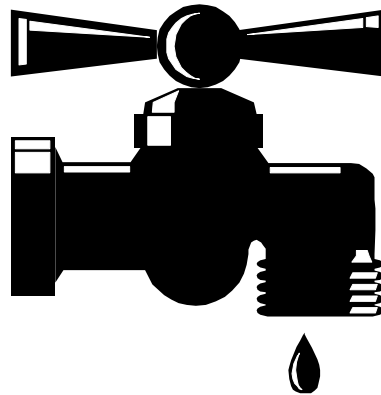


VILLAGE OF NYACK WATER DEPARTMENT



Rules, Regulations and Information for Customers

**Adopted by Board of Water Commissioners
August 12, 2004**

1. General. The Following Rules and Regulations shall be part of the contract of every owner of property furnished water service directly by the Village, hereinafter called, respectively, the customer and the Village. All persons now receiving, accepting and paying for water service from the Village or who hereafter make application therefore, shall be considered as having agreed to be bound by the Rules and Regulations as contained in this article.

2. Applications. All applications for water service shall be made in writing at the office of the Nyack Water Department by the current owner of the serviced property or an authorized agent with a valid power of attorney. No applications will be granted unless all outstanding bills and penalties, have been paid. If a new owner fails to properly file an application for water service, the Nyack Water Department may terminate service upon fifteen (15) days written notice.

The Nyack Water Department may impose appropriate fees for special type connections and may set such conditions and safeguards as it deems necessary before approving any application for a special type connection.

No applications to change the names of existing accounts will be granted unless the current property owner agrees to remain responsible for payment and all outstanding bills and penalties on the serviced property have been paid.

Any new owner who knowingly accepts water service from the Nyack Water Department shall be obligated to pay for such service.

***2a.** No person who owes a bill to the Water Department for services or charges at one premises shall be entitled to the use of water at any other premises until such bill, including the penalties, is paid in full. (Adopted by the Board of Water Commissioners April 14, 2005)

3. Street Service Connections. A street service connection includes the water supply pipe with any appurtenances that extends from the water main to the property line. This includes the curb stop, gate valve or cock located between the curb line or the edge of the traveled way and the property line, of the premises being supplied with water. The size of the

street service connection is defined as the diameter of the pipe between the tap in the main and the curb stop, gate valve or cock.

- 4. New Service.** A residential service connection shall be installed after an application has been approved. Service connections with diameters of three quarters of an inch (3/4") or one inch (1") will be run from the street main to the curb line at no cost to the customer by the Water Department. This includes the corporation stop, copper tubing, curb stop and curb box.
- 5. Installation of Street Service Connections.** All street connections shall be inspected and approved by a Water Department Representative. Street connections larger than one (1") inch will be installed by the customer, including the tap and corporation cock with approved materials and by an approved contractor. The customer will provide the required street opening permit, any surety bond, the necessary pipe of approved size and material, the required trench in which the customer will install the pipe, and all back filling and repaving incidental to the installation of the street service connection. The back filling shall not be undertaken by the customer until after the installation has been inspected by the Water Department.
- 6. Size and Material-Street Service Connections.** Street service connections shall be not less than three quarters (3/4") of an inch in size. If larger sizes are required by potential demand and elevation above Nyack datum, installation shall be approved by the Water Department. The pipe for street service connections shall be of copper type K with flared joints only. This type of pipe and joints includes lines from the curb cock to the meter.
- 7. Limitations on Number of Connections.** Only one street service connection will be allowed for each building or group of buildings in a single property or holding, except that the Water Department may allow, or may require, one or more additional street service connections and meters if, in its judgment, unusual physical conditions or demand warrant them.
- 8. Maintenance of Street Service Connections.** The Water Department will, at its expense maintain, repair or renew street service connections,

only in the event of a leak, up to and including one (1") inch in diameter. If a property owner desires to have his service connection enlarged, replaced or renewed, because of lack of pressure or for any other reason, he shall first replace at his expense, the portion of the service connection between the curb stop cock and his meter with pipe of the approved type and size. If, in the judgment of the owner, the situation has not been adequately remedied, the owner may request permission from the Water Department to contract with a private contractor to renew the line to the street main at his expense. If in the process of renewal or replacement, the owner or contractor creates a leak on the street side of the curb cock stop, he shall be required to renew the line to the street main at his expense.

