

TOWN OF CANANDAIGUA WATER DISTRICT POLICY

Adopted By Resolution No. 2019-017 on January 7, 2019

Section 1: Purpose

It is the purpose of these rules and regulations to provide for a fair charge to the water customers of the Town of Canandaigua water districts. Charges imposed by the Town shall be based upon the cost of water from the City of Canandaigua or other sources, as well as on the cost of equipment and services rendered to the water districts.

Section 2: Enactment; Applicability

The Town Board of the Town of Canandaigua in the County of Ontario does hereby enact these rules and regulations which shall supersede any previous rules and regulations affecting the water districts. These rules and regulations also apply to any out-of-district user to whom water is supplied by the Town.

Section 3: Rights of Town; Liability

- A. The Town reserves the right, at any time, without notice, to shut off the water in mains for the purpose of making repairs or for other purposes. The Town shall not be liable for any loss, cost or expense arising out of an interruption or failure in the supply of water or from an increase or deficiency in water pressure or from the bursting or breaking of any main or service pipe or any attachment to the Town's property or for any damages caused thereby.
- B. The Town makes no representations or warranties with respect to the quality of its water, and there is no guarantee that the water will be free at all times from rust or other nontoxic impurities. Any property owner or occupant, whether residential, commercial or industrial, who requires water of high purity is responsible for the expense and installation of any necessary filters or treatment equipment.

Section 4: Emergencies

The Town reserves the right to restrict, curtail, or prohibit the use of water for any purpose upon the determination of the Water Superintendent that such action is essential to the protection of the public health, safety and welfare, as in periods of drought or other emergency.

Section 5: Inspections

All pipes, meters and fixtures shall, at all reasonable times, be subject to inspection by the Town of Canandaigua.

Section 6: Materials Standards; Installation Specifications; Fees

- A. All materials and installations will be governed by the New York State Health Code, the Town's regulations, and any other applicable laws, ordinances, rules and regulations, and the general specifications as prepared by the Town Water Superintendent, where applicable. The Town of Canandaigua Site Design Criteria, as may be amended from time to time, are hereby made a part hereof and incorporated by reference.
- B. All meters and related equipment shall remain the property of the Town of Canandaigua during their use. Only the Town of Canandaigua Water District Superintendent or his duly authorized agent shall install or remove a meter or meter reader.
- C. All meter sizes shall be determined by the Town of Canandaigua Water Superintendent.

Section 7: Application for Connection to System

- A. Application for connection to the Town's water transmission system shall be made to the Town, in writing, by the owner of the premises for which service is requested, or by the owner's authorized agent. The applicant shall furnish a map or drawing and such further information as may be required by the Town. No connection or service shall be provided until the applicant has fully complied with these rules and regulations.
- B. A separate application shall be required for each premises or portion thereof to which water service is to be separately metered, or upon any change in the type of service furnished as described in the existing application.
- C. The receipt of an application shall not obligate the Town to provide or perform the service requested, nor shall the Town be obligated to extend a main in any street. Upon acceptance of the application by the Town, the applicant shall become a customer of the Town and shall be subject to these rules and regulations and shall become responsible for the prompt payment of all applicable rates and charges.

Section 8: Approval of Connection

No water services shall be provided unless and until the Town determines that proper and technically appropriate water service connections exist at the premises to be served for the type of service desired.

Section 9: Installation of Connection; Inspections

- A. Whenever a new tap to a Town water main is required, the Town shall install a tap, corporation stop, curb stop and box, and piping from the corporation stop to the curb stop, upon payment of the requisite fees. The installation of all remaining water service connections is the responsibility of the owner.

- B. A separate curb box and curb stop outside the building shall be required for each premises or part thereof where the water delivered is to be individually metered to a customer.
- C. The service shall be turned on only after an inspection and approval by the Town of Canandaigua Water District Superintendent or by an authorized agent or employee of the Town.

Section 10: Larger Service Installation

Installation fee and all contractor fees plus materials will be paid for a service installation that is larger than the standard size; Installation fee will be charged according to the Town of Canandaigua Fee Schedule as determined by Town Board resolution.

Section 11: Responsibility for Maintenance, Repair and Installation

The property owner shall be responsible for maintenance and repair of the water service connection and all distribution lines and apparatus beyond the curb stop and shall be liable for any loss, cost or expense arising from its use, including but not limited to the malfunction or improper installation of design of said connection or facilities. Any person who performs water service maintenance, repair or installation work is also subject to these rules and regulations and accountable for any violation hereof.

