until all charges for unauthorized use or waste shall have been paid, together with the charge for turning on the water, to the Water Department.

5. Supply to Services Outside Water District. All municipalities, water districts, persons, firms or corporations outside the Water District limits desiring a supply of water in a private main must comply with the rules and regulations of the Water District, and must make application therefore to the director of water systems on forms prepared for that purpose. The director of water systems shall make a report thereof to the Water Board and upon the execution of a contract therefore, between the applicant and the Water Board, the director of water systems may arrange for furnishing water to the applicant(s) at rates established by the Water Board.

   a. Any addition to or connection with private mains or supply pipes for the purpose of supplying water to other premises shall not be made until a written permit is granted by the owner of the pipes to the party or parties desiring such connection, and a copy thereof filed with the Water Department and the party or parties agreed to comply with these rules and regulations.

   b. The Water Department reserves the right to refuse to permit such outside connections and to discontinue the supply of such water at any time.

6. Supply for Construction Purposes. Water will be furnished to builders or contractors for construction purposes only upon application to the director of water systems, and the receipt of a permit therefore in writing, personally signed by the director of water systems:

   a. The estimated amount of water for the work to be completed by the builder or contractor must be given and payment for such water may be required to be made to the Water Department in advance before a permit is granted.

   b. Where necessary to make temporary connections with fire hydrants, standard hydrant wrenches and reducing caps supplied by the Water Department shall be used, for which a deposit shall be required.

   c. Permits issued hereunder shall terminate on November 1st each year, and may be revoked at any time by the director of water systems.

   d. No consumer of water will be allowed to furnish water for building purposes on his own or other premises without first paying for such water and receiving a permit for such use from the director of water systems.

   e. In case the builder or contractor is required to insert a special service pipe or fixture to enable him or her to procure water for building purposes the application for such service must be made by the owner of the property. After filing such application, the permit for such use may be issued to the builder on his or her application, and he or she must file an application to have the water turned off at the curb as soon as he or she has finished his or her work.

7. Discontinuance of Use of Water. When for any reason the use of a service is discontinued, such service shall be shut off at the corporation cock at the main and any branch abandoned shall be capped. If the owner fails to comply with this subdivision, the service may be shut off and any such branch capped by the director of water systems. All expense connected therewith shall be borne by the owner and chargeable

against the property at which such service was discontinued regardless of whether or not such owner owned such property at the time that such service was discontinued. If the owner refuses to reimburse the Water District for services so rendered, the water will be shut off until payment is made.

8. Steam Boilers. The Water District, Water Department, Water Board, or the Town will not be responsible for any accidents or damages that may result through supplying steam boilers directly from the service pipe, or for the failure of water pressure in the distribution pipes to fill such boilers under working pressure. In addition the parties listed above will not be responsible for any accidents or damages that may result in consequence of house boilers being unprotected by vacuum or other valves, or of the imperfect action of the same, nor for any lack of strength in the boilers or their appurtenances to withstand the pressure in the distributing mains. Further, the above listed parties will not be responsible for any damage occasioned by reason of the breaking of any cock, valve or of any service pipe or appurtenance thereto, nor for any accidents or damages arising from shutting off the water for the repairs of mains, for new work or for any purpose whatsoever.

9. Change of Pressure. The Water District, Water Department, Water Board, or the Town (or their respective officers, employees, or agents) will not be liable for any damage or loss of any kind to property or persons which may arise from or be caused by any change in or increase of water pressure from any cause whatsoever.

D. Services.

1. Service Pipes Maintained.

a. Owner Responsibility. The owner of any premises into which water is introduced by a service pipe shall be required to maintain in perfect order at the owner's cost and expense the service pipe from curb cock to the owner's premises, including all fixtures therein provided for delivering or supplying water for any purpose. The curb box must be kept in view and the top thereof must be even with the sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are not kept in good and serviceable repair, the water may be shut off from the premises until the requirements of this subdivision are complied with; or the Water Department may make the necessary repairs to conform to the requirements of this subdivision and charge and collect the cost thereof from the owner of the premises and shut off the water to such premises until such charges are paid in full.

b. Water District Responsibility. The Water Department will maintain and repair each service pipe between the water main and the curb cock controlling the service, provided:

i. The same is in a public easement;

ii. The service has been installed in full compliance with the rules and regulations of the Water District;

iii. The failure of the service or the damage thereto which results in repairs under this subdivision has not been caused by the improper act or omission of the owner;

iv. If service or equipment is interrupted or damaged as a result of the owner's negligence, carelessness, omission, or gross negligence, the owner shall pay the entire cost of the necessary repairs.

