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Rules and Regulations

Upper Mohawk Valley Regional Water Board

July 2006



**181 Genesee Street
Utica, NY 13501**

RULES AND REGULATIONS

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I. PUBLIC AUTHORITIES LAW (SAMPLE: USE TEXT FROM UMVRWB LEGISLATION)

Section 1226, Public Authorities Law: The Authority shall have the power:

10. To make by-laws for the management and regulation of its affairs, and subject to agreements with bondholders, rules for the sale of water and the collection of rents and charges therefore. A copy of such rules and by-laws, and all amendments thereto, duly certified by the Secretary of the Authority, shall be filed in the office of the Clerk of the County and thereafter published once in two newspapers having a general circulation in the County. Violation of such rules shall be a misdemeanor, punishable by fine, not exceeding fifty dollars, or by imprisonment for not longer than thirty days, or both. Exclusive jurisdiction is hereby conferred upon the local criminal courts of the County, which have trial jurisdiction, to hear and determine, subject to the provisions of the Criminal Procedure law, any violation of this title.

Particular covenants include:

Section 501. **Rates and Charges.** So long as any of the Bonds are outstanding, the Authority shall at all times maintain such rates, fees, rentals and other charges for the sale or distribution of water or for other services rendered by the Water System as shall be required pursuant to Section 706. Such rates, fees, rentals, and other charges shall be not less than the aggregate of the following amounts: (1) the amount required to be paid into the Operating and Maintenance Fund during such year, (2) the aggregate of the amounts required to be paid into the Bond Fund during such year, and (3) the aggregate amount required to be paid into the Subordinated Indebtedness Fund, during such year, (4) the aggregate amount needed to pay expenses for repairs, renewals, replacement or maintenance items during such year and (5) any amounts required to pay or discharge all other charges and liens whatsoever payable out of Revenues when due and enforceable. The rates, fees, rentals, and other charges so fixed by the Authority shall not be reduced unless the Consulting Engineer shall have recommended such reduction and a copy of such recommendation shall have been filed with the Trustee. The Authority shall at all times keep on file with the Trustee copies of its rates schedules for the Water System, as in effect from time to time.

Section 504. **Pledge for Revenues.** All revenues hereby required to be deposited in the Water System Revenue Fund (other than any amounts required to be deposited into any Rebate Account in the Bond Fund), subject to all rights existing in the holders of the Original Bonds pending their payment or adequate provision made therefore and the provisions of the Original Indenture for so long as any Original Bond is outstanding, unless and until defeased, are hereby pledged to secure the payment of the principal of, premium, if any, and Redemption Price of and interest on the Bonds and any Sinking Fund Installments for the retirement thereof, in accordance with their terms and the provisions of the Indenture, subject only to the right of the Authority to withdraw from said fund and to apply amounts to other purposes as permitted by Section 505. This pledge shall be

valid and binding from the time it is made, and such Revenues and the securities in which they may be invested shall then and thereafter be subject to the lien of such pledge without any physical delivery thereof or further act, and the lien of such pledge shall be valid and binding as against all parties having claims of any kind in tort, contract, or otherwise against the Authority, irrespective of whether such parties have notice thereof.

Section 706. Rate Covenant. The Authority shall fix, establish and collect, or cause to be fixed, established and collected, rates, tolls, rents, and other charges for the water distributed by it and for any services or facilities sold, furnished or supplied by the Water System or any part thereof, which rates, tolls, rents, and charges shall be sufficient in each Fiscal Year to produce Revenues in such fiscal year which together with other moneys which lawfully may be applied to the purpose, will be equal to at least the sum of (A) 1.2 times an amount equal to debt service for such fiscal year on all Bonds less any amounts to be received from the _____ during such year pursuant to any contract between the Authority and the County which specifically obligates the County to pay debt service on one or more Series of Bonds, (B) the necessary expenses of operating, maintaining, renewing, and replacing the Water System and maintaining the Debt Service Reserve Accounts in the Bond Fund and paying required amounts into the Subordinated Indebtedness Fund and (C) the additional amounts, if any, required to pay all other charges or liens whatsoever payable from the Revenues in such fiscal year.

Section 712. Not to Furnish Free Service; Enforcement of Accounts Due; Equal Treatment. So long as any Bonds issued pursuant to this Indenture are outstanding and unpaid, the Authority will not furnish or supply water or any other commodity, service of facility furnished by it or in connection with the operation of the Water System, free of charge to any person, firm or corporation, public or private, and the Authority will promptly enforce the payment of any and all accounts owing to the Authority by reason of the ownership and operation of the Water System; provided, however, a continuation of service at a rate or in a manner required by any existing contract in force on the date this Indenture is executed by the parties hereto shall not constitute a breach of this covenant. Any service rendered by the Authority to any entity shall be charged at the same rate and in the same manner as any other customer within the same classification is or would be charged for similar service.

*NOTE: Legislation for the formation of the Upper Mohawk Valley Regional Water Board stipulates that the Utica Zoo, a regional not-for-profit cultural and educational resource, shall receive public water at no charge.

II. APPLICABILITY

The following Rules and Regulations and the fees, rates, and charges incorporated herein are to be considered as part of the contract between the Upper Mohawk Valley Regional Water Board doing business as the Mohawk Valley Water Authority, and every person, owner, occupant, consumer or customer who uses water or services from that **Authority**.

III. SERVICE AREA

The following Municipal entities comprise the service area of the Authority:

City of Utica:

Village of: Holland Patent
 New Hartford
 New York Mills
 Oriskany
 Whitesboro
 Yorkville

Town of: Deerfield
 Frankfort
 Kirkland
 Marcy
 New Hartford
 Schuyler
 Trenton
 Whitestown, including the Oneida County Industrial Park
 Westmoreland

IV. DEFINITIONS

As used in these rules, the words and phrases listed below shall be deemed to have the following meaning:

- 1.1 The **“Authority”** shall mean the Upper Mohawk Valley Regional Water Board (d.b.a. Mohawk Valley Water Authority).

