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Rules and Regulations Town of Shelby Water Districts

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RULES AND REGULATIONS

TOWN OF SHELBY WATER DISTRICTS

(Revised NOVEMBER 2015)

The following rules and regulations adopted by the Town Board of the Town of Shelby, Orleans County, New York, shall be a part of the contract with any person, firm or corporation supplied with water by the Town of Shelby water improvements authorized by the said Town and/or water districts created in the said Town and all extensions thereto. Each person, firm or corporation supplied with water, or whose property is supplied with water, shall be required to comply with the following rules and regulations.

DEFINITIONS

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

BOARD – shall mean the Town Board of the Town of Shelby, Orleans County, New York.

CONSUMER – shall mean the person responsible for payment of charges for water or other facilities and services furnished.

DISTRICT – shall mean any water district created in the Town of Shelby pursuant to the appropriate provisions of the Town Law of the State of New York.

IRRIGATION – shall mean the watering of land to make it ready for agricultural use.

METER PIT – shall mean the in-ground housing for the water meter.

OWNER – shall mean the person who has legal or equitable title to any premises and is ultimately responsible for payment of the water charges or other facilities and services furnished.

PERSON – shall mean an individual, firm, association or corporation.

PREMISES – shall mean a building, structure, mobile home or other like facility under one roof regardless of whether the same is occupied or not or whether it is used as a residence for more than one person or as a place of business for more than one business.

SUPERINTENDENT – shall mean the person appointed by the Board to maintain the Town water system and enforce the Town water rules and regulations.

TERRITORIAL LIMITS- shall mean the rules, regulations, rates, charges and fees herein prescribed shall be applicable to the supply of water and the furnishing of services and facilities within the Town of Shelby exclusive of the incorporated Village of Medina.

TOWN – shall mean the Town of Shelby, Orleans County, New York.

WATER IMPROVEMENT – shall mean any water improvement authorized pursuant to Article 12-C of the Town Law of the State of New York as amended.

WATER METER – shall mean the device that measures your water usage.

APPLICATION FOR SERVICE

- A. All applications for use of water must be made in writing on forms provided by the Town and filed with the Water Clerk. On acceptance by the Town, the application shall constitute a contract between the Town and the applicant; obligating the applicant to pay to the Town its established rates and charges, and to comply with all rules and regulations.
- B. A separate application must be made for each premise. Sub-metering will not be permitted.
- C. No agreement will be entered into by the Town with any applicant for service of any type until charges due from the applicant for water and/or service at any premises, including those for which the application is made, now or heretofore owned or occupied by the applicant and which are in arrears or are due at the time of making the application shall be paid. Charges, including by way of illustration but not limitation, for tapping the water main, installing the water meter, inspection, water service rates, shut-off and turn on charges, etc, shall be as established from time to time by the Board and on file with the Water Clerk.

INSTALLATION OF SERVICE

- A. **PERMIT REQUIRED** – No person shall make any connection to an opening into a water main or in any way perform work, service or maintenance which shall affect a water main or any connections thereto without a written permit. A permit shall be issued after the filing of the application as above provided and the payment of all fees and charges. The permit shall be signed by the Superintendent or his duly authorized agent and shall specify the type of tapping, service work, maintenance, construction or other activity authorized.
- B. **INSPECTION** – No water main shall be tapped nor any service connection made, laid, constructed or covered except in the presence of the Superintendent or his authorized representative. No tapping, connection, line or work thereon shall be covered until the Superintendent or his duly authorized representative shall have approved all such work and materials and authorized the tap, the connection and the covering thereof.
- C. **TURN ON AND OFF** – No person, except the Superintendent or his duly authorized representative, shall turn the water on or off at any connection to the water main.
- D. **PERMANENT CONNECTIONS** –
 - 1. The Town shall make all residential taps into the public mains and furnish and install the corporation stop at the mains, the curb stop and the curb box. The cost, therefore, shall be a part of the construction contract prior to the completion of any water main in any water improvement or water district. The cost for such service, after the conclusion of the construction of any water main, shall be made at the expense of the applicant on a cost basis for time and materials used in accordance with the current fee schedule of the Town existing at the

time of said tap. The Town shall maintain the service line and tap from the main to and including the curb valve and box and shall retain full ownership and control thereof at all times.