2. Protection From Freezing. Service pipes shall be located in areas best protected from frosts. In structures where there is no cellar the service pipes shall be carried to the center of the building or to unexposed areas prior to being carried upward in the structures.

   a. In all cases where the service pipe passes through areas or basements having windows, grating, or traps open to the weather, the openings shall be closely covered and the windows and doors closed to the outside area during the cold weather.

   b. In all exposed situations the service pipes and fixtures shall be properly wrapped with felt or other nonconducting substances and surrounded with a box, packed with nonconducting substances if necessary to protect such service pipes and fixtures from freezing.

   c. All protection shall be at the expense of the owner, and in case he or she neglects to protect his or her service as aforesaid, the director of water systems may shut off the water therefrom.

3. Defective Services. In all premises where water from the mains is now supplied by a system of pipes and fixtures that are not of the standard or pattern prescribed in these rules and regulations, or where the service does not comply with any other part of these rules and regulations, the owner of the premises shall be ordered by the director of water systems to make all necessary changes to comply with such rules and regulations. All costs associated with compliance of such an order shall be the sole responsibility of the owner. If the owner fails to comply with such order, the water may be shut off from such premises until the defective items are remedied.

4. Fire Service. Stand pipes or pipes for automatic suppression of fire in buildings, which fixtures are only intended for such use, may be attached to the water supply in accordance with the following requirements:

   a. All material and designs for such connection shall be approved by the director of water systems.

   b. All such pipes must be provided with suitable valves outside of the building and under exclusive control of the Water Department.

   c. In the case of stand pipes, a valve must be provided and placed at the bottom of the stand pipe.

   d. The Water Board reserves the right to refuse any or all applications for water for merely fire protection uses at its discretion.

   e. The entire cost and expense of installing the fire service shall be borne by the owner of the premises. Under no condition shall connection be made with such fire protection fixtures for the supply of water for any other purpose.

f. If the fire service is to be shut off, a letter from the owner of the premises is required. In addition, the Water District, Water Department, Water Board or Town will not be responsible in any way when the fire service is shut off.

g. Fire Service Maintained. The owners of the premises where pipes are in service for fire protection only shall maintain such service pipes from the street main into the premises; and they shall be responsible for any damage that may be caused by a leak in such pipes, or the breaking or bursting of such pipes, unless such damage has been caused through the negligence, carelessness, or gross negligence of the Water Department.

h. No Yard Hydrants. No yard hydrants or stand pipes will be allowed in any yard or lot; and any such existing hydrant must be abandoned upon notification from the director of water systems.

i. Required Maintenance. All stand pipes or pipes for automatic suppression of fire in buildings, which fixtures are only intended for such use, as well as all private fire hydrants shall be properly maintained by the owner and documentation of the proper maintenance filed annually with the director of water systems.

j. Hydrants (Penalty for Opening). All street hydrants are under control of the Water Department.

    i. Opening. No person shall use a wrench for opening hydrants except a wrench furnished by the Water Department.

    ii. Use of Water. No person except an authorized agent or employee of the Water Department, or of an authorized fire department, or highway department employee of the Town, or a person holding a written permit signed by the director of water systems, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatsoever.

    iii. Designated Hydrants. Any purchase of water shall be taken from hydrants designated by the Water Department and operated by personnel of the Water Department.

    iv. Damages. If any damage to a street hydrant occurs as the result of a permitted person taking water from the hydrant, the holder of the permit shall pay such damages and all costs and expenses that may be incurred by reason thereof, on demand, to the Water Department. In addition the permit may be revoked.