- 1.2 The **“Applicant”** shall mean any person making a request for any work or action requested of or furnished by the Authority.
- 1.3 The **“Board”** shall mean Upper Mohawk Valley Regional Water Board (d.b.a. Mohawk Valley Water Authority).
- 1.4 **“Customer”** shall mean the owner and/or occupant supplied with water or services by the Authority. The Customer is responsible for payment of charges for water or other facilities and services furnished by the Authority.
- 1.5 **“Consumer”** shall mean any person who uses water furnished by the Board.
- 1.6 **“Occupant”** shall mean the person actually in possession or control of any premises or part thereof.
- 1.7 **“Owner”** shall mean the person who has legal or equitable title to any premises.
- 1.8 **“Person”** shall mean an individual, firm, association, corporation, or governmental entity, howsoever denominated.
- 1.9 **“Premises”** shall mean:
- a. a property, parcel or location whether or not occupied by a structure which shall include the entire front frontage thereof abutting on a street, if any, or water main at which the service of water is requested or furnished for any part thereof;
 - b. a building or structure under one roof owned, leased or used by one customer, and occupied as one residence or one place of business;
 - c. a combination of one or more buildings or structures owned, leased or used by one customer, in one common enclosure, occupied by one family, or one corporation or firm, as a residence or place of business;
 - d. each unit of a multiple house, building, structure or condominium separated by a solid vertical partition wall and occupied by one family as a residence, or one firm as a place of business;
 - e. a building or structure owned or leased by one customer having a number of apartments, offices or lofts which are rented to tenants, and using in common one hall and one or more means of entrance;

- f. a building or structure two or more stories high under one roof, owned or leased by one customer having an individual entrance for the ground floor occupants and one for the occupants of the upper floors;
 - g. garden apartments owned by one individual or firm and located in one common enclosure;
 - h. a motor trailer court owned by one individual or firm and located in one common enclosure.
- 1.10 **“Private fire protection system”** shall mean water mains, pipes, hydrants, sprinklers, and other facilities installed on private premises or on a public or private street or easement for the purpose of fire protection.
- 1.11 **“Public fire protection system”** shall mean appropriate production, distribution and storage facilities, water mains, pipes, hydrants and other facilities installed in a public or Authority right-of-way or on Authority property and used for the protection of premises from fire.
- 1.12 **“Private street”** shall mean any street, avenue, road, or way that is not for any highway purpose under the jurisdiction of the legislative body of any village, town, city, county, or the State of New York.
- 1.13 **“Public street”** shall mean any street, avenue, road, or way that is for any highway purpose under the jurisdiction of the legislative body of any village, town, city, county, or the State of New York.
- 1.14 **“Water main”**
- a. Transmission Main – Generally 16 inches and larger, or as designated by the Board. No service connection is to be made nor water supplied from transmission mains.
 - b. Supply Main – Generally conveys water from the water sources to the treatment plants transmission and/or distribution mains. Service taps are not permitted on supply mains.
 - c. Distribution Main – Generally less than or equal to 12-inches diameter, or as designated by the Board. Water service taps are made from distribution mains.
- 1.15 **“Service Line”** shall mean the Authority-owned or maintained facilities and equipment used to supply water to any premises or business from the water main to the first control valve that is accessible/operable from ground level for the

premises/business served. The first accessible control valve must be located within and immediately adjacent to the public right of way or Authority boundary.

V. APPLICATION FOR SERVICE LINE

- 5.1 **Written Submission.** All applications for the supply of water or other services and facilities shall be made in advance in writing on forms furnished by the Authority. In addition to the application form, the Applicant shall submit maps, plans, surveys, and/or other specific information about the requested service, its use and its location as may be further required by the Authority and submit the applicable fees at the time of application.
- 5.2 **Compliance.** Upon receipt of an application, the Authority shall not approve, render, perform, or provide the service requested until the Applicant has complied with all requirements of the Rules, including the payment of all applicable fees as provided for in Section 16.12, and all other regulatory requirements. Approvals for service lines expire one year from the date of Water Authority approval of the application if not initiated within that time period.
- 5.3 **Eligibility.** A Premises is eligible for water service when the following conditions are met:
- a. The parcel has frontage on a water distribution main and the public water main must extend across the entire length of the premises to be served. If the water main is on the opposite side of a divided highway or a public street with four or more lanes or any other obstacle exists that in the opinion of the Authority makes the service uneconomical, the premises is not available for direct service;
 - b. The water service line must be able to be installed perpendicular to the water main and the main must extend across the entire frontage of the premises. Applicants shall be required to extend the public water main at their own cost to meet this requirement;
 - c. All services shall be installed in accordance with the Authority's Uniform Design and Construction Standards for the Extension of Water Distribution Systems (UDCS);
 - d. Both the public water infrastructure system and the proposed service are adequate to meet the needs on the parcel without adverse impact to existing customers;

- e. The service from the Authority is economically feasible;
 - f. Applicant/customer is not delinquent with any other Authority accounts.
- 5.4 **Single Service Rule.** Only one domestic service is allowed per building on an approved parcel.
- 5.5 **Easements.** Applicants for service shall deliver, without cost to the Authority, permanent easements or rights-of-way in recordable form when necessary for the service connection and a 10 feet (minimum) wide permanent easement along the entire frontage of the parcel for future water mains. Easements shall be of the form prescribed by the Authority for the service connection or future water main installation, operation and maintenance.
- 5.6 **Contractual Obligation.** On approval by the Authority, the application shall constitute a contract between the Applicant, and any and all successor Owners of the premises or parcel as the case may be, at the Authority's established rates and charges and the applicant agrees to comply with the Authority's then current Rules and Regulations, as amended from time to time.
- 5.7 **Advance Payment for Service Work.** When an application is made to the Authority for services to be provided by the Authority such as the installation of taps, services, hydrants, meters or any other work, the Applicant shall make payment to the Authority in advance. No work shall be commenced by the Authority until such deposit has been made.
- 5.8 **Service Approval.** Services to be installed by a Builder, Contractor, Developer or Water District as part of water main extension are all subject to approval as provided in accordance with Authority's Uniform Design and Construction Standards for the Extension of Water Distribution Systems.
- 5.9 **Special Water District Conditions.** Applicants served by mains in certain Water Districts established by the Towns may be subject to special application procedures. Any and all charges levied by a water district as a condition of application are the responsibility of the Applicant, and are in addition to those stated herein. Water shall not be provided by the Authority to premises beyond the defined water district boundary until the municipality extends that boundary and the applicant has rendered the appropriate fees to the municipality if any.
- 5.10 **Private Water Supply.** If a private water supply (e.g., well, cistern, spring) exists at the property where public water is either being requested or being provided, the Applicant/customer must select one of the following three options:

- a. Option 1 – Abandonment: The private water supply must be abandoned in accordance with Authority procedures.
- b. Option 2 – Well Separation: The private water supply may be retained at the property provided the plumbing between the private and public water systems is physically separated from any pipe covering public water. All water service line material must be identical to those approved for service from public mains. An access easement may be required by the Authority prior to connection of the service line to the public water supply. The easement contains the terms and conditions necessary to enforce the requirements that the private water service supply remain separated from the public service. The Authority may inspect the separation every three years and when the property is transferred to a new owner.