2. Generally, a meter pit will be required for any meter located more than 200 feet from the water main and at any residence without a full basement; although the Water Superintendent shall in all cases have the discretion to decide when a meter pit shall be required.
3. Commercial taps in the water main by private contractors will be made only after issuance of a permit and approval of the water superintendent after not less than five (5) days advance notice of the time desired for the tap as well as the payment of all costs therefore as outlined on the attached fee schedule. No taps will be made on Saturday, Sunday or holidays.
4. The water at the mains and/or curb box or curb valve shall be turned on or turned off only by authorized persons as herein provided. No turn on or turn off of water shall be made on Saturday, Sunday, or holidays, except in case of emergency. Applicable charges will be added to the next quarterly bill as outlined on the attached fee schedule.
5. After the completion of construction of a water main, as above provided, the charge for tapping the water main, connections, installation of curb box, curb valve and like items, as above provided, shall be billed by the water clerk as determined by the actual cost of materials as outlined on the attached fee schedule. This includes irrigation and other agricultural uses.
6. Where a premise is occupied by more than one (1) consumer, a separate water meter can be installed for each consumer. Ultimately the property owner will be held responsible for all water charges not paid for by the consumers.
7. A water meter must be leased from the Town. This charge shall be considered a rental fee for the use of the meter. The cost of the meter, back flow preventer and a right angle meter valve will be determined by the actual cost of materials as outlined on the attached fee schedule.
8. A trench must be dug not less than four (4) feet deep.
9. One (1) inch pipe (Type K Copper 1" OD seamless, 200 psi rating and must meet ASTM D 2737 standards) or plastic tubing may be used. When plastic is used, a tracer wire must be placed over the pipe so it can be traced for location and repairs, magnetic tracer tape is NOT allowed. Plastic must be hooked up with steel inserts for proper compression fittings.
10. There may be no splices in service line from curb box to house shut off.
11. Pipe must be bedded with a minimum of six (6) inches of sand or pea gravel and MUST be inspected by the Water Superintendent before pipe can be back filled with dirt. Special care

must be taken to keep rocks away from pipe and no turns should be made that will kink the pipe.

12. Inside the house shall be a gate valve shut off.

13. Before meter is installed, water must be run thru service line to clear it of any dirt or other contamination.

14. Behind the meter must be a pressure regulator that can be set at about 45 lbs.

15. When water is hooked up, there can be no cross connections. All water lines from wells must be disconnected so water from wells cannot be pumped in public system.

16. When hook-up is complete, it is necessary that a two (2) gallon expansion tank be installed to prevent the pressure relief valve on your hot water heater from activating.

17. A final inspection MUST be done by the Town of Shelby Water Department prior to use. They can be contacted at 798-3120, ext. 306.

E. **TEMPORARY CONNECTIONS** – Temporary service connections shall consist of, but not be limited to, temporary agricultural use, construction jobs, fairs and circus's, emergency connections, and temporary service to a property upon which no permanent structure is or has been erected. No such temporary service connection shall be made until the issuance of a permit after application and payment of all costs and fees as provided in this ordinance. The connections, type of pipe, size of meter, length of time of service, use of water and all other applicable factors shall be specifically enumerated in the application, and no permit shall be issued until the Superintendent shall have approved costs and fees for such temporary service; including deposit for meters which shall be established by the Board, from time to time, and on file in the office of the Water Clerk.

F. **SPECIAL SERVICES** –Any service, not otherwise specifically provided for in these rules and regulations, shall be subject to separate agreement with the Town, which agreement shall contain such terms and conditions as the Board may deem necessary upon advice and counsel of the Superintendent.

G. **IRRIGATION SERVICES** –

1. An "Annual Application for Irrigation Water" form must be filled out and submitted to the Superintendent, prior to any temporary use.
2. All persons desiring to draw water from a hydrant for irrigation or other agricultural use shall use an approved hydrant meter, backflow preventer/PRZ and gate valve.

3. No water shall be drawn from a hydrant for said purpose until the installation shall have been approved by the Superintendent. Irrigation service from a hydrant shall be defined as temporary service.

Due to New York State Department of Health and Town of Shelby regulations, a back flow preventer is mandatory equipment for all irrigation systems. All farm irrigation systems will be required to have either a double check valve or a PRZ valve installed, depending upon application. (Application being – a trickle irrigation system and any irrigation system with fertilizer and/or chemicals added to the water system, a PRZ valve will be required. Application by reel or sprinkler with no fertilizer or chemicals added will require a double check valve.) Both systems need to be testable, which will be done by the Town and will be charged to the customer for each unit tested as outlined on the attached fee schedule.

