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## SECTION 1

### General Information

#### a. The Law (Town Law)

Extracts from the Town Law relative to the jurisdiction of the Town Board over the Water System and right of such concerning the same.

#### 198. Powers of Town Board with respect to Improvement Districts.

##### Water Districts

After a water district shall have been established he Town Board shall have the power to adopt from time to time ordinances, rules and regulations for the operation of the water district and the use of water therein, and in addition to the remedies provided in section one hundred thirty-five for the endorsement thereof or for the punishment of violators, the town board may enforce compliance with such ordinances, rules and regulations by cutting off the supply of water.

The Town Board shall establish, from time to time, the water rates to be paid by consumers and may provide for the payment of said water charges in advance. Such water charges shall be in lien upon the real property upon which or in connection with which water was used. The town board may provide by ordinance or resolution that unpaid water charges in arrears for thirty days or longer shall be subject to a penalty not exceeding ten per cent of the amount due, and may further provide for cutting off the supply of water if such water charges are not paid within sixty days from the date due."

Supply pipes connecting with district mains shall be installed and repaired at the property owner's expense under the direction of an employee of the town or the district after permit therefor has been granted.

Any member of the town board or a duly authorized agent, may at any time enter a building or upon premises where water is used from supply pipes connected to a district system, for the purpose of examining such pipes and the manner of installation.

#### b. General Instructions and Conditions of Service

1. It is the intention of the Town Board to notify consumers when the water in the mains is to be shut off, but it is here noted that it is many times impractical and sometimes impossible to so do.

2. If the requires check valve has been installed and the plumbing is in proper condition, no damage can occur from turning the water in the mains off or on without notice and the Town Board is not liable for any damages caused thereby.

3. Whenever the water is shut off for any reason, the consumer is hereby advised that all hot water boilers should be immediately banked and water content checked often and thoroughly.

4. Service pipes from the street to buildings should maintain four feet minimum trench depth to avoid danger of freezing. Particular care should be exercised to maintain this minimum when crossing gutters, drainage ditches or other like depressions.

5. When property is conveyed, written notice should be given to the Town Board of said conveyance so that the transfer of ownership may be noted on the water books and the new owner notified of his accounts.

#### c. Territory

Territory to which regulations apply shall consist of all lands within boundaries of the Town of Yates, excepting only those lands within the municipal limits of the Village of Lyndonville which are not served by this water system, and also, all lands outside the Town of Yates which are served by this system.

d. Definitions

Parties referred to in these rules and regulations are hereby defined as follows:

"District" means Water Districts within the Town of Yates, Orleans County, New York.

"Board" means the Town Board of the Town of Yates, Orleans County, or duly authorized representative.

"Superintendent" means the Superintendent of Water for the Yates Waters District, who is a duly authorized representative of the Board, or his authorized representative.

"Owner" means the persons or corporations owning property to be served, or the authorized agent of such persons or corporations.

"Consumer" means the person or corporation to be served, or the authorized agent of such person or corporation.

SECTION II

Application for Service

a. Application for service shall be made by the Owner in writing, on blanks provided by the Superintendent or his authorized representative. Such application shall be made not later than one (1) week previous to the time of beginning of such service, and shall contain such information as the Board may require.

b. No person or corporation shall make any connection or opening into a public water main, except upon written authorization of the Superintendent. All connections to water mains, including service line work and excavation within public rights-of-way, shall be done by the District or its authorized representatives, including all excavation around or near public water mains.

SECTION III

Installation of Service

a. Inspection

No water main shall be tapped nor any service connection made, laid, or covered, except in the presence of the Superintendent or his authorized representatives and then only after he shall have approved all work and materials and authorized the making of such tap and the connecting and covering of it. All lines covered without the approval of Superintendent or authorized representative, will be uncovered at the owners expense.

Any existing services which require replacement because of leaks, at any time, shall be replaced with acceptable materials in accordance with these rules and regulations.

No person, except an authorized District Representative, shall turn the water on or off at any connection to the water main. Water will be turned on by the Superintendent or his authorized representative to test the pipes, before they are covered and immediately turned off until final approval of the completed service installation.

b. Service Connections (Permanent)

Taps and connections shall be three quarter inch (3/4") and shall be carried full size from the water main to the meter, except that larger services may be permitted where proper application is made in writing to the Board

where need for such service is proven and where water main size is adequate. Where larger than three quarter inch (3/4") is required, the owner shall pay to the Board installation fee, in addition to those hereinafter described, which will fully compensate the District for the cost of the larger service desired.