5.11 **Transfer of Ownership or Change in Tenants**

Upon a transfer of ownership, if the owner is the customer, or a change in tenants if the tenant is the customer, neither the new owner nor the new tenant shall have any right to use the water until application for water service has been completed.

VI. INSTALLATION OF SERVICES

- 6.1 **Service Line Connections.** On service installations of all sizes, the Board reserves the right to stipulate the size of service pipe, materials and size of meter to furnish adequate service for each individual installation. Upon completion of the application process, payment of applicable charges, and compliance with other provisions of these rules, the Board will furnish the needed material and install all new service connections to the water main in accordance with written requirements and fee schedules, except as may be permitted in an agreement for a new water main installation project. See Appendix A for a copy of the Board's specifications for materials. An appointment for taps must be scheduled per the Authority's requirements but water emergencies may require the Authority to delay appointment dates.
- 6.2 **Service Abandonment.** Water service lines no longer needed to serve a facility will be terminated by the customer, at the customer's expense, at a location designed by the Authority's representative and witnessed by the Authority at the customer's expense. No codes officer nor other public official shall authorize demolition of a structure until the water service tap is properly terminated and witnessed by an Authority representative.

If termination of a tap is not accomplished by the customer, the Board may perform the work, and bill the customer or parcel owner for that work.

- 6.3 **Advanced Taps.** When advance taps exist or are installed in the water distribution system, the Applicant will pay the applicable charges and fees for the size meter to be installed at the time application is made (Article XI). Existing advance inactive taps (for service galvanized pipe) are considered abandoned and the Applicant is responsible for applying for a new service and the placing on deposit with the Authority the amount as set forth in Section 16.7.
- 6.4 **Main Extension Agreement.** Service connections approved under a Main Extension Agreement shall be installed by the Developer in accordance with Article VI of these Rules and the Authority's Regulations and Uniform Design and Construction Standards for the Extension of Water Distribution Systems.
- 6.5 **Town Water Districts.** Service connections in new Town Water Districts shall be installed in accordance with the Authority's Main Extension Agreement and may be subject to additional procedures determined at the time of the Water District's formation.
- 6.6 **Property of the Authority.** All service connections shall be and remain the property of the Authority. The Authority, at its expense, will operate, maintain, and when necessary replace part, or all, of the service connection
- 6.7 **Trespass.** The service connection shall not be trespassed upon nor interfered with in any respect. The shut-off valve may not be used by anyone other than the Authority for turning on or shutting off the water supply; it is for the exclusive use of the Authority.
- 6.8 **Single Service.** A service connection shall be required for each metered service line, where the total quantity of water delivered and furnished thereto is to be billed to a single customer of the Authority.
- 6.9 **Perpendicular Installation.** Services shall be installed perpendicular to the point of entry of the service to the structure served, unless, in the Authority's sole discretion, a shorter service location is preferable. The Applicant shall be responsible for the extension of the existing main in the public right-of-way or easement, in accordance with Article XI – Extension of Mains, to a location which allows such a point of connection.
- 6.10 **Installation of Service Pipes (2-Inches Diameter or Smaller).**

- a. Customers shall furnish, install and maintain in good condition at their expense, the service pipe from the corporation stop at the main to the meter. The service pipe shall be Type K copper. The depth of cover shall not be less than five (5) feet and the pipe shall not be installed in the same trench with a sewer. All taps on the water mains shall be made by the Board per the Board's established fee schedule. Customer shall furnish a backhoe and operate to perform all excavation and furnish/install all trench shoring.
- b. Service pipes of all sizes, together with all plumbing fixtures, shall be able to stand a pressure of 150 pounds per square inch. Each installation shall be equipped with an approved curb stop and curb box located at an approved location and must be within the public right-of-way and at least seven (7) feet from any structure.
- c. For single family residential service, where pressures are greater than 50 psi, the minimum size of service shall be 3/4" Copper from the corporation stop to the meter. In the areas where pressures are less than 50 psi, the minimum size of service shall be 1" Copper from the corporation stop to the meter. The recommended minimum size of inside piping is 3/4". The Board will advise the developer or the customer of the minimum required service line size for a service at the time application is made. Records of the pressures of the various areas are on file at the Board's Engineering Office.
- d. All work shall be inspected by the Board, or their designee. Provide 72-hours minimum notice.

6.11 **Service Pipes Larger than 2 Inches in Diameter.**

Customers shall furnish, install and maintain at their expense, all service pipes larger than two (2) inches in diameter, commencing at, but not including, the first control or tapping valve. The material shall be cement-lined ductile pipe, Class 52, of quality equal to American Water Works Association specifications and of weight suitable for service up to a pressure of 150 pounds per square inch. The depth of cover shall be five (5) feet and no service shall be covered until inspected by the Board. Should the cover over the distribution main be less than five (5) feet, the service pipe shall be constructed to provide five (5) feet of cover immediately beyond the tapping valve.

No water service shall be placed into operation until it has been disinfected in a

manner approved by the New York State Department of Health. The service valve shall only be operated by Board personnel.

- 6.12 **Delays.** The Authority shall not be compelled to proceed with the installation of service connections when circumstances beyond the control of the Authority prohibit or delay such construction.