    v. Obstructions. No person shall place any obstruction that would prevent free access to any fire hydrant or leave any vehicle standing within fifteen (15) feet of the hydrant.

    vi. Change of Hydrant at Owner's Request. If an owner desires a change in the size, type or location of a hydrant, the owner shall bear the entire costs of such request without refund or contribution by the Water District, Water Department, Water Board or Town.

    vii. Use by Volunteer Fire Departments. No hydrants shall be used by volunteer fire companies from fire districts outside of the Town unless

arrangements have been made with the Water Department. In the case of emergency and non-emergency situations, use of hydrants must be reported to the Water Department within seventy-two (72) hours of the occurrence.

5. Street Sprinkling Rules. Any person, under contract with the Town or private persons engaged in the work of sprinkling any streets or highways of the Town, shall do so subject to the following:

   a. Application. Such person shall apply for a permit to the Water Department on forms provided for such purpose.

   b. Street Hydrants. Water shall be taken only from hydrants that have been designated by the director of water systems.

   c. Charge. Before receiving such permit the applicant shall pay to the Water Department the charges established pursuant to Section 8 of these rules and regulations, and shall pay deposit fee as established by the director of water systems prior to receiving a wrench for opening hydrants. The deposit shall be returned to the permit holder when the hydrant key is returned to the Water Department.

   d. Water for Sprinkling Only. A permit to sprinkle does not authorize anyone to take water from a hydrant except for sprinkling purposes; and anyone who takes water from a hydrant for any other use without a special permit from the Water Department shall be in violation of these rules and regulations.

6. Operated by Employees Only. No person except an employee of the Water Department shall open, close or in any way interfere with any street valve or gate in any water main, conduit or street pipe.

7. Displaced or Covered. Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or who has covered a valve box or manhole cover of a valve chamber with dirt, paving, plank or other material, shall immediately replace the valve box and remove the obstruction and be subject to the civil and criminal penalties as set forth in these rules and regulations.

8. Discontinuance of Service. If any provision of these rules and regulations is not complied with at any premises, or the owner of any premises fails to do any matter required to be done by him or her in accordance with these rules and regulations, or such owner fails to make any payments of money payable to the Town or the Water District for the supply of water, or otherwise required by these rules and regulations, the Water Department may shut off the water supply to such premises until the owner, person or premises is in full compliance. Any owner shall have the right to file a written grievance with the Town Clerk within ten (10) days after notification that water service is being shut off, and the Water Board may, in its discretion, stay any shut off and shall conduct a hearing within thirty (30) days of the filing of the grievance and decide on the grievance within five (5) days after the hearing. When any water supply is shut off, the customer shall pay the cost of shutting off and then reinstating such water supply before service is restored.

(Local Law No. 2019-1, § 7)

SECTION 8 - Establishment of Schedule of Rates and Fees.

A. The Water Board shall establish, and may amend from time to time by resolution, a schedule of rates and charges for water service, including those listed in these rules and regulations. Water rates and charges for services as set by the Water Board shall be filed in the office of the Town Clerk. The Water Board may set a scale of water rates for consumers residing outside the specified Water District service area at higher rates as shown in the schedule of water rates.

B. Water Rates. The following types of water rates are established:

1. Minimum Water Rates and Schedule of Rates. The schedule of rates for water use shall be established on a unit of water use charge basis. This schedule of rates, to set the unit of water use rate, shall be based on a formula that calculates the annual cost of provision of operation and maintenance for the Water District minus the calculated minimum water rates divided by the amount of units of water use billed in the previous calendar year.

2. Line Charge. A minimum line charge for the provision of a meter for water service.

3. Capital Fee. A capitalization charge sufficient to cover debt service for any bonds or other indebtedness incurred by the Water District or any prior water district pursuant to the Local Finance Law of the State of New York.

4. Application for Service Fee. The service fee shall be the cost of service installation from the main to the curb box, including the cost of labor, materials, equipment rental and overhead charges for the installation of and/or to the curb box. The applicant shall pay an advance payment stated on the service installation order form before work is commenced. The advance payment shall be deducted from the total cost of the new service line. In the event that the service request requires any engineering services, the cost of any engineering review incurred by the Water District shall be passed through directly to the applicant who shall be responsible for all such costs incurred by the Water Department in association with his or her application.