Section 12: Leaks in Service Pipes, Hydrants and Other Apparatus

When leaks occur in the service pipes at any point beyond the curb stop, including the ferrule or tap (private water distribution systems and/or private fire hydrants), they must be repaired by the owner of the premise or by his duly authorized agent. If such leaks are not repaired by such person within 24 hours after notification of leaks by the Town, water service to such premises shall be shut off until the leaks are repaired and, if repaired by the Town, the expense of such repair shall be charged to the owner of the premises, to be collected with the next bill for supply of water that shall become due, and any failure to pay such charges shall be treated as a failure to pay water use charges.

Section 13: Cross-Connections

- A. Cross-connections are hereby prohibited. In addition to the penalty imposed for such violation, the customer shall be liable for any loss, cost or expense arising from the prohibited cross-connection.
- B. Upon the determination of the existence of potential cross-connections, the Town shall deliver written notice thereof to the person causing or responsible for such condition, which notice shall contain an order requiring said customer to install back-flow prevention devices within a reasonable period of time specified in the notice. A licensed professional engineer or registered architect shall sign and seal the design and supervise the installation of such devices. Such devices and installations shall be subject to the requirements of all applicable

codes, laws and ordinances. In addition to the penalty imposed for such violation, the customer shall be liable for any loss, cost or expense arising from the prohibited cross-connection.

Section 14: Refusal of Service

The Town may refuse service to any customer where there exists any condition on the premises and/or in the water service connection which may be detrimental to the Town's water supply. Such conditions include, but are not limited to, prohibited cross-connections and water hammer. The Town may refuse service in instances where it is not satisfied that all laws, ordinances, rules and regulations relative to water service will be complied with by the applicant.

Section 15: Discontinuance of Service

- A. Water service may be discontinued by the Town for any of the following reasons:
1. For misrepresentation at the time of application, as to property or fixtures to be supplied or the use to be made of the water supply.
 2. For the use of water on any property for a purpose other than that described on the application.
 3. For willful waste of water through improper or imperfect pipes, fixtures, meters or otherwise. Use of running water to prevent freezing is hereby deemed a willful waste of water.
 4. For failure to maintain connections, service lines or fixtures owned by the Town in good order.
 5. For cross-connecting pipes carrying water supplied by the Town with any other source of supply or with any apparatus which may endanger the quality of the Town's water supply.
 6. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters or observing water pipes and other fixtures.
 7. For the furnishing or receiving of a supply of water from another premise.
 8. For damaging any service pipe, seal, curb stopcock or any other appliance of the Town used in controlling and regulating the water supply.
 9. For failure to maintain the water meter in good order.
 10. In case of abandonment of premises.
 11. In order to make necessary repairs, connections or the like.
 12. For failure to install water hammer elimination devices.
 13. For the removal of an unauthorized water meter.
 14. Upon the request of the owner.
 15. For violation of any other rule or regulation of the water district.
 16. For any other good cause.
- B. Discontinuance Upon Customer Request
1. Any customer may discontinue water service by giving the Town a written order to such effect at least 10 days prior to the date on which such discontinuance is intended to take effect.
 2. If such request is for a final termination of service in the customer's name, then the request must include payment of the final bill or must originate from the customer's

attorney who will make the final payment from escrow. The Town will discontinue the service in question at the time of final reading unless the Town receives a written request by the customer's attorney or the next customer, requesting service through such meter that the meter not be sealed. Such written request shall be submitted in conjunction with the new application for service to the premises in question.

Section 16: Restoration of Service

When service has been discontinued for reasons other than an emergency, the Town will renew service on proper application when conditions under which service was discontinued are corrected and upon the payment of all applicable charges and fees.

Section 17: Responsibility of Meter Repair

The customer will be responsible for damages due to freezing, hot water, tampering or other external causes. In cases of damage, the Town will repair the meter and, if necessary, replace it with another meter and the cost of such repair or replacement shall be borne by the customer, except that the Town shall bear any cost attributable to ordinary wear and tear.

Section 18: Tests

- A. Meters shall be accessible to the Town at all reasonable times, and the Town reserves the right to remove and test any meter at any time and to replace it with another meter.
- B. In case of a disputed account involving the question as to the accuracy of a meter, such meter shall be tested by the Town upon request of the customer. In the event that the meter so tested is found to have an error in registration to the detriment of the customer in excess of 4%, prior bills will be adjusted to correct such registration, and a credit will be applied against the customer's subsequent bills.

Section 19: Use of Hydrants

- A. No hydrant shall be used for any purpose other than the extinguishing of fires, periodic testing of the fire protection system or periodic drills by a fire company or department.
- B. Proper fire officials shall notify the Town within 24 hours after use of a Town hydrant to enable the Town to inspect the hydrant and determine whether it has been returned to its proper operating condition. The failure to return a hydrant to its proper operating condition shall be deemed a violation of these rules and regulations.

Section 20: Billing

- A. All charges for water service, including water rates, shall be billed to the owner of the premises to which water is furnished, unless otherwise requested in writing and approved by the Water Superintendent.

