

ORDINANCE #39

RULES AND REGULATIONS OF THE WATER DEPARTMENT OF THE TOWN OF BOLTON, WARREN COUNTY, NEW YORK

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I. GENERAL INFORMATION:

A. Territory to Which the Rules and Regulations Apply:

These rules and regulations shall apply to all properties located within the Town of Bolton water district where water mains are maintained.

B. Application for Water Service:

(1) All applications for the use of water shall be in writing and on forms supplied by the Town of Bolton. All applications must be made by the property owner(s) who shall be held responsible for the payment of water rents. The permission of the water superintendent shall be obtained before any water services can be provided, terminated or altered.

(2) Violations of Rules and Regulations:

For any violation of these rules and regulations or any which may be hereafter adopted by the Board, the flow of water to the customer's premises may be shut off without notice. Any person, owner, caretaker, plumber or tenant in possession of property who violates these rules and regulations shall be guilty of a violation and shall be subject to a fine of not less than \$100.00 nor more than \$1,000 and/or imprisonment for six (6) months or both such fine and imprisonment. Each week's violation shall constitute a separate violation for which a fine may be imposed. For the purpose of affording a violator due process of law, all the rights and privileges afforded to a defendant charged with a misdemeanor offense under the Penal Law

of New York State shall apply.

(3) New Service:

For all applications where mains lie within a public highway or right of way or where the Town has an easement, the Town shall tap the main and install the following equipment: corporation stop, stop and waste and curb box at the applicant/user's expense to be billed by the municipality at actual cost for time and materials. This charge will apply to all standard connections - up to one (1) inch in size. Any larger installation may involve additional cost to the applicant/user.

All copper in excess of 60 feet will be billed to applicant.

Service lines from curb box or property line to house are the customer's responsibility to install under the direct supervision of the water department's representative. The District will, also, furnish the appropriate sized meter and meter reader to be installed by the applicant, subject to approval by the water department. There shall be no taps made to the main line or lines after November 15 nor until all frost has left the ground in the spring. There shall be no extensions of water mains outside of the water district without express approval of the Board of Water Commissioners.

(3A) Maintenance of Service as Follows:

The Town shall be solely responsible for the maintenance of the main from the edge of the Town or public right of way or easement to the adjoining owners property line.

In those cases where the owner's property does not adjoin the Town or public right of way or easement, the property owner shall be solely responsible for all costs and expenses associated either directly or indirectly with the service of all water lines leading from the edge of the Town or public right of way or easement to the lands of the property owner and to any improvement thereon.

All curb boxes within the public right of way shall be under the jurisdiction and control of the Town.

All repairs for which the property owner is responsible shall be under the direct supervision and control of the water superintendent.

Whenever repairs are made to an existing water line, the Town shall be responsible for and shall install a curb box within the public right of way if such curb box does not exist prior to such repair.

Every structure must have a check valve to protect water heaters etc. from an interruption in the water supply. Also, backflow preventers are required to prevent flows from entering a main from a private line.

(4) Applications Accepted Subject to Existing Main:

All applications for service shall be accepted subject to there being an existing main in the street or right of way abutting the premises to be served. An application in no way obligates the Town to extend its main to serve the premises under consideration.

(5) Applications not Accepted for Consumers in Arrears:

No agreement will be entered into between the Town and the applicant for water services unless and until all arrearages and charges due by the applicant for water or associated services at any premises owned or occupied by him shall be paid in full.

(6) Shut-off of Joint Services:

Where two or more premises are now supplied with water through one service pipe under the control of one curb stop, if any of the parties so supplied shall violate any of these rules and regulations, the Town reserves the right to terminate or shut off the joint services line. In such event, however, the joint services party not in violation of these rules and, regulations shall be given a reasonable opportunity to attach his water service line through a separately controlled service connection.