5. Service Charges. Service charges shall be assessed for the discontinuance of service, restoration of service, special meter readings, tax levy fees, and meter tests, and as otherwise authorized by the Water Board.

6. Fire Protection Fees. Special service charges for private fire protection services.

7. Flat Rates. Flat rate for temporary usage.

C. Billing.

1. When Bills are Payable. All bills are due when rendered and payment is required within the bill date as stated on the billing, and the bill or account shall become delinquent as of this bill date. All bills will be sent in the customer's name, and the Water Board will not be responsible for the failure of the postal service to deliver bills. All remittances received shall be considered received as of the date of receipt in the Water Department office.

2. Responsibility for Bills. All bills for use of water service are charges against the owner of the premises served and the property where the water is served, and all water rents are considered a lien on the property. Failure to receive bills for water service or repairs

does not relieve the owner from liability to pay. It is the responsibility of the owner of the property served to keep track of all unpaid water bills.

3. Issuance of Bills. The Water Board will endeavor to read each meter and render a bill on a monthly basis.

4. Penalty Rates. A late payment penalty shall be imposed upon past due water use fees at a one-time rate of ten (10) percent of the amount shown on the billing statement if payment is not received within twenty (20) days after the bill date shown on such statement. After October 1st, if the amount remaining due on any account of an owner is greater than or equal to $150.00, the amount remaining due will be included in the annual town tax levy as authorized by law, and the amount so levied will also include an administrative fee of twenty-five dollars ($25.00) and a service charge of two hundred seventy-five dollars ($275.00).

5. Property Transfer. All bills are sent in the owner's name and, when purchasing property, the prospective owner shall determine whether or not there are outstanding bills. Outstanding water bills or charges shall be paid prior to property transfer. Failure of the owner or customer to receive bills does not relieve him of responsibility for payment. A transfer fee in accordance with this section shall be paid by the new owner.

6. Discontinuance of Service. If a water bill remains unpaid for a period of thirty (30) days for a customer on the monthly billing cycle and ninety (90) days for a customer on the quarterly billing cycle after the bill date on the billing statement, water service may be discontinued until such bill, together with all fees and penalties as provided herein, have been paid in full. The Water Department shall follow the procedures set forth herein when discontinuing service. The following procedure will be followed when a bill is delinquent for more than one billing cycle and the Water District intends to discontinue service:

   a. Copy of the original bill is produced and mailed in accordance with the notification procedures as set forth in subsection (C)(6)(f) of this section.

   b. If payment is not received within the next thirty (30) days a delinquent list and bill is produced by the Water Department and mailed indicating that payment has not been received to date.

   c. If payment is not received within ten (10) days a shut-off notice is mailed allowing fifteen (15) days before shut off.

   d. If payment has not been received by the next billing cycle, a previous balance will appear on the bill along with the current bill information. Prior to mailing this billing, a shut-off notice will be included with the bill. If payment is not received prior to or on the date stated, a shut off list is compiled showing account number, name, address and amount due.

   e. The Water Board shall approve the list and the shut off procedure, as outlined in subsection (C)(6) of this section, shall be put into motion the next workday. If water service is discontinued for nonpayment, a reconnect charge and service charge as stated in the current rate schedule shall be charged and paid before restoration of service.

   f. Notification Procedures Prior to Shut-Off.

i. The Water Board shall mail to the customer, and in the instance where the customer is not the owner of the property, the owner, a fifteen (15) day written notice by certified mail of the intention to discontinue service for nonpayment of bills.

ii. In the case of a multi-unit residence or business with tenants, a fifteen (15) day written notice shall be posted on the door of each rental unit or house, or if the name of the tenant can be determined, the notice will be served by mail.

iii. Notice shall also be provided as specified in subsection (C)(6)(f)(i) of this section to any and all third-party notification requests that are registered with the Water Department.

iv. Reasonable efforts shall be made by the Water Board to locate tenants in all rental units or multi-unit dwellings to assure that notice has been given to them.

v. Notice shall include the following:

(A) The date of the proposed shut-off;

(B) The reason for said shut-off;

(C) If for nonpayment, the name of the person responsible for the bill.