6.13 Maintenance, Removal, or Replacement of Service Lines (2 Inches Diameter or Smaller)

- a. Service lines as defined by the Board are the lines commencing at, but not including, the corporation stop (shut-off valve at the main) and running to the inlet side of the meter. All service lines are furnished, installed, owned and shall be maintained, repaired, and/or replaced and disconnected from the main by the property owner at the owner's expense, except as provided below. It is the customer's responsibility to maintain the curb box so that the curb stop can be operated.
- b. The Board is authorized as a condition of service to operate the curb stop as required and shall have the right to test service pipes for leakage at any time. Should investigation disclose a leak on the service line to any property where the service has been activated for a period of less than three years the owner will be notified in writing. Such notice will inform the owner that if the repairs are not made by the owner within ten (10) days from the date of the notice the Board will shut off the service as required to stop the leak. If the leak is between an existing useable curb-stop and the house, the curb-stop will be closed to control the leakage. If the leak exists between the corporation stop and existing useable curb-stop, the Board will make any necessary excavations to make repairs provided the service line has been in use for three or more years.
- c. Service lines which have been in use for a period exceeding three (3) years shall be owned and maintained as above, except that the line between the main and curb-stop inclusive, shall be maintained, repaired or replaced by the Board. However, the Board shall not be responsible for replacing any driveways, trees, walks, or other surface property damaged as a result of such required work by the Board. The maintenance of the curb box shall always be the responsibility of the customer. Any cost incurred by the Board in repairing or controlling leaks which are determined to be the customers responsibility will be charged to the customer.
- d. In case of removal or replacement of the service pipe, the old service must be removed or abandoned and the old corporation stop turned off at the main at the customer's expense before the new corporation stop will be turned on. Where a building is demolished, water service is to be shut off at the main at the customer's expense when the service line does not meet current standards or there are no immediate plans to erect a new structure. Where a replacement is required because the customer has changed his usage needs, such will be considered a new service and shall be installed

from the main by the customer.

- e. Where a customer has an inadequate domestic service line smaller than 3/4", the Board may at its discretion, replace the service between the main and the curb stop, providing the customer previously replaces the service line between the building and curb stop with service pipe of such size as may be determined by the Board.
- f. Whenever the service between the curb stop and premises is replaced because of a leak, or insufficient pressure or flow, the customer shall replace the service to a new curb stop and functional curb box at an approved location. It shall be the customer's responsibility to furnish and install the stop and box.
- g. Maintenance by the Board shall not include any responsibility for frozen services whatsoever, and such will always be the sole responsibility of the owner. Curb boxes will remain under the ownership of the property owner. It is the responsibility of the customer to maintain the curb box in a state of proper installation so as to permit control of the service in case of emergency or where water must be controlled for the performance of work on the service.
- h. Any change in grade or any other action by the owner or others which may cause freezing or other failure of the service pipe shall relieve the Board of any responsibility for maintenance or replacement of any portion of the service line. Also, the Board shall not be responsible for the repair or replacement of any service line exceeding the least possible distance between the main and the customer's property line, or in the case of a service line in a location other than a public street, or not fronting the property served, the maximum length of maintenance or repair replacement responsibility shall be the distance between the main and the meter box or curb stop but not to exceed twenty-five (25) feet.

6.14 **Shut Off Valve.** A valve shall be located just inside the structure, at the point of entry of the service pipe, adjacent to and ahead of the meter to permit control of the water supply. For meters 1.5-inches and larger, a valve shall be installed on both sides of the meter and a bypass with a valve shall be installed around the meter.

- 6.15 **Pressure Reducing Valve.** A pressure reducing valve (PRV) shall be installed on all water services, immediately after the service meter, when:
- a. The water service is on a water main whose pressure is regulated by a Master PRV. The intent is to provide additional protection and/or _____ in the event the Master PRV fails.
 - b. Static pressures are greater than 70 psi.
- 6.16 **Minimum Cover.** All service pipes shall have a minimum cover of five (5) feet. Service materials and installation shall be in accordance with the Authority's Regulations and Uniform Design and Construction Standards for the Extension of Water Distribution Systems.
- 6.17 **Record.** Upon and as part of its application for water service, the owner or operator of private water distribution systems such as; a trailer park, townhouse, or condominium complex, office park, or shopping plaza or mall, shall furnish to the Authority an as-built map or plan showing the property's location, the structures served, the arrangement of road, driveways, and lanes to and within the property, and all the parts of the private distribution system.

VII. INSTALLATION OF METERS

- 7.1 **Individual Meters.** All water shall be metered. An individual meter shall be required for each separate service connection. Multiple meters controlled by a single curb box (split service) are not allowed by the Authority.
- 7.2 **Fire Service Meters.** Each fire service connection shall be metered for the purposes of leak detection and unauthorized use with, as a minimum, a detector check meter.
- 7.3 **Meter Selection.** All domestic, commercial, and industrial meters will be furnished by the Authority without charge as part of the service connection described in Section 4.1. The Authority reserves the right in all cases to stipulate the size, type, make, and location of the meter to be used on any connection.
- 7.4 **Meter Location.** The location of all meters must be approved by the Board. Whenever possible, a meter two inches (2") in size and under shall be set in the basement or utility room. The meter shall be located at a convenient point approved by the Authority so as to protect the meter and to measure the entire supply of water through the connection. When a meter cannot be set in the

basement or utility room, it will be set near and inside the property line or in a place designated by the Authority, and all expenses incurred in connection with its proper housing shall be at the sole cost of the Applicant or customer. All meters shall be placed in locations readily accessible to Authority meter reading and meter maintenance personnel. *In no case shall a meter, including residential, be located more than 200 feet from the connection to the water.*

- 7.5 **Meter Pit.** The Authority may require meters to be set near and inside the property line or in a place designated by the Authority, and all costs incurred by such installation in connection with their proper housing, including bypass for testing, if required, shall be paid by the Applicant/Customer. The customer shall be responsible for maintaining the housing for the meter at his/her expense. If the customer fails to maintain the housing, the Authority will undertake repairs or replacements of same and shall be fully reimbursed by the customer for all expenses incurred.
- 7.6 **Non-standard Services.** In all cases, irrespective of the meter or service size, the Authority may require meter installation near and inside the property line at the owner's expense.
- 7.7 **Meters Locations in Public Streets.** When, due to special circumstances, it is necessary to set any meter within the territorial limits of a public street, all costs incurred in connection with its proper housing shall be paid by the Applicant or customer. The meter will be furnished as part of the service connection described in Section 4.1. Meter housing located in public streets will be maintained and when necessary, replaced by the customer. If the customer fails to maintain the housing, the Authority will undertake repairs or replacement of same and shall be fully reimbursed by the customer for all expenses incurred.
- 7.8 **Meter Installation.**
- a. The space to be provided between the end of the service and the end of the pipe supplying the premises for installation of water meter varies with the type and size of meter. The customer has the responsibility of meeting the proper meter spacing requirement for the meter to be supplied.
 - b. Gate or ball valves shall be installed on the inlet and outlet side of all meters except for single family residential where the outlet gate valve will not be required.

