Water Rules & Regulations of the Town of Gaines
Ronald Mannella
Water Superintendent

Town of Gaines
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RESOLUTION 5-4-2002 NEW WATER RULES
RESOLVED, that the new water rules and regulations are accepted as presented and amended, and will be on file in the Town Clerk's Office.

Attorney Heath introduced a letter to the Town of Gaines from John Gavenda, attorney for the Village of Albion; the letter was in reference to the sewer main project extending out Densmore Street to service the Shiloh Baptist Church. A lengthy discussion followed.

On motion of Councilman Kirby, seconded by Councilman DeCarlo, the following resolution was
ADOPTED AYES 5 NAYS 0

Water

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1-1 Application for use; tapping

A. All applications for the introduction of or use of water on any premises or for the extension of any water pipe shall be in writing and signed by the owner of such premises or by his or her duly authorized agent and must fully and truly state the purpose for which such water is required and all the expenses incident to the introduction or use of water on any premises, except for tapping the water main, must be paid by the applicant.
B. No tapping of the water main shall be done until the application for the water has been approved. Tapping shall be done by Town employees or its contractors.
C. Each consumer desiring water service from the Town of Gaines water system shall make written application therefore on forms provided by the town prior to receiving such water supply.
D. Each new consumer shall be required to pay a tap-in fee as established from time to time by the Gaines Town Board which fee is to be paid in full prior to connection with the water main. The fee shall consist of the fee as established by the Town Board together with the cost of materials and supplies necessary to complete the tap. In addition, all new consumers shall be required to purchase at the time of connection a water meter, shut-off valve and backflow preventer supplied by the Town.

1-2 Water meter required; liability

Every owner of each premises utilizing water from the Town water system shall be required, for each service, to install a water meter of a brand or manufacturer approved and furnished by the town. Charges shall be made for all water registered by the meter, whether used, consumed or wasted, including any leaks or malfunctions on owner's premises, and the owner shall be liable for the same.

1-3 Responsibilities regarding pipes

A. All water pipes between the water main and the existing curb valve, together with the fixtures connected therewith, shall be kept in good repair and protected from freezing by the Town of Gaines at the expense of the Town of Gaines. All water pipes from the existing curb valve to the premises where the water is used, together with all fixtures connected therewith, are the property of the owner of the premises and must be kept in good repair and protected from freezing, and all unnecessary waste or leakage of water must be prevented at the expense of the owner.
B. A 1/4 turn shut-off valve must be located immediately within the wall of the building and between such wall and the water meter, and the pipes must be so arranged that the water can be drawn from them whenever and wherever there is danger of freezing.
C. The owner shall be responsible for all costs incurred due to violation of this section or to the malfunction of fixtures, pipes or equipment belonging to owners or occupants, including, but not limited to, repair costs, damages and water loss.

1-4 Installing of meters

The setting of meters must be under the supervision of the person in charge of the operation of the Town of Gaines water system or his or her representative. Wherever a meter is to be installed, a suitable place must be provided by the owner and must be a place free from frost and accessible at all times. If it is impossible to place the meter where it will be free from frost, a suitable boxing unit must be built and the meter packed to prevent freezing at all expense of the owner of property. This applies to all meters installed, whether they are sold or on rental basis. If over 200 feet exist from the curb box to inside the structure including the valve, the owner will be required to install a meter pit at curb box location. If less than 4 feet of crawl space exist, the owner will be required to provide a Town approved meter pit at curb box location.

1-5 Reading of meters; inspections

A. Each owner and occupant shall provide authorized town employees access to read meters without notice where no remote reader is installed.
B. Every owner or occupant of premises where town water shall be used shall, at all reasonable times and whenever, in their judgment, it shall be necessary so to do, permit authorized employees of the town to enter any and all portions of the premises or building, where necessary, upon reasonable notice for the purpose of examining the meter, the water pipes or fixtures or the manner in which the water is used.

1-6 Multiple parties on water service line

A. In case two (2) or more parties or families are supplied with water from the same service pipe, each party so served will be considered as separate, and a minimum bill will be rendered for each party so served, provided the amount of water does not exceed the amount allowed each individual under minimum rate.
B. Notice of delinquency and/or shut-off of water service shall be given to the owner and tenant. The owner shall be responsible for all costs, including charges, penalties or fees of any kind in regard to the turn-ff and reinstatement of the water services.
C. The owner shall indemnify the town of any claims by tenants or other persons due to shutting off of such water services.