7. Restoration of Service Fee. Prior to resumption of service following a shut-off of service, a deposit equal to the amount of at least two immediately prior water bills for the premises shall be provided to the Water Department. Such deposit will be placed in an escrow account and gain interest to the benefit of the customer until such time as the town needs to access the account for the customer's failure to pay the water rates. Such access shall occur without prior notification to the customer and the customer will remain fully responsible for any sums deemed payable which are not recovered from such accounts. If after one year of continuous service from the date of the restoration of service, all water bills are fully and timely paid, upon written demand of the customer, the deposit established under this subsection shall be remanded to the customer.

8. Assessment of Fees to Customer Using Well. If a customer voluntarily discontinues its use of water service and thereafter accesses water via an existing well located upon the customer's property, the customer shall remain subject to the assessment of Water District rates and fees established pursuant to this Section, to the extent permitted by New York law.

D. Consultant, Inspection and Legal Fees.

1. Determination of Need. The Water Department may determine that consultants, inspectors or legal services will be required to assist the Water Department in its review of an application for service. Such a determination shall be made on a case-by-case basis, based upon the nature and complexity of the review of the application. The factors determining the need for consulting, inspection or legal services for any given application shall include, but not be limited to, the following: (i) whether the application involves a residential or nonresidential use or activity; (ii) the size of the project that is the subject of the application; (iii) the value of the project that this the subject of the

application; (iv) the potential for environmental impact that an application may have on infrastructure or the surrounding neighborhood or area; (v) the familiarity, expertise or experience of the Water Department with the type of application; (vi) the type of technical reports expected to be submitted with the application; and (vii) any and all other factors of a unique nature that may be attributable to the application. If the Water Department determines that the use of consultant, inspection or legal services is necessary, such determination shall be in writing, shall include an estimate of the expected cost for such services issued by the provider thereof, and shall be delivered personally or mailed to the applicant via regular first class U.S. mail.

2. Customer's Responsibility for Payment. When it is determined by the Water Department that consultant, inspection or legal services are required for the review of an application for water services, the expense of such consultant, inspection, or legal services shall be borne by the applicant. The Water Department or the Town shall not incur any expense for such services until the applicant has provided for the payment thereof to the reasonable satisfaction of the Water Department. If an applicant fails to provide for the payment of any consultant, inspection, or legal services required by the Water Department, review of the applicant's application shall be suspended by the Water Department until such time as payment is provided.

(Local Law No. 2019-1, § 8)

SECTION 9 - Remedies.

A. Penalty. Any person found to be in violation of any of the rules and regulations of the Water District and any person who shall assist in the commission of any violation of said rules and regulations or any conditions imposed by the director of water systems shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars ($500.00) or imprisonment not to exceed ninety (90) days or both. Every such person shall be deemed guilty of a separate offense for each day such a violation, omission, neglect, or refusal shall continue.

B. Alternative Penalty. In case of any violation or threatened violation of any of the provisions of these rules and regulations of the Water District, or conditions imposed by the director of water systems, in addition to other remedies herein provided, the Town Board may institute any appropriate civil actions or proceedings to prevent such unlawful actions. In determining the amount of the penalty, the court shall take into account all relative circumstances, including but not limited to the extent of harm caused, or potentially caused by the violation, the magnitude and duration, any economic benefit gained through the person's violation, corrective actions taken by the person, the compliance history of the person, and any other relative factors as justice may require. The Town may recover all damages incurred from any person who is committing or has committed a violation, and may seek an order suspending or revoking or modifying the person's permit for water use. In addition to the above described damages, the Town may recover all reasonable attorney fees incurred by the Town in enforcing the rules and regulations of the Water District, including reasonable attorney's fees incurred in any action to recover penalties and damages. Further, the Town may also recover court costs and other expenses associated with or arising out of the enforcement activities.

(Local Law No. 2019-1, § 9)