Service pipe two inch (2") or smaller shall be domestic made type K copper tubing. No underground joints will be permitted except where distances are greater than lengths available from the manufacturer. In this case, a minimum number of joints will be permitted. Service pipe three inches (3") and larger shall be cement lined cast iron tyton joint pipe or AWWA C-900 polyvinyl chloride pipe with push tight joints. All piping shall meet all requirements for a working pressure of 200 psi. All service pipe shall be laid in a trench not less than four (4) feet below the surface of the earth.

Connections from the water main to and including the curb stop and box will be made by the District at a charge to the owner at the prevailing rate as listed in these regulations.

Permission will not be granted to supply more than one consumer from a single tap unless a separate shut-off cock is provided for each such building and if located on the premises a perpetual right -of-way must be granted to the Board by the owners.

When premises are occupied by more than one consumer, a meter must be installed for each consumer, unless the owner contracts with the Board for the water for the building.

No installation shall be permitted which has any connections, direct or indirect, with any public or private pumping and/or distribution system or source not fully approved by the New York State Department of Health, regardless of how it is valved or piped. Health Department approved air breaks must be employed in supply tanks, vats or other apparatus which contains liquids, chemicals or other matter which could in any way endanger the water supply if it were drawn back into the District mains.

A check valve, acceptable to the Superintendent and installed by the owner, in all household lines immediately after the meter is mandatory for all new installations and recommended to all previous consumers. It is also the policy of the District to recommend pressure reducing valves on all installations.

All services install shall be accomplished by a dully qualified person approved by the Superintendent.

#### Service Connections (Temporary)

Temporary service connections shall consist of but shall not be limited to, the service of water to a premises or property upon which no permanent structure is or has been erected. Except as otherwise directed by the Board or as set forth herein, all requirements for permanent service shall apply to temporary services.

### SECTION IV

#### Meters

All water for domestic, commercial and industrial purposes shall be metered. Meters shall be signed for by the owner, or his duly authorized agent, for whose premises the water is to be used. No charges shall be made for water for fire purposes taken from District owned hydrants. Each sprinkler system or private hydrant installation must be submitted to the Board for review and approval prior to the connection of the supply main. The decision, thereafter, will be made by the Board as to whether meters will be required for the service and use requested.

Meters for water used for the purposes of spraying, irrigation and uses related to the growing only of commodities for human and animal consumption may be available from the district. If the consumer owns an approved meter for these purposes, it may be utilized upon proper application to the Superintendent.

When water is desired and after the service from the main has been installed and approved, the owner shall pay the current meter installation and maintenance charges. Payment of the required sum does not carry with it

ownership of the meter, which remains forever the property of the District. In the event that the owner desires to discontinue use of water, he may request removal of the meter by the District at no charge to the Owner.

All meters will be maintained by and at the expense of the District insofar as ordinary wear and tear are concerned but the owner will be held responsible for damage due to freezing, hot water, or other causes. In case of damage, the District will repair the meter, if necessary, replacing it with another; the total cost of which shall be paid by the owner.

The Board reserves the right, at all times, to inspect, test, clean, repair, remove and replace any meter at any time and to substitute another meter in its place. In the case of a disputed account involving the question of accuracy of the meter, such meter will be tested by the District upon request of the consumer or owner. The current fee for testing meters shall be paid in advance of the testing. In the event that the meter so tested is found to have an error in registration to the prejudice of the consumer in excess of four percent (4%) at any rate of flow within normal test limits the fee advance for testing will be refunded and the bill for the current period adjusted to correct such excess registration.

The Board reserves the right, at all times, to stipulate the size, type, and make of any and all meters employed within or outside of the District.

## SECTION V

### Preventing Backflow into Public Water Systems

a. Purpose. The purpose of these regulations is:

1. To protect the public water supply against actual or potential cross-connections by isolating within the premise contamination or pollution that may occur because of some undiscovered or unauthorized cross-connection on the premise.

2. To eliminate existing connections between drinking water systems and other sources of water that is not approved as safe and potable for human consumption.