- c. Meter flanges or couplings required for the installation of water meters on new accounts will be furnished by the Board and shall be in place before the meter will be set. All valves, connections and materials shall be furnished by and at the expense of the customer.
 - d. All meter installations shall be completed in accordance with the requirements of the Board.
- 7.9 **Responsibility for Damage.** All meters and meter connections shall at all times remain the sole property of the Authority, and shall not be interfered with in any respect. All meters will be maintained by and at the expense of the Authority so far as ordinary wear and tear are concerned, but the customer will be held responsible for lost meters and damages due to physical damages, freezing, hot water, or other external causes. In case of damage, the Authority will repair the meter, or if necessary, replace it with another meter and the costs shall be paid by the customer. All charges, including under registered water consumption will be billed to the customer.
- 7.10 **Meter Testing and Replacement.** The Authority reserves the right to remove and test any meter at any time and to substitute another meter in its place. In case of a disputed account involving the accuracy of the meter, each meter will be tested by the Authority upon the request of the customer. The charges for testing such meters (to be paid in advance) will be made in accordance with the Board's fee schedule. In the event that the meter so tested is found to have an error in registration to the prejudice of the customer in excess of two percent (2%) of any rate of flow within the normal test flow limits, the fee for testing will be refunded and up to two (2) prior water bills will be adjusted to correct such over registration.
- 7.11 **Right to Remove.** The Authority reserves the right to remove and replace any meter at any time as part of a maintenance program or for any other reason.
- 7.12 **Large Meter Testing.** Meters larger than two inches (2") in size shall be tested in place at intervals designated by the Authority from time to time.
- 7.13 **Meter Housing.** It shall be the obligation of the customer to maintain and, when necessary, repair outside settings and meter pits, including covers, located on private property.

7.14 Access.

- a. The Board through its properly authorized agents, shall have free access to the premises supplied, for the purpose of ascertaining the quantity of water used, the manner of its use and also that the meter or other apparatus or appliance belonging to the Board are properly protected and in good condition. If such access is refused, the Board may immediately discontinue the service.
- b. It shall be the duty of all customers to see that meters on service connections wherever located, shall be readily accessible at all reasonable times to the agents or inspectors of the Board. Failure to remove any obstruction which prevents access to the meter within three (3) days after being notified by the Board will be just cause to have the water shut off from the premises and it shall not be turned on again until all obstructions are removed and all regulations complied with.

7.15 Liability. The Authority shall not be liable for damages to any premises caused by flooding or leakage in connection with the testing or removal or failure of any meter.

VIII. INSTALLATION OF METERS

8.1 Whenever any notice is required to be given by the Board the notice shall be signed by the designated employee and mailed to the person, firm, association or corporation to be notified at the address which appears on the records of the Board. Notices may also be served by hand carrying the notice to the residence or business customer.

IX. PLUMBING

9.1 Plumbing systems of Board customers shall be in compliance with applicable State, City, Town, and Village codes and the Board's regulations.

X. INTERRUPTION OF SERVICE

- 10.1 **Water Supply.** The Board does not guarantee constant pressure nor uninterrupted service, nor does it assure the customer full volume of water or the required pressure necessary effectually to operate appliances of any kind, the same being subject to all variable conditions that may occur in the use of water from the distribution mains. No customer shall be entitled to damage or to have any payment refunded for any interruption of service occasioned by accident to any portion of the works, or by shutting off water for the purpose of making additions or repairs, nor by the stoppage or shortage of supply due to causes beyond the control of the Board, such as excessive draft, excessive use or waste by other customers, or by leaks or defects in the pipes or appliance owned by the customer or other customers. The Board is not responsible for damages caused by roily waters.
- 10.2 **Liability.** The Board assumes no liability for conditions which may exist in customer's pipes or appliances and which may cause trouble coincident with or following repairs to any distribution main, supply main, service pipe, meter, or other appliances belonging to the Board.
- 10.3 **Service Interruption.** The Board reserves the right at any time, without notice, to shut off the water in its distribution mains for the purpose of making repairs, extensions or for other necessary purposes, and all persons having boilers or other appliances on their premises, depending on the pressure in the pipes to keep them supplied with water, are hereby cautioned against danger from these sources and are required to provide at their own expense, low water cut-offs and pressure controls or other appropriate safeguards.

XI. EXTENSION OF MAINS AND CONSTRUCTION OF FACILITIES

- 11.1 **Main Extension Agreements.** Upon application for water service to areas not served by an Authority-owned water main, the Authority will extend its mains or install necessary mains or permit a Builder, Contractor, or Developer to extend or install necessary mains at the expense of the Applicant in accordance with the terms of a Main Extension Agreement. Construction shall not commence until the Main Extension Agreement has been executed. The Authority will furnish the Applicant the Main Extension Agreement for execution within 30 days of Applicant's written request to perform a main extension.

- a. New/modified facilities, such as water tanks, pump stations, etc., shall be designed and constructed in accordance with Board regulations and project specific requirements.
- 11.2 **Installation by Developer.** In the Builder, Contractor or Developer shall extend or install mains, they shall do so in accordance with a Main Extension Agreement to be entered into with the Authority in form and substance and containing such terms and conditions as shall be satisfactory to the Authority.
- 11.3 **Installation by Water District.** In a Town Water District, or its Contractor shall extend or install mains, they shall do so in accordance with a Main Extension Agreement to be entered into with the Authority in form and substance and containing such terms and conditions as shall be satisfactory to the Authority.
- 11.4 **DEC Water Supply Approval.** Whenever a person, and including without limitation, a municipal corporation or improvement district, shall make application to the New York State Department of Environmental Conservation for its approval to take a water supply or an additional water supply from the Authority or from a municipal corporation or improvement district or other entity which is then supplied by the Authority, the Applicant making such application to the State Department of Environmental Conservation a true copy of its petition, maps, plans, engineering reports, exhibits and other papers filed with said Department in support of its application.
- 11.5 **Easements and Land Acquisitions.** Applicants for main extensions shall deliver without cost to the Authority permanent easements, rights-of-way, and/or land acquisitions when necessary or desirable in the opinion of the Authority for the installation and maintenance of the extension of mains, including or subsequent additions thereto, and construction of new or modified water facilities. Said easements, rights-of-way, and/or land acquisitions, shall be in form and substance satisfactory to the Authority. The Authority shall not be obligated to commence any construction or permit applicants to commence construction, or provide water service if construction has been completed, until applicants either have obtained for the Authority, satisfactory easements, rights-of-way, and/or land acquisitions or have agreed to pay such costs as may be incurred if at applicant's request the Authority obtains such easements, rights-of-way, and/or land acquisitions, whenever the Authority deems to be necessary.
- 11.6 **Design.** The Authority reserves the right to determine and specify the diameter and type of pipe required to adequately provide the service requested, and, subject to the requirements of municipal authorities, its location within or beyond the limits of a street. In no case shall a public water main be less than 8-inches diameter. The