1-7 Cross-connection prohibited; civil penalty

A. Cross-connection between different water supplies in or any premises receiving Town of Gaines water service are prohibited. A cross-connection is an arrangement or installation of water supply pipes, fixtures or equipment which do or may allow the transfer of water to or from the Town of Gaines water service to any other water service or supply of any type whatsoever.
B. In the event that it is determined by employees of the Town that a cross-connection does exist in or on any premises, the Town water service shall be immediately terminated without notice to the owner or tenants. In addition, the owner of any premises in or upon which a cross-connection is determined to exist shall be subject to a civil penalty as set forth herein or established from time to time by the Town Board.
C. Any Town water service terminated as set forth in Subsection B above shall not be reinstated until:
    1. The premises have been repaired to remove the cross-connection.
    2. A new application for water service has been made to the town and approved.
    3. The premises have been inspected by the Town employee or agent.
    4. All penalties due have been paid.
    5. All costs incurred by the Town have been paid.

1-8 Backflow prevention program; penalties

The legal basis for the following program is Part 5-1.31 of the New York State Sanitary Code.

A. The Town of Gaines will protect the public water system by contained potential contamination within the premise of the customer in the following manner:
    1. By requiring an approved air gap, reduced pressure zone device, double-check valve assembly or equivalent protective device according to the degree of hazard posed by the service connection.
        a. Service connection can be new or existing.
        b. The Town of Gaines will determine the degree of hazard as being:
            (1) Hazardous, which will require, as a minimum, an air gap or a reduced pressure zone.
            (2) Aesthetically objectionable, which will require minimum a double-check valve assembly.
            (3) Nonhazardous, which will require internal plumbing controls.
    2. By requiring the users of such connections to submit plans for the installation of protective devices to the Town of Gaines.
        a. A fee established by the Town of Gaines shall accompany the application. [A fee schedule is on file in the office of the Town Clerk.]
        b. The installation must be designed by a licensed professional engineer or a licensed architect.
    3. By assuring that all protective devices can be tested annually. Records of such test shall be made available to and maintained by the Town of Gaines. Such test shall be conducted by certified backflow testers certified by the New York State Department of Health in accordance with Subdivision 5-1.31 (a)(3) of Subpart 5-131 of the State Sanitary Code. The Town of Gaines will supply the needed tests for a fee established by the Town Board per unit, per year. [A fee schedule is on file in the office of the Village Clerk.]
    4. By making announced inspections of customers' facility.
B. The Town of Gaines will not allow a customer to establish a separate water source of water. However, if the customer justifies the need for a separate source of water, the Town of Gaines shall protect the town water system from the customer who has a separate of water and does not pose a hazard as detailed in Subsection A in the following manner:
    1. By requiring the customer to regularly examine the separate water source as to its quality.
    2. By approving the use of only those separate water source which are properly developed, constructed, protected and found to meet the requirements of Sections 5-1.51 and 5-1.52 of Subpart 5 of the New York State Sanitary Code.
    3. By filing such approvals with the state annually.
C. All customers of the Town of Gaines shall prevent cross-connection between the potable water piping system and any other system within the premises.
D. Water service will be terminated if:
    1. The customer does not submit the required application for a new installation.
    2. After notice by the Town to an existing facility for the need for a backflow prevention device, an application is not received within ninety (90) days or installation is not complete within one hundred eighty (180) days.

3. The customer fails to complete required and annual testing.
4. Test results indicate a device is not passing the required annual certification test.
5. The customer refuses to allow the scheduled inspection of premises to the Town of Gaines.

E. Penalties: A civil penalty as set forth from the time to time by the Town Board will be levied if a backflow situation occurs.

NEW WATER RULES ARE IN EFFECT!

According to Paragraph 1-9 through 1-12 of the Rules and Regulations of the Town of Gaines:

1-9 Water Rates; Billings

A. The rates charged for water provided consumers by the Town of Gaines water system shall be as from time to time established by resolution of the Town of Gaines Board for the various classifications of consumers. [The current rates are on the file in the offices of the Town Clerk.]
B. A penalty of ten percent (10%) will be imposed on all unpaid water bills and services after 15 days of the month following the month of billing.