3. To eliminate cross-connections between drinking water systems and other sources of water that is not approved as safe and potable for human consumption.

4. To prevent the making of cross-connections in the future

5. To comply with the requirements of the New York State Sanitary Code 5-1.31.

b. Definitions

1. Acceptable Backflow Prevention Device is an acceptable air gap reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility.

2. Aesthetically Objectionable Facility is one in which substances are present, which if introduced into the public water supply system could be a nuisance to other water customers, but would not adversely affect human health. Typical examples of such substances are: food-grade dyes, hot water, stagnant water from fire lines in which no chemical additives are used, etc.....

3. Airgap is the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture, or other device and the flood-level rim of the receptacle. The air-gap shall be at least double the diameter of the supply pipe or faucet, measured vertically above the flood-level rim of the receptacle but not less than one inch.

4. Approved means accepted by the New York State Department of Health.

5. Auxiliary Water Supply is any water source or system other than the approved public water supply that may be available in the building or premises.

6. Backflow is the flow of water or other liquids, mixtures, or substances into the distributing pipes of a potable supply of water from any source or sources other than its intended source. Back-Siphonage is one type of backflow.

7. Backflow Preventer is a device or means to prevent backflow

8. Back-Siphonage is the backflow resulting from negative pressure in the distributing pipes of potable water supply.

9. Certified Backflow Prevention Device Tester is a person who is examined annually by the water district and found competent in the testing of backflow prevention devices. Said person shall be provided with an appropriate identification card, renewable annually. Failure to perform duties competently and conscientiously will result in expeditious withdrawal of certification. Said person is one who has taken and successfully completed a backflow prevention course approved by New York State Health Department.

10. Check Valve is a self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

11. Contamination-See Pollution

12. Cross Connection is any physical connection between a potable water supply and any waste pipe, soil pipe, sewer, drain, or any unapproved source or system. Furthermore it is any potable water supply outlet which is submerged or can be submerged in waste water and/or any other source of contamination. See Backflow and Back-Siphonage.

13. Customer's Water System means the piping used to convey water supplied by a public water supply system throughout a customer's facility.

14. Degree of Hazard means whether a facility is rated as hazardous, aesthetically, objectionable, or non-hazardous.

15. Double Check Valve Assembly is an assembly of at least two independently acting acceptable check valves, including tightly closing shutoff valves located at each end of the assembly with suitable connections for testing the water tightness of each check valve.

16. Hazardous Health is any condition, devices, or practices in the water supply system and its operation which create, or, in the judgment of the Yates Water District, may create, a danger to the health and well-being of the water consumer. An example of a health hazard is a structural defect in the water supply system, whether of location, design, or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

17. Hazardous Facility is one in which substances may be present which are introduced into the public water system would or may endanger or have an adverse effect on the health of other water customers. Typical examples: laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries.

18. Non-Hazardous Facility is one which does not require the installation of an acceptable backflow prevention device.

19. Pollution is the presence of any foreign substances (organic, inorganic, radiological, or biological) in water that tends to degrade its quality so as to constitute a hazard or impair the usefulness of the water.

20. Public Water Supply System means a supplier of water system including the source, treatment works, transmission mains, distribution system and storage facilities serving the public.

21. Reduced Pressure Principle Backflow Preventer is an assembly of two independently acting acceptable check valves, together with an automatically operating pressure differential relief valve between the two check valves. The assembly shall include tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water tightness of each valve.

22. Surge Tank is the receiving, non-pressure vessel forming part of the airgap separation between a potable and auxiliary supply.

23. Water, Potable is water free from impurities in amounts sufficient to cause disease or harmful physiological effects. Its bacteriological and chemical quality shall conform to the requirements of the Orleans County Health Department and Part 5 of the New York State Sanitary Code.

24. Water, Non-potable is water that is not safe for human consumption or that is of questionable potability.

25. Water User is any individual, corporation, company, association, partnership or municipality which takes water from a public water supply system for consumption or any other use.

c. Protection of Public Water System at Service Connection

Part I. Required Protection

1. Each service connection from a public water system, for supplying water to premises having an auxiliary water supply, shall be protected against backflow from water from the premises into the public water system.