9. Abandoned Service Connection. If a customer desires for any reason, to abandon a service connection which has been used to furnish water service to any structure or fixture on the customer's property, the Water Department will shut off the water at the curb and charge the customer at the prevailing rate for this service. This rule also applies for any turn-off or turn-on for any reason.

10. Customer Service Lines. A customer service line is defined as the supply pipe with appurtenances extending from the curb stop cock to the inside of the wall of the building or premises supplied.

11. Size of Customer Service Lines. A customer service line shall not be smaller than the street service connection from which it extends but may be larger. The Water Department may require the customer to install a sufficiently large diameter line on his property to hold friction losses to what, in view of his demand and elevation above Nyack datum, will not impair service.

12. Separate Trench Required. All service lines shall be laid in a separate trench at least three (3') feet distant horizontally from any other underground facility and in solid ground. The placing of water service lines in the same trench that is occupied by sewer pipe or other utility lateral connection is not permitted. In extraordinary cases, such as that where solid rock is encountered, special authorization may be sought from the Water Department for permission to modify this requirement.

13. Depth and Route of Service Lines. All service lines shall be so laid as to be at all points at least four (4') feet below the surface of the ground and at least four (4') feet laterally from any open excavation or vault, and such conditions shall be maintained as long as such service line is used. The service line shall be installed in a straight line from the curb cock stop to the building and shall be at right angles to the main or the front street line of the premises, or upon permission of the Water Department, in accordance with other generally accepted good practice.

14. Consumer to Replace Defective Line. The maintenance and renewal of all supply piping from the outlet side of the curb stop cock is the responsibility of the customer. If the Water Department shall determine that a customer service line is in need of repair or that an entirely new line shall be constructed due to leakage, corrosion or other cause, the customer shall, upon notice and order from the Water Department, make such repairs or installations as are required. In the event of failure on the part of the customer to initiate the making of such repairs within three (3) days after the notice has been given, the water may be shut off until the requirements of the Water Department have been complied with.

15. Requirements At and Ahead of Meter. No change in a customer's service line shall be made after the meter has been installed except by permission and authorization of the Water Department. No lateral branch or fixture shall be placed on the street side of the meter. A stop cock or valve shall be placed in the service pipe near to and on the street side of the meter. A stop and waste cock or valve shall be set on the outlet side of the meter.

16. Meter Installation and Maintenance. Meters shall be set as nearly as possible to the point of entry of the service connection pipe to the building, and shall be kept unobstructed and easily accessible to Water Department employees at all times. In circumstances where the customary location of a meter is in excess of one hundred (100') feet distance from the front property line of a premises, the Water Department may require the meter to be set in a pit or box, provided by and at the expense of the customer and located near the front property line of the premises. All permanent meters

shall be provided by the Water Department at the customer's expense. The design of such special meter settings shall be submitted to the Water Department for approval before construction by the customer is undertaken.

17. Meter Size. The Water Department shall determine the proper size of meter to be installed. This is necessary in order to insure its proper operation. Only one meter shall be permitted with each service connection except when special permission is granted by the Water Department.

18. No Tampering with Meters. No person other than an employee of the Water Department shall remove the sealing device or meter head from any meter installation after it has been placed in service.

19. Damage to Meters. Any Meter damaged by frost, or by hot water or steam backing into the meter, or by any external cause, shall be repaired or replaced by the Water Department at the expense of the customer. Water service may be discontinued until such corrective action is taken to prevent a recurrence of the incident that caused the damage. The charge for such repairs shall be based on the cost of removing, repairing, testing and replacing said meter, plus twenty (20%) percent for department overhead, transportation and use of tools.

