

CHAUTAUQUA UTILITY DISTRICT
RULES AND REGULATIONS - WATER SERVICE

Pursuant to Section 10 of Chapter 85 of the laws of New York for 1934, the Board of Commissioners of Chautauqua Utility District adopted the following rules and regulations pertaining to the Chautauqua Utility District (CUD) water filtration system and water produced and distributed by that system. These rules are effective as of January 1, 1979.

ARTICLE I

DEFINITIONS

1.1 Applicant shall mean any owner, or agent of owner, making a request in writing for water service to be furnished by CUD for a new or existing structure.

1.2 Billing unit shall mean the number of water meters installed on any property, located within or without CUD, and receiving water from CUD.

1.3 Owner shall mean the person who has legal title, as indicated by the assessment roll of the Town of Chautauqua, to any property receiving water from the CUD water filtration system.

1.4 Service connection shall mean the facilities and equipment used to supply water to any structure.

1.5 Water filtration system shall mean the water filtration plant, pumping stations, standpipes, water mains and rights of way, as conveyed by Chautauqua Institution to Chautauqua Utility District by conveyance dated May 19, 1978, and recorded by the Chautauqua County Clerk September 26, 1978, in Liber 1797 of Deeds at Page 213.

1.6 Dwelling unit shall mean any building or structure or portion thereof which is, or could be, occupied in whole or in part as a home, residence or sleeping place of one or more persons, containing cooking facilities, sewage facilities and water facilities. The determination of whether a structure constitutes a "dwelling unit" or whether more than one "dwelling unit" is located in a structure or whether an existing structure has been modified so as to result in one or more dwelling units being located therein

shall in each case be determined by the Superintendent of CUD. Any person may appeal the determination of the Superintendent of CUD to the Board of Commissioners of CUD.

ARTICLE II

APPLICATION FOR SERVICE

2.1 All applications for the use of water, to new or presently constructed structures, made subsequent to January 1, 1980, must be in writing on forms provided by CUD.

2.2 Usage of water supplied by CUD by any owner located within or without CUD, prior to making formal application therefore, shall constitute an implied contract between the owner and CUD obligating the owner to pay CUD its established rates and charges and to comply with CUD's rules and regulations.

2.3 Applications will be accepted subject to there being an existing main in a street or right-of-way abutting on the structure to be served but acceptance shall in no way obligate CUD to extend its water main to service the premises.

2.4 The owner of any real property receiving water service from the Chautauqua Utility District shall be responsible for the payment of any charges for water service pursuant to these rules and regulations, regardless of whether the owner is shown as the service customer or not.

ARTICLE III

NEW SERVICE CONNECTIONS

3.1 All new service connections shall be installed at the applicant's expense by a licensed plumber or by a qualified person approved by CUD.

3.2 For new water service connections, the applicant is responsible for the expense of installing the new service connection measured from the CUD water main tap to the structure to be served.

3.3 All new water service connections shall be made in a good and workmanlike manner and shall be inspected by CUD prior to being covered.

3.4 For all new water service connections, no more than one structure shall be furnished water by the same service.

3.5 Each new service pipe shall be laid in a straight line from the curb stop to the building line, at right angles to the street main to which it is connected except that, where the subsurface conditions make it impracticable, service pipes may be otherwise laid upon the approval by CUD of the plan submitted by the plumber showing the proposed location of the service pipe.

3.6 For all new water taps, there shall be a charge of \$50.

ARTICLE IV

MAINTENANCE AND REPAIRS

4.1 The owner shall be responsible for maintaining the water service connection (see definitions) from the curb box shutoff to the water meter.

4.2 All water service connections, measured from the curb box shutoff to the water meter, for which the owner is responsible, found to be leaking, must be replaced with type K copper or ductile iron pipe as specified by CUD.

4.3 After the water service is found to be leaking by CUD, CUD will notify the owner of the condition found and that owner has fifteen days from mailing or delivery of the notice to repair the leak or CUD reserves the right to terminate service until the leak is repaired, provided that the leak poses no significant, imminent danger to the CUD water filtration system.

4.4 In those cases where a service pipe is frozen and found by CUD to be frozen on the owner's side of the curb box, thawing of the service pipe by the owner is made at the owner's expense. If a service pipe is frozen on CUD's side of the curb box, CUD will thaw the service pipe at its expense. Where a service pipe has been frozen, CUD may order an examination of the owner's service pipe, and if the same is not at a depth of five feet, CUD reserves the right to require it to be so relocated before service is resumed.

ARTICLE V

INSTALLATION OF METERS

5.1 All water supplied by CUD used by any owner must pass through a meter. No by-pass or connection between the meter and the main shall be made or maintained.

5.2 An individual meter shall be required for each structure served except that in the event of the construction of any new structure or modification of any existing structure on or after November 15, 1985, where more than one dwelling unit is or will be served by one water meter, an individual water meter shall be required for each dwelling unit of the new or modified structure served.

5.3 CUD reserves the right to specify the size, type and make of any water meters installed.

5.4 Whenever possible, the meter shall be set in a basement or utility room. The meter shall be located at a convenient point approved by CUD 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 approved by CUD, and all expenses incurred by CUD in connection with its proper housing shall be reimbursed to CUD by the owner. All meters shall be placed in locations readily accessible to CUD meter readers.