For customers with meters already installed, there will be two (2) options. 1) Turn in the meter for a refund based on the total purchase price, without interest, less 1/5 of the original charge for each year or major portion thereof for the time the said meter has been in service, with proof of purchase required. 2) Keep the meter and allow the Town to install the appropriate back flow preventer for that system.

- H. **SPRAYING SERVICES** –All persons desiring to use a public source of water to fill a spray rig or other apparatus using chemicals shall, in addition of applying for the correct type of service and in addition to complying with all other applicable rules and regulations, equip the service with an approved type backflow preventer.

INSTALLATION OF METERS, CHECK VALVES AND PRESSURE REGULATORS

- A. Equipment Requirements:

Meters must be approved by Town Board

Pressure regulator (PRZ) needs Orleans Health Department approval

Check valve/backflow preventer needs Orleans County Health Department approval

- B. All water used in the Town shall be metered except that used for firefighting purposes. Except as otherwise provided for, no charge shall be made for water used in domestic firefighting sprinkler systems as long as the same are installed and maintained after authorization and approval of the Board. Such domestic firefighting sprinkler systems shall meet such standards as shall be from time to time established by the Board, and if none are so established, in accordance with the acceptable standards approved by the fire underwriters or their successor organization.
- C. All water meters shall be of the type approved by the Board and shall be installed by the owner at his or her own expense in accordance with these rules and regulations. All meters and meter couplings shall, at all times, remain the sole property of the Town. All meters will be maintained by and at the expense of the Town insofar as ordinary wear and tear are concerned, but the owner

shall be responsible for all damage due to misuse of the meter, to freezing, to fire, to external damage and other like causes. In such case or cases, the damage will be repaired by the Town or the meter will be replaced and the cost of such repair or the replacement of the meter shall be paid by the owner.

- D. After application and issuance of permit and after the service from the water main to the premises has been installed and approved in accordance with these rules and regulations, the owner shall install a meter as herein provided after paying a charge to the Town in full. The payment of such charge does not in any way affect the ownership of the meter.
- E. In the event the owner desires to discontinue the use of water, he may return the water meter to the Town and receive his charge, without interest, less $\frac{1}{5}$ of the original charge for each year or major portion thereof for the time the said meter has been in service. This said charge shall be considered as an annual rental for the use of the meter.
- F. The Superintendent shall have the right at any reasonable time to inspect, test, clean, repair, remove or replace the meter or to substitute another meter in its place.
- G. All complaints concerning correctness of meter registration or water bills on which an overcharge is claimed must be made to the Superintendent in writing within fifteen (15) days after such bill has been received or delivered to the consumer. A fee shall be charged as outlined on the attached fee schedule with a written request to have the meter removed and tested. Bills on which no complaint shall have been filed within the said fifteen (15) day period shall be paid in full as rendered. The Town may correct any charges on its own initiative due to fault in the meter or to incorrect dial reading without cost of expense to the consumer.

HYDRANTS AND FIRE REGULATIONS

- A. In case of fire or alarm of fire, all consumers are requested to cease the use of water except for emergency purposes in the interest of keeping up a strong and effective pressure and fire flow for fire purposes.
- B. No person, except the Superintendent or his duly authorized representative or the chiefs of fire departments or their authorized assistants shall be authorized to operate, open, close or work upon any hydrant or to draw water therefrom for any purpose whatsoever. In the event of the opening, closing or work done upon any hydrant by anyone who is not so authorized, that said person shall be liable to the Town for all damage to the hydrant, water main, water system and for the water estimated reasonably to have been consumed and shall further save harmless and indemnify the Town from any other damages resulting from the unauthorized use of the hydrant or the drawing of water therefrom.

- C. In addition to any civil damages which might exist for unauthorized or improper use of a hydrant or drawing of water therefrom, any person who shall so improperly or without authorization use the said hydrant or who shall deface, injure or disturb or in any way interfere with any part of the water system used or calculated to be used for fire protection shall be subject to prosecution to the fullest extent of the law.

BENEFIT CHARGES

- A. The Board shall have the right, in accordance with the applicable sections of the Town Law, any Town Code provisions or these Rules and Regulations, to set Benefit Charges equitably against all benefited properties as defined herein, whether or not the properties so defined elect to use the water thus made available. Said charges shall be used for the purpose of meeting the annual expenses, wholly or in part, of any or all Capital Improvement Expenses. Bonds and/or other Debt, for construction maintenance, operation or planning deemed to be in the best interest of the Water District.
- B. A Benefited Developed Property shall be any property to which a service connection has been provided by the Water District from the water main to said property line or is a habitable structure intended for human occupancy facing and abutting a water main of the Water District.
- C. A Benefited Undeveloped Property shall be any other property of whatever nature, whether vacant or having structures thereon.