1-10 Payments: Penalty for Delinquency

If a water bill is not paid after 5 days following the due date on water bill, a shut-off notice will be forwarded by regular mail to the responsible consumer. If the unpaid water bill is not paid within 7 days of such notice, commencing with the day of mailing such notice, the water supply of the premises will be shut off by the Town. Whenever a water supply is shut off for non-payment of a water bill an additional charge for services, as is from time to time established by resolution of the Gaines Town Board, payable in advance, will be imposed before water service to the premises of the delinquent consumer will be restored. If the consumer receives a shut-off notice and their check is returned for non-sufficient funds, the water service will be terminated immediately without notice. There will be a returned check fee imposed. Payment will then be required by cash, money order or certified funds. No partial payments will be accepted.

1-11 Restoration of Service

If water service has been involuntarily terminated with respect to any property or premises, be it residential or commercial and water charges are delinquent with respect to that particular property, whether said delinquent charges are the responsibility of the owner of a non-owner consumer, water service will not be reinstated to that property until delinquent charges have been paid in full. This provision shall not apply to or affect applications by creditworthy non-owner consumers who were not responsible for incurring the original delinquent unless such delinquent charges have become a lien for which the owner is responsible. Any property that has had the water service involuntarily terminated for a period of 6 months or more will be required to have the property re-inspected by the Code Enforcement Officer and have a new Certificate of Occupancy issued.

1-12 Unpaid bills levied against property

A. In all cases where water rents remain due and unpaid at the time the annual tax roll of the town is made out, the same shall be included therein and levied against the real property on which the water shall have been used and shall be collected with and in the same manner as other town taxes, with termination of the collection of water service for that particular property. The said property owner will also incur a $75.00 relevy service fee that will also be added to the tax roll.

Reminder: Turn-on fee after shut-off is $75.00 plus payment of the entire water bill owing at time of shut-off.

1-13 Notice of right to dispute billing

Appearing on each water bill and each notice of termination shall be the following statement: "If disputed, you have ten (10) days to file a written complaint; the clerk will give you copies of 1-14 telling you how to proceed." Bills against which no complaints have been entered within the ten (10) days after presentation must be paid as rendered.

1-14 Disputed bills

A. Any consumer making complaints as to the correctness of water bills and claiming to be overcharged may, by applying at the office of the Water Department within ten (10) days after presentation of the bill, have the meter examined and the dial reread; or by depositing a fee, as set forth from time to time by resolution of the Town Board at the above office and making a written request, have the meter tested. If the meter is found to be correct or to under-register, said deposit will be retained by the Water Department as payment for testing the meter. Should the meter be found to over-register, the deposit will be to the complaint and proper correction made in the bill. A deposit fee schedule is on file in the office of the Town Clerk.
B. The Water Superintendent is hereby authorized to correct any charges so shown to be due to a fault in the meter or to incorrect reading of the dial, but shall have no power to reduce water rents for any other reason whatsoever. Bills against which no complaints have been entered within ten (10) days after presentation must be paid as rendered.

1-15 Appeals

A. If, after the procedures of outline 1-14 above are completed, the consumer is not satisfied with the determination of the Town, the consumer may, within five (5) days of the completion of the rereading testing procedures set forth in 1-14 above, serve a demand in writing, for a hearing before the Water Committee of the Town Board. Within ten (10) days of receipt of such demand, the Committee shall set a place date and time of hearing and shall give the complaining consumer ten (10) days written notice mailed by regular mail to the premise address.
B. The complainant shall have the right to representation and to present any statement, evidence or documents supporting his/her claim, and the Town, by its authorized representative, shall have similar right and obligations; and upon hearing the evidence and reviewing the matter, the Water Committee shall approve, disapprove or modify the bill or debt and adjudicate the complaint based upon the merits and advise the party within ten (10) days of the hearing, in writing, of the decision.
C. The Water Committee shall consist of the Town Supervisor and two members of the Gaines Town Board presently serving on the Water Department subcommittees.

1-16 Broken seals

If a seal on a valve, meter or other fitting is broken, it shall be presumptive evidence that the water consumption has not been properly registered on the meter. If the seal is broken it shall be resealed by the Town, and the property owner shall be charged a fee for resealing. No fee shall be charged if the seal was broken accidentally and the Town is promptly notified.