20. Testing Meters. Customers, upon request and scheduled appointment, may have the meters serving their premises tested by the Water Department in their presence. The customer will be charged at the prevailing rate for the meter test and calibration. Meters of one (1") inch or less in size will be removed by the Water Department for testing and reinstalled after testing. Meters larger than one (1") inch in size will be removed and replaced by the customer's plumber, at the customer's expense. Meters are considered accurate if they test within the manufacturer's standard deviation of +/-3%. If the meter deviates more than the manufacturer's standard, the customer's bill for the last quarter will be adjusted accordingly.

21. Meter Reading. Employees of the Water Department in the performance of their duties shall be permitted to enter the premises of any customer, between the hours of 8:00 A.M. and 6:00 P.M. to remove, replace, repair or test the meter, to make a record of the quantity of water used, to inspect the premises to determine the manner of water use or to enforce these rules and regulations. If the Water Department is unable to read a meter, the charge will be estimated on the basis of prior use in comparable periods, and the difference adjusted when the meter is again read. If the meter is damaged or fails to operate, the bill will be based on the average use during prior comparable periods, unless there is evidence that the use is not normal and the average use for comparable periods is not properly applicable, in which case the charge will be estimated by some other method which the Water Department considers equitable.

22. Temporary Discontinuance of Service. If a customer desires to discontinue the use of water for a temporary period, the Water Department shall be given prior notice for turning off the water and similar notice for turning it on. If the temporary discontinuance is during the winter months, the customer shall take precautions to protect the meter from damage due to frost or freezing. The customer will pay the prevailing rate for the turn off or on.

23. Shut-off for Permanent Vacancy. If a customer desires to discontinue the use of water due to permanent vacancy, the Water Department shall be given at least twenty-four (24) hours notice in writing, whereupon it will, at the time required, shut off the service and will read and render a special bill for the fractional period plus the prevailing turn off charge.

24. Special Types of Service Connections. A service connection for private fire protection purposes may be secured from the Water Department upon application by the owner of the property involved. A drawing showing the proposed location of all valves, pipes, hydrants, sprinkler heads and other appurtenances to be installed shall be submitted with the application. The proper size of each fire service connection is the customer's responsibility. The cost of installation of such a service, including an approved type of backflow preventer located in a pit or vault, if required, shall be borne entirely by the customer. An annual fixed charge shall be billed to the owner quarterly, based on the size of the service. A fire service connection

will be subject to the same rules and regulations as apply to services greater than one inch (1”) in diameter. No connection shall be made at any time between the fire protection system and the potable water supply on the premises or any other supply, regardless of source, unless specifically approved by the Water Department. A fire service connection is exclusively for fire protection purposes. The use of water from this service for any other purpose whatsoever is prohibited. Any violation of the provisions shall be sufficient cause for discontinuing such service until reasonable assurance is given that the offense will not be repeated and for applying the penalties provided in Section 42 of this Code. The use of water, through either a special or a customer’s regular service connection, to supply a lawn sprinkler system is forbidden without the specific permission of the Water Department. Where such connections are permitted, approved backflow preventers shall be installed as approved by the Water Department. Connections to supply lawn sprinkler pipe systems will be permitted only where the use of water for that purpose will not adversely affect regular service to neighboring customers at periods of peak demands. The size and arrangement of pumps, if any, valves, check valves and other appurtenances shall meet the requirements of the Water Department and shall be approved by the Rockland County Department of Health.

25. Cross Connections. No person owning or occupying premises receiving water service from the Village of Nyack Water Department shall make, or allow to be made, any connection, either of a direct or of an indirect nature, between his piping system and a water supply from any other source, or install, or allow to be installed, any fixture or appliance, or waste or soil pipe from which water may flow, be syphoned or be pumped into any piping connected to the Village water system. Refer to Chapter I of the New York State Sanitary Code 5-1.31-Cross Connection Control.