2. Each service connection from a public water system, for supplying water to premises, on which any substance is handled under pressure in such fashion as to permit entry into the water system, shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the public water supply system which have been subject to deterioration in sanitary quality.

3. Each service connection from a public water system, for supplying water, to premises on which a substance of unusually toxic concentration or danger to health is handled in liquid form, even though it is not under pressure, shall be protected against backflow of the water from premises into the public water system. Examples are plating factories, using cyanide and hospitals.

4. The Superintendent or his authorized representative, shall rate a customer's water system according to its degree of hazard to the public water supply system. Some of the factors to be considered are the use, toxicity and availability of contaminants, availability of a supplementary water supply, and the type of firefighting system in use. The design of the installation of an acceptable backflow prevention device must be prepared in accordance with New York State law and regulations. The design must be approved by the Superintendent or his authorized representative and all agencies required by the applicable New York State and Town of Yates laws and regulations.

5. Backflow prevention devices shall be installed on the service connection to any premises that have actual or potential internal cross-connections.

6. Backflow prevention devices shall be installed on the service connection to any premises in which the District is not allowed to fully and completely review all processes within the facility.

It shall be the responsibility of the water user to provide, install, maintain and have tested protective devices as required under parts II and III.

Part II Type of Protection

The protection device required shall depend on the degree of hazard as tabulated below:

1. At the service connection to any premise on which a substance that would be aesthetically objectionable (but not necessary hazardous to health), the public water supply shall be protected by an approved double check valve assembly.

2. At the service connection to any premise on which there is an auxiliary water supply meeting the New York State Drinking Water Standards, the public water supply system shall be protected by an air gap separation..

3. At the service connection to any premises on which there is an auxiliary water supply not meeting the New York State Drinking Water Standards, the public water supply system shall be protected by an air-gap separation. The air-gap shall be located as close as practicable to the water meter, and all piping between the water meter and the surge tank shall be entirely visible.

4. At the service connection to any premise on which any material dangerous to health or toxic substance in toxic concentration is or may be handled under pressure, the public water supply shall be protected by an air-gap separation. The air-gap shall be located as close as practicable to the water meter and all piping between the water meter and surge tank shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing the alternative is acceptable to both the Board and the local health department.

5. At the service connection to any premise on which any material dangerous to health or toxic substance in toxic concentration is or may be handled; but not under pressure the public water supply shall be protected by an air-gap separation or an approved reduced pressure principle backflow preventer device. The air-gap shall be located as close as practicable to the water meter, and all piping between the water meter and the surge tank shall be entirely visible.

6. At the service connection to any sewage treatment plant or pumping station the public water supply shall be protected by an air-gap separation. The air-gap shall be located as close as practicable to the water meter and all piping between the water meter and the surge tank shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing this alternative is acceptable to both the Board and the local health department.

7. At the service connection to any premise where the Board is not allowed to fully and completely review all processes within the facility, the public water supply system shall be protected by an air-gap separation or an approved reduced pressure principle backflow prevention device. The air-gap shall be located as close as practicable to the water meter, and all piping between the water meter and the surge tank shall be entirely visible.

8. A separate evaluation of the firefighting system in use at a facility is required because of the number of variables involved in making the determination of adequate protection of the public water supply system. At any service connection to any premises where a fire fighting system is in use, the public water supply system shall be protected by an acceptable backflow prevention device as determined by the degree of hazard determined by the Superintendent or his authorized representative.

9. At the service connection to any premises not covered by the 1-8 above, the public water supply shall be protected with an approved single check valve assembly.

### Part III. Frequency of Inspection of Protective Devices

It shall be the duty of the water user on any premises on account of which backflow protective devices are installed to have certified inspections and operational tests made at least once a year, or more often in those instances where the Superintendent deems the hazard to be great enough on successive inspections indicate repeated failure. The devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a certified Backflow Prevention Device Tester, and all test results and records of repair shall be delivered to the Board within seventy-two hours after test is made.



Certified inspections and operation tests must also be made when any backflow prevention device is to be installed, repaired, overhauled or replaced, in addition to the requirement of the annual certified inspection at the expense of the water user.