1-17 Leaks in service pipes

A. 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 premises or by his/her 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 repairs shall be charged to the owner of the premises, to be collected with the next bill for supply if water that shall become due, and any failure to pay such charges be treated as a failure to pay water use charges.
B. Owners may enter into an agreement with the Town for maintenance of hydrants and hydrant guard valves located on private property.

1-18 Use of hydrants

A. No hydrants shall be used for any purpose other than the extinguishing of fires, periodic testing of the fire protection system or periodic drills by fire company or department, except as herein provided.
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.
C. Notwithstanding the above, use of hydrants for irrigation or agricultural purposes shall be permitted upon the prior consent of the Gaines Water Superintendent. Any person wishing to use a hydrant for such purpose must supply a certified water meter and backflow preventer to be installed on the hydrant under the supervision of the Water Superintendent prior to use. In the event the Town does own a separate water meter and backflow preventer for such purpose, any person wishing to use a hydrant for irrigation or agricultural purpose may use the Town's meter, if available, but shall be responsible for any loss, harm or damage to the water meter or backflow preventer. All water used and metered shall be billed to the user at the rate as established for such purpose by the Town Board. Use of the water from fire hydrants for irrigation or agricultural purposes shall subject any lands previously exempt from a water district debt service reduction charge (benefit unit) to such charge.

1-19 Private fire connections

All connections for private fire protection will be sealed by the authorized Town representative. Seals must not be broken except in case of fire when a broken seal shall at once be reported by the Town Office. Any seals found broken and no so reported will subject the owner of said premises to a civil penalty in amount from time to time established by resolution of the Town Board for each offense. [See civil penalty.] Each day such offense is allowed to continue, shall be deemed a separate offense.

1-20 Bypassing prohibited; public hydrants

No addition to or alternation in any public or private pipe, conduit or other fixture between the public water main and the individual water meter shall be made by any person, nor shall the water main be tapped or any portion of the water works system, including, but not limited to, the public hydrants and water meters, be interfered with without permission, in writing, of some person directly connected with the Water Department, nor shall any person open nor interfere with any public hydrant or tamper with or otherwise in any way interfere with any water meter without the permission of the Superintendent, the Town Board of Trustees or the Chief of the Fire Department or some other person duly authorized by such authority.

1-21 Boilers

Steam boilers taking water from the waterworks will be required to have tanks that will contain an ample supply of water for ten (10) hours in case the water is shut off for any purpose. The Town of Gaines shall not be responsible for any accidents or damages should such be sustained by violation of this rule. All houses and boilers shall be fitted with a suitable check valve to prevent accidents from collapse or damage in the case the water is suddenly drawn from the mains.

1-22 Shut off of water; emergencies

The Town Board reserves the right to shut off the water, without notice, for alterations, extensions and repairs and to stop and restrict the supply of water whenever it may be found necessary and the Town shall not be liable under any circumstance for a deficiency or a failure in the supply of water, whether occasioned by shutting off water to make repairs or connections or for any other unavoidable cause. The Town will make all reasonable attempts to notify users affected by such shut-offs. No notice shall be required in case of an emergency determined by Water Superintendent or his/her designee.

1-23 Damage to meters

The cost of any repair or replacement necessitated by damage which may have been sustained to a meter resulting from carelessness from the owner, tenant or agent of premises, or from neglect or either of them to properly secure and protect the same, as well as any damage that may result from allowing said meter to become frozen, burned or injured for hot water or steam, shall be added to the next water billing and partial payments will be accepted.

1-24 New meters

No new or additional water meter shall be installed without prior approval by the Code Enforcement Officer of the affected plumbing. This shall not pertain to replacement meters.

1-25 Civil penalties

Unless otherwise provided in this chapter, any consumer and owner violating any of the provisions of this chapter shall forfeit and pay to the Town of Gaines a civil penalty as set forth from time to time by the Town Board. Each day a violation to continue shall constitute a separate violation.

Fee Schedule:

A.	Cross Connection	$500.00
B.	Backflow Violation	$500.00
C.	Freeze Plate-Replace	$25.00 1st Offense
		$75.00 2nd Offense
		$100.00 3rd Offense
D.	Turn ON Fee	$75.00 Each (Involuntary Termination)
E.	Meter Charge	$300.00
F.	Operation/ Maintenance Charge	$16.00 per Quarter/per Meter

Returned Check Fee $50.00

BY ORDER OF THE GAINES TOWN BOARD

Dated: January 1, 2007