PAYMENT FOR SERVICE

- A. All bills are payable in accordance with the terms of applicable service classification. Meters will be read quarterly on an annual basis and customers will be billed quarterly on an annual basis. In cases where it is found that a reading cannot be obtained, an estimated bill will be rendered to the consumer. The quantity will be determined by the average registration of the meter in a corresponding past period except where it appears that there has been a change in occupancy or use of the premises, in which case the estimated bill will be rendered to take such factors into consideration. Adjustments will not be made prior to the next actual reading of the meter.
- B. All bills are due and payable in cash, check, money order, or credit card when rendered. In case any water bill or charges provided in these rules shall not be paid within thirty (30) days following the rendering of the bill, such bill shall be delinquent and a 10% penalty will be assessed to the water portion of the bill. The Town may, at its option, at the time, and if not paid within sixty (60) days after the bill has become delinquent, the Town shall shut off the water service to the customer. The service will not be re-established until such unpaid charges together with all interest and penalties thereon and the charge for restoration of service as outlined on the attached fee schedule are made during regular working hours.

- C. The owner or applicant shall pay or cause to be paid all costs for services as provided by these rules and regulations in addition to water rentals.

DISCONTINUANCE OF SERVICE

- A. Water service may be discontinued by the Town for any of the following reasons:
1. For use of water other than represented in the customer's application, or through branch connections of the street side of the meter or place reserved for the meter.
 2. For willful waste of water by improper or imperfect pipes or by other means.
 3. For tampering with any service pipe, seal, meter or other appliance owned by the Town.
 4. For non-payment of bills for water or services rendered by the Town.
 5. For cross connecting pipes carrying water supplied by the Town with any other source of supply or with any apparatus which may endanger the quality of the Town's water supply.
 6. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters or inspecting water piping and other fixtures.
 7. For violation of any other water rules and regulations promulgated from time to time by the Town.
- B. Where two (2) or more customers are supplied with water through one (1) service pipe under the control of one curb stop, if any of the parties so supplied shall violate any of the above rules, the Town reserves the right to apply its shut off regulations to the joint service line, but such action shall not be taken until the innocent customer shall have been given notice of the violation and shall have had an opportunity to either correct the violations or to create an attachment from the service pipe leading to his separate service connection, which opportunity shall not exceed fifteen (15) days from notice given by the Town.
- C. The Superintendent on behalf of the Town shall have the right to shut off the water from any street to any premises that he may deem necessary and neither the Town nor the Superintendent shall be responsible for any damage that may result therefrom. In the event of water leaks or breaks, or other such water supply issues, it shall not be necessary for the Superintendent or the Town to give notice that the water will be shut off.
- D. Water service may also be terminated after seventy-two (72) hours notice has been given to the owner that a leak exists in any service line to the premises, provided the owner has not repaired this leak within the above mentioned period of time. This provision shall not be construed to limit the

right of the Superintendent to immediately discontinue service in the event of willful waste of water as above provided.

EXTENSION OF MAINS

The Board will review any petition for the extension of water mains within the Town. Such petitions shall be in proper form as provided in either Article 12, 12-A, or 12-C of the Town Law for the creation of a water district or districts or for the authorization of a water improvement. The Board, upon consultation with its engineers, and after public hearing, if necessary, will be the sole judge as to the extension of such water mains, the cost of such petition, hearing and engineering services shall be borne by the applicants initially and may be charged by the Board to the benefited persons pursuant to appropriate provisions of said articles of the Town Law. Nothing contained here shall be construed to restrict the Board on its own initiative from the extension of water mains.

GENERAL RULES

- A. **SUPPLY OF WATER** – The Town undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to customers, 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 the Town shall not be liable for any deficiency or failure in the supply of water, or the pressure thereof, for any cause whatsoever or for any damage caused thereby, or for the bursting and breaking of any main or service pipe or any attachment to the Town's property. All customers having installations upon their premises, depending upon pressure in the Town's pipes to keep them supplied are cautioned against danger of collapse and all damage shall be borne exclusively by the customer.

- B. **PUBLIC HEALTH** – In the interest of public health, the Town will not permit its mains or services to be connected with any service pipe or piping which is connected with any source of water supply not approved by the Department of Health or the Department of Environmental Conservation of the State of New York. The Town will also not permit its mains or service pipes to be connected in any way to any piping, tank, vat, or other apparatus which contains liquids, chemicals, or any other matter which might flow back into the Town's service pipe or mains and consequently endanger the water supply. All service supply lines, meter, valves connections and other pipes shall be disinfected after installation and/or repair and before use according to department of health practices.