Authority reserves the right to determine the minimum size of any service main. The Authority further reserves the right to install a main larger in diameter than the main required to render the service requested by applicant, in which case the Authority will pay the difference in cost. The Authority may elect to install mains where it is assuming part or all of the cost and in turn, require reimbursement from the Applicant.

- a. All design shall conform to AWWA, NYSDOH, and Board requirements. Where requirements vary, the more restrict requirement shall govern.
- b. Requirements for water facilities shall be coordinated with the Authority. The Authority reserves the right to request modifications with respect to size and capacity. Where such modifications result in an increase in costs to the Applicant, the Authority may elect to pay such cost differential.

- 11.7 **Title.** Title to all main extensions and facilities by whomever installed, including without limitation, service connections between main and curb boxes, shall be vested in the Authority and the Authority shall have the right to further extend any main installed pursuant to the terms of the Main Extension Agreement in and to other streets or premises without repayment or refund to any applicant. However, the Authority reserves the right to consider extensions and facilities made at the applicant's expense and without written agreement as private services. Upon such services, the Authority will set a meter at the beginning of the extension to measure all water used, and title to the line beyond the meter will be vested in the customer, who will be responsible for maintenance and replacement when necessary.
- 11.8 **Delay.** When the Authority installs mains and facilities, the Authority shall not be compelled to proceed with the installation of mains and facilities under this Section when circumstances include, but shall not be limited to, delays in delivery of materials, weather conditions, strikes, acts of God, etc.
- 11.9 **Maintenance and Replacement.** Subject to the terms of any Main Extension Agreement, after the expiration of the applicable guarantee period, the Authority, at its own expense, will maintain, and, when necessary, replace the Authority-owned or leased mains and facilities used to supply water to its customers and if adequate service requires the reconstruction or replacement of such mains and facilities, they will be reconstructed or replaced by the Authority at its expense.

- 11.10 **Construction Inspection.** The Authority may furnish a construction inspector to periodically observe the work to insure that construction conforms to the design intent of as indicated on the approved plans and specifications. The Authority's inspector will function as the authority's representative and in no way shall represent the entity under taking the construction, unless that entity is the Authority.
- 11.11 **Plan Submittals and Reviews.** The applicants shall meet with the Board as early as possible in the planning stages of the project for the purposes of confirming water system design considerations, hydraulic characteristics, and coordination with other projects/master plans that the applicant may not be aware of. Further, the following submittals shall be made to the Board:
- a. Concept Plan and Engineering Report.
 - b. Preliminary Plans and Specifications.
 - c. Final Plans and Specifications.

Technical reviews will be performed by the Board for each submission, with written response issued to the applicant within 21-days of receipt of the submission.

XII. HYDRANTS AND FIRE PROTECTION SERVICES

12.1 Use of Hydrants

- a. No use of fire hydrants will be permitted other than for fire protection unless a written permit has been issued by the Board.
- b. Any requests for use of a fire hydrant for demolition, construction, or other appropriate use may be permitted only by written approval of the Board and pre-payment of the charge for such use. No hydrant shall be operated except as provided in the permit. A deposit will be required for the hydrant wrench and cap.
- c. Such water as is used under special permit for flushing sewers, sprinkling streets, and other uses (exclusive of testing hydrants and extinguishing fires) shall be paid for at regular meter rates. The quantities used where metering is impracticable shall be determined by tests and an average charge for such water on an outlet capacity and time basis shall be made.

12.2 Public Fire Protection

- a. Rates for public fire protection shall be an annual charge as established by the Board.
- b. Under the above rates, only such water as is required for testing hydrants, extinguishing fires, or periodic drills by legally constituted fire departments shall be included. The Board shall be notified in advance of all tests and drills so that, if desired, the Board may have a representative present. Water used for flushing sewers, sprinkling streets, and other uses shall be paid for at the regular meter rates, but the taking of such water requires a prior written permit from the Board.
- c. Upon written application for public fire protection service on existing mains by a municipality authorized by law to contract and pay for fire protection service, the Authority will furnish, place, and install hydrants at the expense of the applicant. All such hydrants and hydrant connections, so installed, shall become and remain the property of the Authority. All hydrants installed on public water main as part of real estate developments, main extensions, or subdivisions shall be installed by and at the expense of the Developer and shall be installed under Authority specifications. All hydrants and hydrant connections so installed by or for a Developer shall become and remain the property of the Authority. The Authority will maintain all such hydrants (whether installed for a municipality of Developer). The provisions of any contract in connection with the lease and operation of water facilities which contains provisions relative to hydrant installations shall be controlling where the terms thereof are inconsistent herewith.
- d. Proper fire officials shall notify the Authority within twenty-four hours after the use of an Authority hydrant for public fire protection in order that the Authority may inspect the hydrant and determine whether it has been returned to its proper operating condition. Similar reports shall be made of any unauthorized hydrant use observed by or reported to public officials. In addition to any other penalty or fees (Section 18.2) available in these rules, unauthorized hydrant use will be subject to a charge equal to the estimated water used and other expenses incurred by the Authority, including damages to its facilities resulting from such operation.

- e. Changes in the location of an existing hydrant will be made, except where otherwise required by law, at the expense of the person, firm, or corporation requesting such change in location, provided that any public body previously designating the location of the hydrant shall have consented in writing to such change.