#### d. Violations and Penalties

##### Part I. Notifications of Violations

The Board shall notify the owner, or authorized agent of the owner, of the building or premises in which there is found a violation of this ordinance, of such violation. The Board shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval the Board may, if in its judgment an imminent health hazard exists, cause the water service to the building or premises to be terminated, and not be restored until such condition or defects are corrected, and/or recommended such additional fines or penalties to be invoked as herein may be provided.

##### Part II. Penalties for Violations

1. Any person found violating any provision of this ordinance shall be guilty of any offense and shall be served with a written notice by the Superintendent stating the nature of the violation and providing a specified time within which the violation shall cease and satisfactory corrective action shall be taken by the violator.

2. In the event that such violation is not terminated within the time specified within said notice, the violator shall be liable to the people of the District for civil penalty of not more than one thousand dollars (\$1,000.00) or imprisonment not exceeding six (6) months, or both for any one case. Such violation shall also be subject to any actual loss or cost to the District caused by said violation.

3. Every week that a violation is allowed to continue beyond the time specified in said notice, shall constitute a separate offense.

4. Nothing contained herein shall prevent the Board from exercising such other and additional remedies as are available to it under local law, or state or federal law, by injunction or any other remedy.

#### e. Reasonable Interpretation Required.

These regulations are to be reasonable interpreted; it is their intent to recognize that there are varying degrees of hazard and to apply the principle that the degree of protection shall be commensurate with the degree of hazard.

## SECTION VI

### Termination of Service

No person, except the Superintendent or his authorized representative, shall terminate or restrict service at any connection to or from the District water system.

The Board reserves the right to shut off the water from or in any District main or to any service connection, at any time, without notice, that is deemed necessary, and the Board shall not be responsible for any damage that may result therefrom.

Upon detection of a leak in a service line, between the curb stop and the meter, of any nature prejudicial to the District, the owner, consumer and/or corporation shall make the necessary repairs to said service, at no expense to the District, and shall perform the work in strict accordance with the requirements set forth for a new service.

Upon failure by the owner, consumer and/or corporation to repair such a leak the District may at its option terminate service five (5) days following issuance of a notice of repair. The District reserves the right to enter on any property or premises, at any time, to repair any leak, break or other damage which, if left unrepaired, would or

could be prejudicial to the District water system. The expense of such repairs to services shall be at the cost of the consumer while the expense incurred in repair of District mains and fixtures shall be borne by the District.

Water may be shut-off at the direction of the Board by the Superintendent, because of failure of payment by the consumer, sixty (60) days after the end of a period, and a charge of Fifty Dollars (\$50.00) will be made in addition to the payment of all bills then in arrears, before the water will again be turned on. All delinquent charges shall be a lien against the property.

## SECTION VII

### Hydrant and Fire Regulations

#### a. Fire

In case of fire or an alarm of fire, all water consumers are requested to cease the use of water for motors, fountains, sprinklers and power purposes during such fire, in the interest of keeping up a strong and effective pressure for fire protection purposes.

#### b. Operation of Hydrants

No person except the Superintendent of the Water System, or persons acting under his direction or permission, shall open any fire hydrant or draw water therefrom, except that of the chiefs of the Town/Village Fire Departments and their assistants be authorized to draw water as necessary to fight fire. In no case shall inexperienced or incompetent persons be allowed to manipulate or interfere with any such hydrants, gates, valves, or other fixtures of said District.

Hydrants and shut valves approved by the Superintendent will be installed at the time of construction of all water mains so that each developed property or premises shall in no case be farther than six-hundred (600) feet distant from a hydrant, except that no hydrant will be installed on other than public lands, easements or right-of-ways, permanently owned or controlled by the Board, its successors and assigns.

Changes in location of existing hydrants will be made, except where otherwise required by law, at the expense of the writer or consumer requesting such changes in location. All such requests shall be made in writing to the Board.

The Board does not guarantee to provide hydrant service to consumer outside the District or to temporary services within the District.

## SECTION VIII

### Vandalism and Property Damage

Any person who shall deface, injure, disturb or interfere with any machinery, pumps, building, trucks, tools, valves, hydrants or any other part of the District Water System will be prosecuted to the fullest extent of the law.

The penalty for the commission of any of the above offenses is punishable by fine and imprisonment (Article 134 of the Penal Law).