(7) Size and Kind of Service Pipe:

All service pipe from the main to the property shall be maintained by property owner at his own expense and shall not be less than 3/4" of brass (85% copper) type K.

(8) Leakage of Consumer's Service Pipe:

The Town reserves the right to shut off the supply of water to property if the property owner does not promptly repair any leak in his pipes or fittings.

(9) Frozen Service:

Where services are frozen, the property owner shall, at his own expense, thaw out the service pipe between the property and the main. If examination of the service pipe at any time discloses that the service pipe is not five feet or more in depth, to prevent freezing, the Town reserves the right to require the pipe to be lowered to prevent the freezing of the same.

(10) Payment for Water Services:

All water rents, the rates thereof, the manner and regularity of payment and the penalties to be assessed, if any, for untimely payment shall be determined and established by the Town Board acting on behalf of the Water District annually or as frequently as the Town Board shall determine to be in the best interests of the Water District. Notwithstanding the foregoing, in the event that a delinquency cannot initially become a re-levy on the next succeeding annual property tax bill, it shall become a re-levy by addition to the next succeeding water service billing. Thereafter if such payment remains delinquent it shall become a relevy on the next succeeding annual property tax bill.

(11) Discontinuance of Service/Written Notice Required:

All contracts shall be deemed to be renewed and charges will become payable when

due unless the property owner terminates the contract in writing to the Town of Bolton.

(11A) Change of Occupancy:

Unless and until the Town of Bolton is notified in writing by a property owner that the premises have become vacant or title transferred, the property owner shall be held responsible for all unpaid bills associated with the premises.

(12) General Rules:

(A) Failure in Supply:

The Town of Bolton undertakes to use reasonable care and diligence to provide a constant supply of water at reasonable pressure but reserves the right at any time without notice to shut off the water in the mains for the purpose of making repairs, taps and extensions and the Town will not be held liable for a deficiency or failure in the supply of water or in the pressure for any cause whatsoever. In any event, the Town will, at all times, attempt to give notice regarding the shut-off of water service when time and conditions permit.

(B) Requirements for Service:

(1) Dwellings, places of business and/or any improved facility including all premises with bathing, bathroom, kitchen or washing facilities requiring potable domestic water and where such premises are wholly or partially situate within the defined boundaries of the Town of Bolton Water District shall be required to be attached to and supplied with treated Town water and billed therefore in accordance with a rate structure enacted by the Town Board.

(2) Dwellings, places of business, and improved facilities with bathing, bathroom, kitchen or washing facilities and any other method or contrivance that shall return waster water to the Town of Bolton sewage treatment plant shall be required to be attached to and supplied with Town treated water and billed therefore in accordance with a rate structure enacted by the Town Board.

(3) No dwelling, place of business or improved facility wholly or partially within the defined boundaries of the Town of Bolton Water District shall provide, acquire or supplement a potable, municipal water supply to that which is provided by the Town of Bolton Water District or required by these regulations with a source of untreated water obtained from a private well, stream, open water source including ponds, lakes, or streams without first obtaining permission of the Town of Bolton Town Board. Permission to acquire or supplement a domestic water supply with a private source may be permitted by the Town Board upon Consumer request after a hearing and a showing of just cause and special circumstances with respect to the relief from these requirements. Just cause and special circumstances shall be

presumed in a case where a dwelling, business, or improved facility although wholly or partially situate within the defined boundaries of the Town of Bolton Water District shall be unreasonably distant from or located in such a manner so as to create an undue economic hardship and unfeasibility for the hookup to the existing Town of Bolton water supply line for the Consumer.

(4) In any case where a dwelling, business and/or improved facility shall in addition to acquiring Town of Bolton treated water utilize the benefits of untreated water sources from private wells, open water sources including streams, ponds or lakes, in accordance with all applicable federal regulations and New York State Department of Health Rules and Regulations cross connection protection compliance shall be required. The Town of Bolton, its agents or employees shall be entitled to inspect such cross connection application at any reasonable time and from time to time so as to insure the integrity and potable quality of all treated water within the Town of Bolton water system and so as to prevent contamination of the municipal water source from private sources.