5.5 Water meters and meter connections shall at all times remain the sole property of CUD and shall not be interfered with in any respect. All meters will be maintained by and the expense of CUD, so far as ordinary wear and tear are concerned, but the owner will be held responsible for damages due to freezing, hot water, or other external causes. In case of damage, CUD will repair the meter or replace it with another meter, if necessary, and the cost shall be reimbursed to CUD by the owner.

5.6 CUD reserves the right to remove and test any water meter at any time and to substitute another meter in its place. In case of a disputed account involving the accuracy of the meter, such meter will be tested by CUD upon request of the owner. The fee for testing a meter will be \$20.00 payable by owner in advance of the test. In the event that the meter so tested is found to have an error in registration to the prejudice of the owner in excess of 4% at any rate of flow within the normal test-flow limits, the fee advanced for testing will be refunded, and the owner's most recent water bill will be adjusted to correct for such over-registration in accordance with the method as outlined in the current

rules and regulations of the Public Service Commission of the State of New York covering the testing of water meters.

5.7 It shall be the obligation of the owner to maintain and, when necessary, repair outside meter pits on private property.

5.8 CUD shall not be liable for damage of any structure caused by flooding in connection with the testing or removal of any water meter.

ARTICLE VI

PAYMENT FOR SERVICES

6.1 Water meters will be read and bills rendered at intervals specified by CUD. Cud reserves the right, at its option, to read any water meter at more frequent intervals.

6.2 The quantity recorded by the meter shall be considered the amount of water passing through the meter, which amount is conclusive as to both the owner and CUD, except as hereinafter provided:

- a. In cases where it is found that the meter has ceased to register or has registered inaccurately, the quantity may be determined by the average registration of the meter in a corresponding past period when in order, 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 it is found that a reading cannot be obtained, an estimated bill will be rendered to the owner. The quantity will be determined by the average registration of the meter in a corresponding past period. In cases where CUD does not obtain an actual reading of a meter for any reason, and the estimated usage is found to be sufficiently higher than actual usage so as to cause the issuance of one or more minimum bills, CUD will not adjust such minimum bill or bills for either charges or usage.
- c. In all cases where a meter is found to be defective, CUD shall immediately replace the same by a meter that has been tested and properly adjusted.

6.3 All charges for water are due and payable 30 days after the bill is rendered. If not so paid, a penalty of 2% for each month, or part thereof, will be added to and collected with said charges. If the said charges and penalty are not paid within 75 days after the bill is rendered, there shall be an additional penalty of \$40.00 imposed.

6.4 Bills or other notices shall be considered as duly rendered or given when delivered at, or mailed to, the address of the owner as indicated by the assessment roll for the Town of Chautauqua unless specifically otherwise provided in writing by the owner. Non receipt of bill shall not constitute a waiver by CUD of the charges to which it is entitled. CUD will issue a duplicate bill upon request. Payments received by mail will be considered to have been made by the date indicated by the United States postal service mark. Unless payment is made within 45 days from the date when such charges are due and payable, CUD may discontinue water service to the structure served.

6.5 All miscellaneous bills and accounts are due and payable within 30 days from the date the bill is rendered. If not so paid, a penalty of 2% for each month or part thereof, will be added to and collected with such bill.

6.6 The schedule of water rates (see attached amendments).
There will be an annual charge of \$250.00 per private fire hydrant outside CUD.

6.7 When service has been terminated for non-payment, service will be restored on payment of the water bill with penalty.

ARTICLE VII

DEPOSITS AND GUARANTEES

7.1 CUD reserves the right to require, in advance, a payment or deposit approximately equal to two times the estimated average bill for the billing period. When service is discontinued, and final bills are paid, the deposit will be refunded with interest at the rate of 4% to the depositor.

ARTICLE VIII

GENERAL RULES

8.1 CUD undertakes to use reasonable care and diligence to provide a constant supply of potable water at a reasonable pressure to owners, but reserves the right at any time, without notice to shut off the water in its mains for the purpose of making repairs or extensions or for other purposes, and it is expressly agreed that CUD shall not be liable for deficiency or failure in the supply of water, or the

pressure thereof for any cause whatsoever, or for the bursting or breaking of any main or service pipe or other property.

8.2 CUD reserves the right to discontinue water service to any property, including but not limited to the following reasons:

- a. For willful waste of water by improper or imperfect pipes or by any other means.
- b. For tampering with any service pipes, seal, meter, or any other equipment owned by CUD.
- c. For nonpayment of bills for water or services rendered by CUD.
- d. For cross-connecting pipes carrying water supply by CUD with any other source of supply or with any apparatus which may endanger the quality of CUD's water supply.
- e. For refusal to permit reasonable access to the property by CUD personnel for the other purpose of reading, repairing, testing, or removing meters or inspecting water pipes and other fixtures.
- f. To remedy any violation of CUD's Water Rules and Regulations.

8.3 Where two or more structures are now supplied with water through one service pipe under control of one curb stop, if any of the owners so supplied shall violate any of the above rules and regulations, CUD reserves the right to apply its shut-off regulations to the joint service line, except that such action shall not be taken until the innocent owner, who was not in violation of CUD's rules, has been given a reasonable opportunity to attach the service pipe leading to his structure to a separately controlled service connection.

8.4 Upon receipt of an application for new service or for the reinstatement of an existing service, CUD may assume that the piping and fixtures which the service will supply are in proper order to receive same and CUD will not be liable in any event for any damage (done to or) resulting from any water connection or the owner's plumbing system.

Adopted by the Board of Commissioners of the Chautauqua Utility District on the 12th day of October, 1979.

Charles H. Eaton

Secretary, Board of Commissioners