## SECTION IX

### Payment for Water Service

#### a. Installation and Repair (Services)

##### 1. Expense borne by the District

- a. Maintenance and repair of meters as set forth in Section IV of these regulations.
- 2. Expense borne by the owner
  - a. The cost of all material and labor for laying and maintaining the service pipe upon and within his premises from the curb box serving said property.
  - b. Cost of making taps and installing service line from the main to the curb stop inclusive.
  - c. Water rentals and Special Assessments.
  - d. The cost of installation, repair and testing of meters, except for mechanical defects or natural wear and tear as set forth in Section IV of these regulations.
  - e. The cost of installation, repair and testing of backflow prevention devices.

b. Water Rentals (Use of Water)

All water rentals will be charged to the owner

Water Rentals of all kinds shall be read quarterly except in the case of large industrial or commercial consumers where monthly billing may be ordered. In all cases where bills remain unpaid for a period of sixty (60) days after becoming due, the Superintendent may shut off the water at the curb stop.

Rates for water used by consumers living within the District and paying taxes therein, or their tenants, shall be set forth in Water Service Classification No. 1 where payments in lieu of taxes or where other considerations, acceptable to the Board and not prejudicial to the best interests of the District are arranged for the agreed to by public agencies or individuals. Water Service Classification No. 1 would apply unless modified by contract between the District and the owner or agency involved.

Rates for water used by consumers, owning property within the District but NOT subject to payment of taxes or special assessment, or by the occupant thereof, or by consumers outside the District, or by consumers qualifying as temporary services within or without the District shall be set forth in Water Service Classification No. 2, except as otherwise provided for in this Section of these regulations.

Rates for water used by trailer parks or campsites serviced through a master meter, and where at least one permanent structure exists, shall be set forth in Water Service Classification No. 3

Consumers desiring permanent discontinuance of the use of water or for a period in excess of one year may return the meter to the District and be relieved from further water rental charges. For periods of temporary discontinuance extending less than one full year, no release from minimum service charges will be made.

The Board reserves the right if need be to refuse water to anyone for consumption outside said District.

c. Cottages and Seasonal Users

Where it is desired that water service be shut off during cold weather, the Superintendent, upon written request of the owner, will disconnect and dewater the meter and shut off the service at no charge to the owner. The superintendent will re-connect the meter and re-open the service at no charge to the owner, upon his request. In the event that no notice is given it will be expected that the owner will continue to protect the meter and piping from damage from freezing throughout the winter months and failure to do this shall be charged against the owner as set forth in Section IV.

SECTION X

Main Extension

The Board reserves the right to accept or reject any or all applications for main extension in maintaining the best interest of the District.

a. Application for Extension by Taxpayer Petition.

The board will review any petition for main extensions, if and when a petition is duly presented to the Board which contains the legal signatures of owners along the route of the proposed extension. Said petition shall represent more than fifty percent (50%) of the owners and assessment thus affected.

Said extension shall include all necessary construction from existing District mains to and including the property or premises of all owners signing said petition. Where right-of-ways are necessary, the petitioners will be required to exhibit proof that same will be provided to the District by Deed or easement in perpetuity.

The Board, through its engineers, will be the sole judge as to the location, size, type and make of all materials and /or work thus performed as to the acceptance or rejection of said petition.

b. Application for Extension by Contractor

The Board will review any application duly presented in writing, by a responsible party such as, but not limited to real estate developers, builders, building contractors, or corporations, both public and private, which shall show a proposed development.

The owner, in making such application, shall agree to provide all easements, right-of-way, and proof of ownership in full accordance with all Town Laws and Ordinances and with all conditions herein set forth. The owner in making his application shall provide at his own expense all maps, plans and the necessary to clearly indicate the proposed extensions.

No mains extension will be provided by the Board until the land is owned or controlled forever by the Board, its successors and assigns.

Prior to construction of said extension, the Board, upon approval of the extension, will direct its engineer to prepare construction plans and specifications and submit, to the Board, an estimate for the work. The owner shall pay to the Board, in behalf of the District, the full amount of the estimated cost of construction to be adjusted, after construction has been completed, to the exact amount expended in the extensions. Thereafter, the owner shall be repaid personally by the Board, without interest, in direct proportion to the existing and permanently developed assessed valuation abutting or directly benefited by the extension until the required assessed valuation has reached sufficient value to repay the cost of the construction, at which time the entire cost without interest shall be returned. The aggregate total, repaid to the owner shall not exceed the total of the original cost.