26. Contractor’s Responsibility. Where either hand excavation or excavating machines are used by contractors, property owners, or others in excavating for sewers, drains, gas mains and conduits, or in connection with any other underground excavation work, all water mains shall be maintained in position at the expense of such persons or contractors. Contractors or others working in the public street must ascertain for themselves the location of all water mains and service connection pipes. Where they are removed, cut or damaged, in the construction or repair of a sewer, drain,

gas main or conduit or in connection with any other underground excavation work, such person or contractor must, at his own expense, cause them to be replaced or repaired promptly and he must, at once, notify the Water Department of the interruption of service and must reimburse the department for any expense to it in providing temporary service and in restoring regular service.

27. Installation and Maintenance of Distribution Facilities. The Water Department will operate, maintain and where necessary, replace or repair all existing mains and appurtenances, fire hydrants and other facilities within the territory of any street or any easement. However, the repair or damage to Water Department facilities resulting from collision or any external cause, shall be paid for by the person causing such damage. New mains and appurtenances will be furnished and installed by the owner of the premises to be served, or his contractor, at his expense. Specifications for the new main installations can be obtained at the office of the Water Department or the Water Department's engineer.

28. Operation of Water Works Facilities. No unauthorized person shall open or close any valve, hydrant or curb cock, or interfere or meddle with any hydrant, valve, pipe or main, curb cock, meter or other fixture, or appurtenance connected with the water system of the Village. The Water Department shall control all mains, taps, gate valves, street service connections, curb stop cocks, curb and gate valve boxes, and meters and may, whenever such facilities are operated or interfered with in any way in violation of these rules and regulations, discontinue the water service to the premises involved, which action shall be in addition to the penalties provided under Section 43 of this code. No person shall, except with a permit from the Water Department, allow contractors, masons, or other unauthorized persons to take water from his premises or operate any valve connected with the distribution system.

29. Fire Hydrants. Fire hydrants are, except under special circumstances and with permission of the Water Department, for the sole use of the Fire Departments for fire fighting purposes. Tampering with any fire hydrant or the unauthorized use of water therefrom is a violation of this article. In cases where no other supply is available, permission may be granted by the Water Department for temporary use of a hydrant. Permits for the use of hydrants for filling sprinklers, sweepers, sprayers, and other equipment

apply only to such hydrants as are designated for such use. Such permit shall be granted for such time, under such conditions and for such fee as the Water Department shall prescribe, consistent with the paramount purpose of hydrants as instruments of public fire protection. If a property owner or other party desires a change in the location of a fire hydrant, they shall bear all costs of such charge. Any location change of a fire hydrant must be approved, and the work done, by the Water Department.

30. Village and Water Department Not Liable for Damages. The Village and the Water Department make no guarantee as to amount or consistency of pressure or volume of the water it furnishes and will not under any circumstances be responsible for any loss or damage from any excess, deficiency or variation in the pressure, volume or supply of water or for loss or damage caused by water escaping from, or obstruction in, a service line, due to frost or any other cause or for any loss or damage as a result of water escaping from laterals, fixtures, appliances, or pipes owned by consumers. The Water Department shall have the right to shut off the water in the mains temporarily to make repairs, alterations or additions to the plant or system, but the Village and the Water Department will not be responsible for damages resulting directly or indirectly from any interruption of the water supply. When it becomes necessary to shut off the water from any section of the water system, the Water Department will endeavor to give notice to as many of the customers affected thereby as time will permit and will, so far as practicable, use its best efforts to prevent inconvenience and damage; but failure to give such notice shall not make the Village and the Water Department responsible or liable for any damages that may result either directly or indirectly from the shutting off of the water.

31. Safety Devices for Boilers and Other Appliances. In cases where boilers or other appliances in premises depend upon the pressure in the service line to keep them supplied with water, the owner or occupant shall place suitable safety devices to guard against the possibility of collapse or explosion when the water supply is interrupted. Likewise such owner or occupant shall protect water-cooled compressors for refrigeration systems by means of high-pressure safety cut-out devices and shall provide means for the prevention of the transmission of water hammer or noise of operation of any valve or appliance through his piping to any adjacent premises. Failure of the owner or occupant to provide such safety devices shall in no way make the Village responsible for any resulting damage.