(13) Discontinuance of Service for Violations of Rules:

In addition to other penalties that may be imposed for violations to Water District Regulations, water service may, also, be discontinued for any one of the following reasons:

- (A) For use of water other than as represented in the initial application;
- (B) For the willful waste of water through improper or imperfect pipes;
- (C) For damaging or tampering with any service pipe, seal, curb box, curb stop, water meter, meter reader or any other appliance and/or equipment belonging to the Town of Bolton Water District;
- (D) For the nonpayment of bills for water or services rendered by the Town;
- (E) For cross-connecting the Town's service pipe with any other source of supply or with any apparatus which may endanger the quality or quantity of the Town water supply;
- (F) For refusal of reasonable access to property for the purpose of inspecting the fixtures or piping.
- (G) For willful waste of water through a bleeder that bypasses the water meter

(14) Re-connection of Services:

Before service that has been discontinued for a violation may be restored, the property owner must pay fifty and no/100 dollars (\$50.00) representing a turn-on charge and sign a new application for services.

(15) Extensions:

The Town will make extensions of the main where practical provided such extensions can be assured of an annual revenue from the territory to be served sufficient to warrant the necessary expenditure associated with such extension.

(16) Hydrants:

No person other than the superintendent or those acting under his direction shall manipulate control or operate or attempt to do so any fire hydrant or plug deriving a supply of water from any of the water mains through which the district water flows or draws water therefrom and in any event, only those trained in the operation of such fire hydrants or plugs will be permitted to manipulate the same.

(17) No person, agency or corporation shall allow the continuance running of water from any open line including pipes and hoses, excluding the watering of lawns through a sprinkling system.

(18) Termination of Services:

The Town Board shall have the full right at all times and whenever in its opinion the public good requires it, and upon a showing that a person, agency or corporation has violated these regulations, to diminish or entirely cut off the supply of water to any and all properties or persons found to be in violation thereof.

When the supply of water to any premises is turned off by order of this Board on account of a violation of these regulations, no person shall turn the same on again unless upon written consent of the Town Board and the Water District Superintendent which consent shall be issued from the office of the superintendent when proper so to do.

(19) Additional Rules and Regulations:

The Town Board shall have the full right at all times and whenever in their opinion the public good requires it, to make such additional rules and regulations for the use or terminating of the water supply to any properties or person as the Town Board shall deem necessary to the conditions prevailing.

(20) Copies of Rules and Regulations:

A copy of the rules and regulations and any amendments or additions to the same will be printed in a folder and kept on file in the Town Clerk's office. A copy shall be provided to every applicant for services at the time such application is filed.

(21) Sprinkling:

The Town of Bolton reserves the right to stop any and all sprinkling of lawns or properties at any time and further reserves the right to cut off the service of water where such water is used for artificial air cooling devices unless the water is aerated and returned for use in the same system. Automatic sprinklers shall not be used except between the hours of Midnight and 6:00 A.M. daily.

(22) Effective Date:

These water district rules and regulations shall take effect ten (10) days after the filing of the same with the Town Clerk and the posting in three (3) conspicuous places within the Town of Bolton and the advertising of the same once in the official newspaper of the Town of Bolton and the filing of affidavits of posting and publication with the Town Clerk.