All real property benefited by the extension shall become immediately assessable as directly benefited properties under the Tax Structures set up by the Board in behalf of the District.

If a period of ten (10) years shall elapse before the necessary assessed valuation shall have been developed, then the outstanding amount shall cease to be repayable and shall become the property of the district.

c. Application for Extension by Guaranteed Income Contract.

The Board will review any application duly presented, in writing, by a responsible party, such as but not limited to military installations or State or Federal parks, which shall agree to pay a guaranteed minimum annual revenue in lieu of taxes, in addition to all other charges set forth in these rules and regulations, of sufficient amount to compensate the District for their expenses in financing the extension proposed. The owner shall also contract for said water for a period of time to be determined by the Board.

The owner, in making such application, shall agree to provide all needed easements, rights-of-ways and proof of ownership in full accordance with all Town Laws and Ordinances and in full accordance with all conditions

herein set forth and shall provide, at the owner's expense, all maps, plans and the like necessary to perform the proposed extension.

No main extensions will be approved by the Board until the land is owned and controlled forever, by the Board its successors and assigns.

The Board reserves the right to determine locations, size, type and make of all materials and labor so employed.

## SECTION XI

### Supply of Water

The District undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to all consumers, but reserves the right, at any time, without notice, to shut off the water in its mains for purpose of making repairs and/or extensions, or for any other purpose, and it is expressly agreed that the Board and the District shall not be liable for a variation, deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever, nor for any damage caused thereby, or by the breaking or bursting of any main or service pipe or any attachment to the District System. All customers having boilers upon their premises which are dependent upon the pressure in the District mains are cautioned against danger of collapse or lack of water and all such damage shall be borne exclusively by the consumer as check valves and backflow preventers are required by the District.

In the interest of the public health, the District will not permit its mains or services to be connected directly or indirectly with any service pipe or piping which is in any way connected to any other source of water supply not fully approved by the Department of Health of the State of New York. The District will not permit its mains or service pipes to be connected in any way, directly or indirectly to piping, tanks, vats, or other apparatus which contains liquid, chemicals, or other matter which if allowed to back flow into the District System, could endanger the water supply.

The District reserves the right, if need be in periods of drought or emergency, to restrict the use of water for sprinkling, irrigation, or such uses other than human or animal consumption, to particular hours determined by the Board or to prohibit it entirely.

## SECTION XII

### Rights Reserved by the Board

1. To make such changes in the Rules and Regulations as it may deem to be in the best interest of the District.
2. To make changes in the rates for water rental as may in its judgment be in the best interests of the District.
3. To order existing service pipes and fixtures to be replaced with acceptable material, as determined by the Superintendent and to refuse service with all penalties hereinbefore set forth for failure of an owner to comply with such order.
4. To have free access to enter upon the premises of any consumer at any reasonable time for the purpose of inspection, reading, repair and/or replacement of meters.
5. To enter into contracts with other water districts for a supply of water, either into or out of the district to or from such districts, corporations or individuals, under such terms and conditions as shall protect the interests of the District.

## SECTION XIII

Taxes

The Board shall have the right, in accordance with the applicable sections of the Town Law, and other applicable laws, to levy taxes against all assessable properties for the purpose of meeting the expenses of any and/or all capital construction, maintenance, and operation deemed to be in the best interest of the District.

Reference is hereby made to Section IX-2.e of these regulations.

SECTION XIV

Resolution of Adoption

Be it Resolved, that the foregoing shall be from this date forward, the Ordinance, Rules and Regulations of the Water Districts of the Town of Yates, Orleans County, New York, duly adopted by the Town Board of the Town of Yates at a Meeting held in the said Town on February 12, 1998.

AYES: 4  
NAYES: 0

\_\_\_\_\_  
Russell Martino  
Supervisor  
Town of Yates

Sworn to before me

this 12th day of February, 1998

\_\_\_\_\_  
Brenda B. Donald  
Deputy Town Clerk  
Town of Yates

Adopted by Resolution No. 28-2\98 of the Town Board of the Town of Yates, Orleans County ,New York

Dated: February 12, 1998

Effective: February 12, 1998