- C. **EMERGENCY** – The Town reserves the right, in periods of drought or emergency or when deemed essential to the protection of public health, safety and welfare, to restrict, curtail or prohibit use of water for pool and like activities, and shall have the right to fix hours and periods when water may be used for such purposes and may have the right, if need be, to restrict the use of water for any other non-essential purposes temporarily or permanently.

- D. **QUALIFIED PERSONS** – No person shall perform work upon any service line from the curb box or curb valve to and including the water meter unless the said person has been determined by the

Superintendent to be duly qualified to perform such work and services taking into consideration technical knowledge, experience and ability, other comparable work performed, the usual occupation of said person, and other factors. The Superintendent shall have as his main concern the proper installation, maintenance and repair of all service lines so as to eliminate insofar as possible any malfunction or disruption of water service in accordance with the terms of these rules and regulations.

- E. **LEAKAGE** – All liability for damage on account of leakage of water service pipes from the curb box to the water meter shall be assumed and charged against the user and owner of the property.

- F. **CROSS CONNECTIONS** – No installation of any nature whatsoever shall be permitted which has any connection in any manner whatsoever with any private pumping system regardless of how the same is valved or piped. No installation shall be permitted whereby the water is to flow or pass into any system or container which is or may become pressurized as a result of its construction and/or operation in which there is any likelihood that the water and/or other liquid or solid may flow back into the water main. ANY POTENTIAL CROSS CONNECTION ARRANGEMENT SHALL BE PROTECTED WITH AN ACCEPTABLE BACKFLOW PREVENTER. A current list of acceptable backflow prevention devices is available at the office of the Orleans County Health Department. Backflow prevention services are subject to periodic inspection by the Superintendent for satisfactory operation.

- G. **LIABILITY FOR WATER SERVICE, PENALTIES, AND LIENS** – All water rents shall be chargeable to and assessed against the owner and shall be a lien against the real property upon which the water is used. All water rents are due and payable at the office of the Town Clerk as billed. In the case that rents are not paid within thirty (30) days after billing, 10% of the water amount shall be added and collected and shall become a part of the lien against real property. All water rents and penalties remaining due at the time the annual taxes for the Town are prepared shall be included and levied against the real property upon which the same has been used and shall be collected with and in the same manner as the Town taxes, with an additional fee of one hundred 00/100 (\$100.00) dollars, plus charges and penalties incident to the collection of such taxes. If at the time taxes are prepared and only the debt service remains unpaid no additional one hundred 00/100 (\$100.00) fee shall be applied. No penalty shall be waived without Board approval.

- H. **WINTER PROVISION** – The Town shall not be required to install any service lines or make service connections between November 15th and April 15th except by special arrangement, in which case the customer shall pay for the excess over normal costs. In those cases where the service pipes or mains become frozen, the thawing thereof shall be done by the Town at the expense of the customer. To avoid reoccurrence of freezing, the Town may order an examination of the service pipe or main and if the same is not to be the proper depth or has not been installed to specifications as provided in these rules, the Town reserves the right to require that the service pipe or main be relocated and properly installed before service is resumed. All such relocation and reinstallation shall be at the cost of the customer.

- I. **PENALTIES** – Notwithstanding the provisions of Section 107 of the Shelby Town Code or any other law, a breach of any of the provisions of these rules and regulations shall constitute a violation. Each week's continued violation shall constitute a separate additional violation and offense. Penalty and violation charges shall be a minimum of \$100.00 and a maximum of \$250.00.
- J. **AMENDMENTS** – The Board may from time to time amend or revise these rules, adopt new rules or regulations, change the charge for installation of water service, water meters or rates for water without notice and any charge shall be binding upon the owner and consumer after notice thereof.

WATER SERVICE RATES

- A. Water rates will be fixed from time to time by the Board upon due deliberation and after public hearing called upon notice of not less than ten (10) days published in the official paper of the Town. The said water rates as amended from time to time shall be contained in a current rate schedule affixed to and made a part of these rules and regulations.
- B. The Board may from time to time establish, change and modify the rates for services other than water rates as provided in these rules and regulations without public hearing. The said changes shall be from time to time enumerated in the current rate schedule affixed to and made a part of these rules and regulations.

In the event any part or section of this ordinance shall be held to be unconstitutional or invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.