12.3 Private Fire Protection Service

- a. Customers desiring a fire service connection shall contact the Board for specific details and specification. The tapping charge, payable at the time of making application, shall be the same as those for services larger than two inches in diameter. A written Agreement is required.
- b. No water shall be used through sprinkler systems, private fire hydrants or fire lines except for the purposes of testing or in case of fire. Testing shall be done in the presence of a representative of the Board. Proper protective equipment as specified by the Board shall be purchased and installed by the customer for checking any unlawful use of water through the sprinkler system.
- c. The maximum size of a fire service will be fixed and limited by the Board according to the size of the distribution main and availability of water. Control valves (first valve as the fire service) from public main shall be installed in every fire service connection in the street or at the curb.
 - 1) The Board shall own and maintain the control valve.
 - 2) The customer shall own and maintain all pipe and facilities beyond the control valve.
- d. The owner of the property protected shall furnish the Board with complete and accurate plans of all piping connected to fire services. Alterations must be approved by the Board. Should inspection reveal the existence of connection to the fire service lines not shown on the plans, the service may be discontinued until such connections are removed or are approved as part of the fire protection system and are shown on the revised plans.

- e. Any fire service line having private fire protection outlets connected thereto will be metered with a fire line detector check valve with a metered by-pass or appropriate backflow protection with detection meter. The customer shall furnish and install at his expense the detector check valve and by pass piping or backflow prevention devices with detection meter to meet the specifications of the Board.
 - 1) Wet sprinkler systems are to be provided with a Reduced Pressure Zone (RPZ) backflow prevention device.
 - 2) Dry sprinkler systems shall be provided with double check valves.
- f. Any water use shown on the by-pass meter and used for other than fire protection or other authorized use will be charged in accordance with the approved schedule.
- g. Rates for private fire protection will be based on the size of the fire line supplying the building or hydrant. Bills are rendered monthly, quarterly or for an irregular period in accordance with the rates authorized by the Board. Any service providing both fire protection and domestic use shall be fully metered in accordance with Board specifications. Water used through a combination meter shall be charged on the basis of a special rate as shown on the appropriate schedule of water rates for this combined service.
- h. Request for termination of a fire service shall be made in writing by the customer to the Board. Written confirmation from the fire marshal/fire chief, jurisdictional codes enforcement officer, and insurance carrier for the property Owner supporting the termination are required before the Board will commence with termination.
 - 1) First accessible isolation valve will be closed by the Board.

12.4 Rates for Private Fire Hydrant

- a. Fire hydrants on the public thoroughfare, owned, installed and maintained by the Board, whether within or without established municipalities or water districts, may be installed providing the applicant pays all hydrant installation costs and an annual fee as established by the Board.

XIII. FRONTAGE CHARGE

- 13.1 The Board will charge any customer a frontage charge based on the current rate for water main extensions (supply and distribution mains) equal to $\frac{1}{4}$ such extension rate per foot of frontage of property to be served. This charge will apply only where such supply and distribution mains have been laid by and at the expense of the Board. A frontage charge does not apply to transmission mains.

XIV. PROTECTION FROM POLLUTION

- 14.1 Where standpipes, tanks, swimming pools, pumps, wells, cisterns and any other facilities are used for the water system, they shall be constructed in such a manner as to protect the water from all possible pollution, and shall conform with the Rules and Regulations of the New York State Department of Health as required by Chapter 1, Subpart 5.1 Public Water Systems of the New York State Sanitary Code. Copies are available at the local office of the New York State Department of Health and at the office of the Board.
- 14.2 Under no circumstances shall a physical connection, direct or indirect, exist or be made in any manner, even temporarily, between the Board's water supply system and that of a private water supply. Where such a connection is found to exist, or where provision is made to connect the two systems by means of a nipple or otherwise, the water service may be shut off from the premises without notice. Service will not be re-established until satisfactory proof is furnished that the cross connection has been permanently severed.
- 14.3 All service pipe lines 2' and above are to be chlorinated by the contractor or plumber before being put into service. Details of proper procedure are available at the Board offices.

XV. CROSS CONNECTIONS

15.1 Backflow Prevention Device.

- a. The Board, acting primarily through its Principal Engineer or his duly appointed representatives, may at any reasonable time inspect any building in order to determine if a significant hazard exists due to an actual or a potential cross-connection between the water system and any potential source of contamination. In any case, where the Principal Engineer or his representatives deem such hazard to exist, he shall require the property owner to install a backflow preventer. Such backflow preventer shall be designed and installed in accordance with the regulations of the New York

State Department of Health, and must be approved by the Board prior to installation. All costs of installation and maintenance shall be borne by the property owner. This shall also apply to new construction and/or change in facility use.

15.2 **Cross-Connection Hazard.**

The following types of facilities are deemed to be especially likely to have cross-connection hazards:

Auxiliary water systems (well, etc.).
Breweries.
Canneries.
Chemical plants and plating facilities.
Film laboratories.
Hospitals, medical buildings, nursing homes, mortuaries and embalmers.
Irrigation systems using weedicides, herbicides, etc.
Laundries, dye works, dry cleaners, car washes, etc.
Meat packing, poultry processing, rendering plants, etc.
Metal manufacturing, cleaning and fabricating plants.
Paper manufacturing or processing plants.
Sewage and industrial waste water treatment plants and pumping stations.
Restricted, classified or other facilities closed to inspection.
Boiler systems, cooling towers or internal fire-fighting systems using conditioners, inhibitors, corrosion control chemicals, etc.
Any other condition which may result in potentially unsafe water entering the public water supply system.

15.3 **Water Shut-off.**

If a required backflow preventer is not installed within the period of time set by the Board, or is not satisfactorily maintained and tested, the supply of water to the premises may be shut off until the installation is completed. The property owner shall cause all backflow prevention devices to be inspected annually, and shall submit annual inspection reports to the Principal Engineer.