## Add Under I General Information New Section C

### Section C: Water Meters:

- (1) All water used on any premises or for any purpose whatever shall be metered. No bypass or connection including, but not limited to bleeders shall be made or maintained unless covered by a meter. Only meters which have been furnished or approved by the Town shall be installed. The Town water department shall determine the type and size of meter in each instance.
- (2) The meter(s) shall be installed within the building to be served as close as practical to the point where the service pipe enters the building by an outside wall and shall be set with the inlet and outlet in a horizontal line with the register on top, and shall be located so as to be readily accessible at all times for reading, inspection and repair. It is the property owner's responsibility to protect the meter from freezing temperatures and other adverse weather conditions. Stop valves shall be provided on both inlet and outlet sides of the meter.
- (3) In the event of a discrepancy between the water consumption as indicated by the remote reading device and the water consumption as measured by the water meter, the water consumption as measured by the water meter shall be controlling.
- (4) Outside meter pits may be installed in special cases on written approval of the Town Water Department. Such meter pits must be installed in accordance with town specifications and at the expense of the property owner.
- (5) Provision shall be made to prevent hot water from entering the meter. No tee or other fitting through which water may be drawn shall be used or placed between the main and the meter. The Superintendent or agent may, at any reasonable time, enter upon the premises for the purpose of inspecting pipes or reading or checking the water meter and shall discontinue the supply of water when the customer has failed to comply with Water Department rules and regulations or for nonpayment of water bills.
- (6) All meters will be tested before being set by the Bolton Water Department.
- (7) If the meter is not placed in the location specified by the Water Department, the water supply will be turned off by the Water Department and will be turned on at the owner's expense when the meter is reset in an accessible position. There shall be no tampering with the water meters or breaking meter seals.
- (8) At the request of a consumer, the Water Department will test the meter supplying the property of said consumer. If the meter, on test, is found to be registering over three percent (3%) more water than actually passes through it, no charge will be made for the test, otherwise a charge of twenty-five dollars (\$25) will be imposed.

(9) When a meter is not working, the customer will be billed by estimate. The charge will be made on the basis of the average of the consumers's bill for the past two (2) years for the first half that the meter is not working, and for each additional half that the meter is not working, the average of the consumers bills for two (2) years for the corresponding half will be made.

(10) The Water Department will maintain the water meters and readers.

(11) Repairs to meters shall be at the Department's expense, unless the meter was damaged due to a violation of the District's rules and regulations. The Town, at its discretion, may either replace or repair a meter that is not working properly.

(12) All new construction begun or applications made for water service after the effective date of this Article shall provide for each dwelling unit to be separately metered.

(13) Meters suspected to be inaccurate or leaking should be reported to the Water Department.

(14) The Water Department may inspect, replace or repair any meter at any time it is felt it should be replaced or repaired.

(15) A meter damaged by or as a result of faulty plumbing in the building, such as faulty heating or hot water system allowing hot water to back through the meter, or damage by a blow, or tampering, or freezing, shall be repaired or replaced and the cost billed to and paid by the property owner.

(16) Existing multifamily dwellings (rentals) with individual meters for each unit may continue, but the owner or landlord will ultimately be responsible for the payment of any billing.

(17) New multifamily (condo or townhouse) facilities shall be master metered with one (1) meter. The meter size will be determined by the Water Department. Meter to be furnished by the Town and installed by the applicant.

#### Add Under 1 General Information New Section D

##### Section D: Meter Violations.

In the event that any customer violates a provision of section C in respect to properly maintaining the connection of the meter with the water system, the customer shall be subject to the penalties outlined in Section B2 and Section B13. In addition to those penalties - if the property owner fails to correct such violation within five (5) days after notice has been given by the Water Department to do so, or in the event that the customer has failed to install a meter connection with premises being served through the water system by the date fixed as the final date for making connections, unless said date is extended by public action and notice, the Water Department shall have the right to remedy the violation at the expense of the customer, and the charge therefore, shall be a lien prior to and superior to



every other lien or claim except the lien of an existing tax or local assessment upon real property of said owners so served with water from the date said work is done until it is paid. The bill shall be submitted for the same immediately after the work is completed, and if it is not paid within ten (10) days, such amount shall be added to the bill submitted at the next billing period and if not paid when due, service may be discontinued.