32. Village May Curtail Water Use. The Village shall have the right to curtail the amount of water supplied in the event that its supply becomes limited. The Water Department in case of a shortage of water, may limit or prohibit the use of water for sprinkling of lawns or gardens or for any purpose not deemed necessary for the maintenance of public health. Where water is wastefully or negligently used on a customer's premises affecting the general service, the Water Department may discontinue the service to such premises if conditions are not corrected within twenty-four (24) hours after giving the customer written notice or, if an emergency exists, it may discontinue service at once without notice.

33. Quality of Water. The Nyack Water Department undertakes reasonable care and diligence to provide a constant supply of good, wholesome water through its distribution system. In the event of the occurrence of any break, failure, accident, injury by Act of God, or the public enemy, or unless caused by its negligence, the Water Department shall not be liable for any water quality or any damages resulting therefrom.

34. Rates Set by Board of Water Commissioners. The schedule of charges and rates for water service shall be adopted by resolution of the Board of Water Commissioners.

35. Water Charges. All water supplied through meters shall be charged on the basis of the amount registered on the meter or meters installed at the premises, whenever possible.

Hydrant and Fire Line Charges. The charges for public and private hydrants shall be billed quarterly at the prevailing rate set by the Board of Water Commissioners. All hydrants will be billed at the same rate. Rates for fire lines will be set according to the size of the line supplying the service. No additional charges will be made for water used for fire protection purposes.

36. Charge for Building Purposes. A charge, payable in advance, may be made for construction purposes during the erection of residential

dwellings. For other construction, water use shall be metered. This also applies to demolitions.

37. Service Under Unusual Conditions. The Water Department shall determine the charges and rates in special cases to cover unusual conditions or types of service not contemplated in these rules and regulations or in the rates and charges set by the Board of Water Commissioners for regular service. No customer will be allowed to supply water to other persons or premises and no owner or occupant shall use water from another premises, unless specific permission has been obtained in each case from the Water Department. The Water Department has the right to require, during a temporary period of emergency, that a customer allow it to connect an adjacent premises to such customer's piping, but in such case allowance will be made for any excess water registered on his meter.

38. Billing Procedure. Checks for payment of water bills and water charges shall be made payable to The Village of Nyack Water Department. Meters will be read and bills rendered at regular quarterly intervals. Bills for the previous quarter shall be payable at the office of the Village of Nyack Water Department. Bills remaining unpaid after the due date (30 days) shall be subject to a ten percent (10%) penalty. If a bill remains unpaid 30 days after the due date, upon written notice, the water will be shut off until such bill and any additional charges are paid.

39. Owner Responsible for Payments. The Water Department, upon written request of a property owner, will mail the water bills to the tenant or lessee using the water, but the owner shall remain responsible for all charges provided for in this article, together with any penalties.

40. Special Billing. If requested, special bills for a portion of a quarterly period may be rendered and they shall be based on consumption at the prevailing rate.

41. Delinquent Bills to Become a Lien. All charges for water service and all miscellaneous charges required under the provisions of this article,

including reimbursement of the department for work or costs payable by customer, shall, if not paid in sixty (60) days, be cause for discontinuance of water service. On all customers within the corporate Village of Nyack, all charges provided for by this article shall become a lien, on the date payable, upon the land and buildings where the water was furnished or the service line or meters installed or repaired, and shall remain a lien thereon until paid or satisfied. Any delinquent water bill levied on Nyack Village Taxes shall be charged an administrative fee of twenty-five percent (25%) of the total amount levied.

42. Penalties for Violations. In cases of a violation of the provisions of this article, the Water Department may shut off the service until the violation is removed and all charges are paid, including a charge to cover the cost of shutting off and turning on the service.

43. Breaches of Agreement. Any customer who breaches this agreement consents to be sued in the County of Rockland; that ten per cent (10%) interest be applied to any delinquent accounts; and that any reasonable attorney's fees incurred in collecting on delinquent accounts be added to the arrears due to the Board of Water Commissioners.