XVI. BILLING AND PAYMENT FOR SERVICE

- 16.1 **Terms.** All bills are payable in accordance with the terms of the applicable service classification.
- 16.2 **Water Billing.** As security for payment of bills, the Authority may require of any applicant or any customer to whom it may be supplying water, a deposit approximately equal to two (2) times the estimated average bill for the billing period but in any case not less than \$100. Deposits of applicants will be payable at the time of application, and, in the case of customers, upon demand. When service is discontinued and final bills paid, the deposit will be refunded without interest to the depositor.
- 16.3 **Responsibility for Charges.** The Owner of a property is responsible for the payment of all bills. The Authority, at its option and as a courtesy to the Owner, may send bills in care of the occupant.
- 16.4 **Notification.** The customer shall notify the Authority of any change in a property's occupancy or ownership. The Authority will not make adjustments to bills as a result of occupancy or ownership changes.
- 16.5 **Property Transfers.** When transfers of ownership arise from the sale or foreclosure of a property, the new owner will be responsible for the payment of all charges accumulated prior to the date of sale.
- 16.6 **Billing Cycle.** Customers will be billed quarterly, bimonthly, or monthly, at the Authority's option.
- 16.7 **Payments.** All bills are due and payable net cash when rendered. In case any water bill or charges provided in and by these rules shall not be paid within twenty (20) days following the rendering of the bill, such bill shall be delinquent. The Authority or its agents may discontinue water service at its option and, if not paid within sixty (60) days after such bill has become delinquent, the Authority or its agents shall shut off the water service to the customer. Service will not be reestablished until such unpaid charges, together with the charge for restoration of service as elsewhere provided herein (Section 17.3) and the deposit required by Section 7.3, if any, are fully paid.

- 16.8 **Delinquency.** Upon application for restoration of service by any customer whose water service has been discontinued by the Authority for non-payment of a bill or charges for water or any other services rendered by the Authority, such customer may be required to make a deposit with the Authority in the amount set forth above, and in addition thereto, pay all bills and charges in arrears, together with a charge for restoration of services.
- 16.9 **Meter Registration.** The quantity recorded by the meter shall be considered the amount of water passing through the meter, which amount shall be conclusive to both the customer and the Authority, except as hereinafter provided:
- a. In cases where it is found that the meter has ceased to register or has registered inaccurately, the total quantity of unmeasured water may be determined by using an average based upon actual historical usage or current measured usage, except where it appears that there has been a change in occupancy of the premises or in the use of water, in which case an equitable adjustment shall be made.
 - b. In cases where a meter reading has not been obtained, an estimated bill will be rendered to the customer based upon the property's average historical usage. Where the estimate is in error, an adjusted bill may be prepared to correct the estimated bill at the Authority's option. The Authority will not pay interest to customers for adjustments on bills or overpayments that result in a credit balance.
 - c. In all cases where a meter is found to be defective, the Authority shall promptly replace the meter.
- 16.10 **Service Discontinuance.** Any customer may discontinue water service by giving the Authority written notice not less than ten (10) days prior to the discontinuance, and all liability for charges for service rendered after the discontinuance of service, as herein provided for, shall cease. This rule is subject to applicable provisions of the New York State Sanitary Code.
- 16.11 **No Interest.** No interest will be paid by the Authority on deposits.
- 16.12 **Fee Schedule.** (Need updated Fee Schedule.)
- 16.13 **Rate Schedule.** (Need updated Rate Schedule.)

XVII. GENERAL RULES

- 17.1 **Restrictions.** The Authority reserves the right, in periods of drought or emergency or when deemed essential to the protection of the public health, safety and welfare, to restrict, curtail or prohibit the use of water for secondary purposes, such as sprinkling, car washing, or filling swimming pools, and shall have the right to fix the hours and periods when water may be used for such purposes.
- 17.2 **Discontinuance of Service.** Water service may be discontinued by the Authority for any one of the following reasons:
- a. For use of water other than as represented in the customer's application, or through piping that bypasses the meter or eliminates the meter.
 - b. For failure to maintain, in good order, connections or service lines owned by the customer, after due notice has been given by the Board.
 - c. For tampering with any service pipe, seal, meter, or any other appurtenance owned by the Authority.
 - d. For nonpayment of bills for water or services rendered by the Authority.
 - e. For cross-connecting pipes carrying water supplied by the Authority with any other source of water, or with any apparatus which may endanger the quality of the Authority's water supply, or for noncompliance with the Authority's requirements for backflow prevention, well (ground water or cistern source) abandonment, or well separation.
 - f. For refusal of reasonable access to the property for the purposes of reading, repairing, testing, or removing meters or inspecting water piping and other fixtures.
 - g. For violation of the Rules of the Authority as filed at the office of the Authority, or to maintain the community welfare, or to preserve the potable water supply.
 - h. Where two or more premises are now supplied with water through one service pipe, under control of one curb stop, and if any of the parties so supplied shall violate any of the above rules.

- 17.3 **Restoration of Service.** When water service to any premises has been turned off upon the order of the customer, or for any of the above reasons, and service is again desired by the customer, a charge will be made in accordance with the Current Rate Schedule. If, however, it becomes necessary to shut off or disconnect the service pipe at the Authority's main, the charge to the customer for restoration of service will be the actual cost incurred by the Authority incidental to the disconnection and reconnection of the service pipe.
- 17.4 **Liability Limits.** Upon receipt of an application for a new service or for reinstatement of an existing service, the Authority will assume that the private piping and fixtures which the service will supply are in proper order to receive same. The Authority will not be liable in any event for any accident, breaks, or leakage arising in connection with the change of pressure in the Authority's distribution/transmission system, supply of water or failure to supply same.
- 17.5 **Amounts Due and In Arrears.** No services shall be rendered by the Authority to any Applicant who is in arrears to the Authority for any bills or charges.
- 17.6 **Insurance Requirements.** All Contractors performing work on the Public Water System shall maintain \$1,000,000 (minimum) commercial general liability insurance and shall name the Board as "Additional Insured".

XVIII. PROHIBITIONS

- 18.1 **Facilities and Services.** No person shall injure or interfere with any equipment or building belonging to the Authority's water system, tamper with meters, divert water from mains, use water without permission, or cut into any water pipe or mains.
- 18.2 **Hydrant.** No person, except as specifically authorized by the Authority, shall take water from an unmetered fire hydrant for any purpose whatsoever other than for fire purposes. If water is used from any unmetered fire hydrant without Authority authorization, the user will be billed for the estimated quantity of water used, at the current commodity rate, any expense incurred by the Authority to restore the hydrant to proper operation, and a fee as defined in Article XI.
- 18.3 **Curb Stop.** The curb stop may not be used by the customer for turning on or shutting off the water supply. In the course of repairs being made by a qualified plumber, the curb stop may be operated by the qualified plumber with the permission of the Authority only during the repair period.

APPENDICES

APPENDIX A
WATER MAIN EXTENSION AGREEMENT

APPENDIX B
SPECIFICATIONS/DETAILS

APPENDIX C
MISCELLANEOUS DOCUMENTS