New Section E

Section E

All plumbing shall be installed and/or repaired in accordance with either NYS Plumbing code or the NYS building code.

**Water  
March 2, 2010**

**NEW SECTION F ENFORCEMENT PROCEDURE AMENDED MARCH 2, 2010**

F. Enforcement Procedure

Where the Town shall determine that a privately maintained water service line is leaking, clogged or otherwise malfunctioning, the Town Board shall have the authority to terminate municipal water service to all consumer(s) and/or property owner(s) on such privately maintained water service line unless said parties on the privately maintained water service line shall take immediate steps at their own expense to remedy such circumstance. Upon the Town determining that a privately maintained water service line is leaking, clogged or requires maintenance, the following procedure shall be followed:

a. Written notice shall be provided by the town supervisor to each consumer and/or property owner using the privately maintained water service line generally stating the circumstance or condition and providing a Five (5) Day Notice of the requirements to remedy same. Notice shall be deliverable to the name and address of the consumer(s) and/or property owner(s) shown on the Town assessor's tax roll as the proper party(ies) to receive such communication. The written notice specified by this section may be delivered in person or by First Class Mail.

b. Upon the expiration of five (5) days after the date of delivery of notice, in the event that the leak, clog or malfunction has not been remedied by the consumer(s) and/or property owner(s), the Town may act by the authority of the Town Board, or in emergency circumstances by direction of the Town supervisor to remedy the situation at the expense of the consumer(s) and/or property owner(s). Any expenditure made by the Town for the repair, replacement or maintenance of the privately maintained water service line shall be immediately reimbursable to the Town upon presentment of such claim. In the event that the Town is not reimbursed within thirty (30) days of presenting its claim, the Town shall be permitted to collect interest on the obligation at a rate provided by statute (Civil Practice Laws and Rules), and in addition, recover costs incurred by the

Town for any collection or attorney's fees reasonably expended to enforce the Town's rights. In instances where the consumer(s) and/or property owner(s) fail(s) to pay, by direction of the Town Board, a special assessment shall be added to the tax bill associated with the subject premises and collected in the same manner as an additional tax chargeable against the subject premises.

c. Upon such circumstances where the Town shall be required to enter upon private property to protect the municipal water system from leaks, clogs or malfunctions in privately maintained water service lines, and where the consumer(s) and/or property owner(s) have failed or neglected to provide consent to the Town allowing its agents, servants or employees to enter upon private lands, the Town shall be entitled to obtain permission from any court of appropriate jurisdiction upon notice to all occupants and owners of the subject premises for the purpose of obtaining permission pursuant to court order to enter and repair privately maintained water service lines. The costs of such legal proceedings, including disbursements and attorney's fees, shall be an additional charge and obligation of the consumer(s) and/or property owner(s) collectable in the same manner as specified herein.

d. Notwithstanding all provisions of procedure as stated within, under urgent circumstances, the Town Board or the Town supervisor, in a proper case, shall be entitled to act in any manner to seek any equitable remedy from a court of competent jurisdiction to compel any proper party to remedy a leak, clog or malfunction in a privately maintained water service line at the expense of the consumer(s) and/or property owner(s), and the Town may recover within such action the costs of such proceeding, including disbursements and reasonable attorney's fees. Cumulatively and as an additional remedy, the Town supervisor, being chargeable with the obligation to protect the health, general welfare and well being of the citizens and residents of the Town of Bolton, shall also be entitled to exercise such emergency powers as provided by statute for the purpose of expediting all things necessary to undertake immediate and necessary repairs to a privately maintained water service line in proper cases and recover by money judgment, special assessment or other manner of security for repayment in the manner specified herein all costs of such undertaking, including reimbursement for materials, labor, independent contractors, court costs and reasonable attorney's fees.

e. The Town shall act responsibly and with all administrative expediency necessary in situations where the public right-of-way is required to be excavated in order to facilitate the necessary repair, replacement or maintenance at private expense.