adversely affect public health.

B. Inspection: The Water System Operator, or his designated agent, shall have the right of entry into any building, during reasonable hours, for the purpose of making inspection of the plumbing systems installed in such building or premises, provided that with respect to the inspection of any single-family dwelling, consent to such inspection shall first be obtained from a person of suitable age and discretion therein or in control thereof.

C. Cross-Connections: Cross-connections shall not be permitted.

13.02 Frequency of Inspection of Protective Devices: It shall be the duty of the water user on any premises in which backflow protective devices are installed to have competent inspections made at least one a year, or more often in those instances where successive inspections indicate repeated failure.

13.03 These devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a New York State Department of Health certified backflow prevention device tester, and all tests results will be provided to the water purveyor within 72 hours after the test is made.

Article 14

14.01 Firefighting System Evaluation:

A. A separate evaluation of the firefighting system in use at a facility is required because of the number of variables involved in making the determination of adequate protection of the public water supply system. The sprinkler system service connection is usually an independent connection to the public water supply and as such will be separately evaluated as to

the hazard posed by connections which are used to pump water into the sprinkler system. The quality of water pumped into the sprinkler system may be of concern.

B. The following outlines the type of acceptable backflow prevention device required by class of sprinkler system used (“AWWA Manual No. M-14, Backflow Prevention and Cross-Connection Control”). The device is the minimum needed to satisfy containment requirements and applies only to sprinkler system connected to public water supply water mains.

(1) **Class 1:** Direct connections from public water mains only; no pumps, tanks, or reservoirs; no physical connection from other water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells, or other safe outlets.

(2) **Class 2:** Same as Class 1, except that booster pumps may be installed in the connections from the street mains (booster pumps do not affect the potability of the system). It is necessary, however, to avoid drafting so much water that pressure in the water main is reduced below 20 psi.

(3) **Class 3:** Direct connection from public water supply main plus one or more of the following: elevated storage tanks; fire pumps taking suction from aboveground covered reservoirs or tanks; and pressure tanks. (All storage facilities are filled with or connected to public water only, the water in the tanks to be maintained in a potable condition. Otherwise, Class 3 systems are the same as Class 5.)

(4) **Class 4:** Directly supplied from public mains similar to Classes 1 and 2, with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1700 feet of the pumper connection.

(5) **Class 5:** Directly supplied from public mains, and interconnected with auxiliary supplies, such as: pumps taking suction from reservoirs exposed to contamination, or rivers and ponds; driven wells, mills or other industrial water systems; or where antifreeze or other additives are used.

(6) **Class 6:** Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

C. Corresponding backflow protection recommended; (AWWA M-14):

(1) **Class 1:** None, other than the check valve required by the National Fire Code.

(2) **Class 2:** None, other than the check valve required by the National Fire Code.

(3) **Class 3:** Will generally require minimum protection (approved DCV) to prevent stagnant waters from backflowing into the public potable water system.

(4) **Class 4:** Will normally require backflow protection at the service connection. The type (air gap, RPZ, or DCV) will generally depend on the quality of the auxiliary supply; will normally need maximum protection (air gap or RPZ) to protect the public potable water system.

(5) **Class 5:** Will normally need maximum protection (air or RPZ) to protect the public potable water system.

(6) **Class 6:** Protection would depend on the requirements of both industry and fire protection, and could only be determined by a survey of the premises.

Article 15

15.01 Penalties for Offenses:

A. Notification of Violation: The Water System Operator shall notify the Town Board, or the authorized person of the Board, of any building or premises in which there is found a violation of these Rules, of such violation. The Town Board or its authorized person shall set a reasonable time for the Owner to have the violation removed or corrected. Upon failure of the Owner to have the defect corrected by the end of the specified time interval the Town board or its authorized person may, if in its or his judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated and/or recommend such additional fees or penalties to be invoked as herein may be provided.

B. Fines: The Owner or authorized agent of the Owner responsible for the maintenance of the plumbing systems in the building who knowingly permits a violation to

Note: The water charges shown as “Previous Water Charges” are taken from the schedule of the West Valley Crystal Water Co., Inc.

The “Previous Surcharge” is taken from a schedule in an Order approving financing and a surcharge by the Public Service Commission dated November 27, 2012, case #11-W-0059.

The amount of the previous surcharge is included as it will be applied to the cost of financing in connection with the construction of the new water system. As stated in the Public Service Commission Order the surcharge is to be applied to the cost of replacing the aged water system.

Note: All bills are issued after the service has been provided. The West Valley Crystal Water Co., Inc. will bill for the period July 1, 2015 through August 17, 2015. The Town will bill for the period August 18, 2015 through September 30, 2015. The Town’s share of the quarterly billing will be 49 percent.

Restoration of Service: A charge will be made to restore service after discontinuance at the customer’s request, for non-payment or for violation of these rules.

This Charge will be \$50.00 during normal business hours (8:00 a.m. to 4:00 p.m., Monday through Friday), \$75.00 outside of normal business hours Monday through Friday and \$100.00 on weekends or public holidays. The holidays for which the \$100.00 charge will apply are as follows:

- | | |
|---------------------------------|------------------|
| New Year’s Day | Labor Day |
| Dr. Martin Luther King, Jr. Day | Columbus Day |
| Lincoln’s Birthday | Veteran’s Day |
| Washington’s Birthday | Thanksgiving Day |
| Memorial Day | Christmas Day |
| Independence Day | |

Terms of Payment: Bills shall be rendered quarterly in arrears and are due and payable upon receipt. Bills not paid within 30 days of mailing are delinquent and the late payment charge becomes applicable and service may be discontinued after prior notice as required by law.

Applicable to Seasonal Customers: Customers who discontinue the water service and request restoration of water service within a twelve month period are required to pay the flat rate for the entire year, plus the charge for restoring the water service except that such charges will be prorated in the year when the new water system becomes operational.

Termination of Service: Terminable by the customer upon 10 days written notice to the Town Clerk.

Water Charges Search: The Town Clerk, upon request, shall issue a report of a search of the Town billing records for currently paid and unpaid water charges and shall require a fee of \$15, paid in advance, for each search of a specified property, the issuance of the report and of the mailing of same to the person requesting same.

Effective Date:

- A. Adoption:** This Local Law was adopted by the Town Board of the Town of Ashford at its meeting of September 22, 2015, as Local Law #1 of the year 2015.
- B.** This Local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Section 27 of the Municipal Home rule Law.