- B. The Town shall be notified in writing of any change in ownership of premises to which water service is furnished, which notice shall be the responsibility of the new owner. Failure to provide such notice shall be deemed a violation of these rules and regulations.
- C. Upon receipt of a notice of discontinuance of service in accordance with Paragraph 15(B) of these rules and the recording of a final reading, the Town will prepare a final bill. If due, a refund for the amount of excess payment resulting from an overestimated prior billing will be given to the old owner.

Section 21: Meter Reading

- A. All water usage shall be billed by the Town on a quarterly basis.
- B. The quantity recorded by the water meter shall be considered the amount of water used by the customer, which amount shall be binding and conclusive on both the customer and the Town, except as hereinafter provided. Where the meter has been tested and is determined to have malfunctioned or registered inaccurately, the quantity may be determined by the average registration of the meter in a corresponding past period when the meter was functioning properly; provided, however, that where it appears that there has been a change of customer or change in use of water, an equitable adjustment shall be made. In all cases where a meter is found to be defective, the Town shall immediately replace the same with a meter that has been tested and properly adjusted.
- C. The Town will read meters through remote sensors connected to the water meter. The Town shall have reasonable access to the property for the purpose of reading, repairing, testing or removing meters and sensors.
- D. In the event that reasonable access for meter reading is not possible, an estimated bill for the quarter (or for the month, as the case may be) will be sent to the customer. The estimated bill will be based on the same quarter (or month) of the previous year, plus a 10% increase, or on some other suitable method of estimation.
- E. All meters will be read and inspected by Town personnel at least once a year.

Section 22: Late Payment Penalty and Unpaid Bills

- A. If any water bill or charge provided for in and by these rules shall not be paid within 30 days following the due date of the bill, a 10% penalty will be assessed against the account.
- B. Delinquent water bills, together with penalty, shall become a lien against the real property upon which or in connection with which the water is used. Such a lien is prior and superior to any other lien or claim except the lien of an existing tax. The Town Board shall include delinquent water charges and penalties in the annual tax levy and shall levy the same upon the real property in default in accordance with the Town Law.

- C. The Town of Canandaigua Water Superintendent shall at his or her discretion authorize adjustments to late payment penalties, provided that such adjustment is documented stating the reason such adjustment was granted, and provided that an adjustment to the same parcel does not occur more than once per calendar year.
- D. Property subject to lien for unpaid water bills may be sold for nonpayment of the same, and the proceeds of such sale shall be applied to pay such charge after deducting costs as in the case of foreclosure of statutory liens. Such foreclosures may be brought in the name of the Town against any real property on which water charges have remained unpaid for 90 days beyond their due date.

Section 23: Effect of Leakage

In order to encourage prompt repairs of leaks in pipes or fixtures, the Town may, under certain conditions, grant allowances for apparently excessive bills resulting from leakage beyond the meter. Granting of an allowance shall be in the sole discretion of the Town Board and shall not exceed one-half of the excess due to leakage over the normal usage for the period. The Town Board shall be the sole judge in determining the amount of the excess resulting from the leakage.

Section 24: Rates Established; Estimates

- A. Water rates shall be established by resolution of the Town Board, and may be amended from time to time. All billings shall be calculated for each payment as of the regularly scheduled meter reading date or, in the case of a voluntary discontinuance of service, as of the date of the final reading.
- B. In the event that a meter reading cannot be made, usage will be estimated, and a bill will be prepared based on the amount of such estimated reading. Estimates made by the Town shall be conclusively binding on the customer.

Section 25: Fees

Fees shall be determined by Town Board resolution and may be amended from time to time in the sole discretion of the Board.

Section 26: Non-negotiable payments

A charge of \$20.00 will be assessed against any account for which a non-negotiable payment (e.g., a check that is returned for insufficient funds) is received.

Section 27: Prohibitions

No person shall damage any structures, equipment or appurtenances belonging to the Town's water distribution system, tamper with meters or hydrants, divert water from mains, use water without permission or cut or tap into any water main or pipe.

Section 28: Penalties for Offenses

- A. Any person violating any of the provisions of these rules and regulations shall be subject to arrest and fine of not more than \$250.00, plus any costs of repairs as necessary, and/or by imprisonment for a maximum period of 15 days. Unless otherwise provided, each day that a violation continues will be deemed a separate violation for the purposes of these rules and regulations.
- B. Any person turning the water on any main, service pipe or fire hydrant on or off without the permission of the Town of Canandaigua shall be subject to a fine of not more than \$250.00.
- C. Penalties imposed hereunder shall be in addition to any other penalties that are imposed by law, such as theft of services.

Section 29: Adoption by Town Board

These rules and regulations were adopted by the Canandaigua Town Board at a regular meeting duly held on January 7, 2019, and are subject to further revision by the Town Board from time to time as may be necessary.