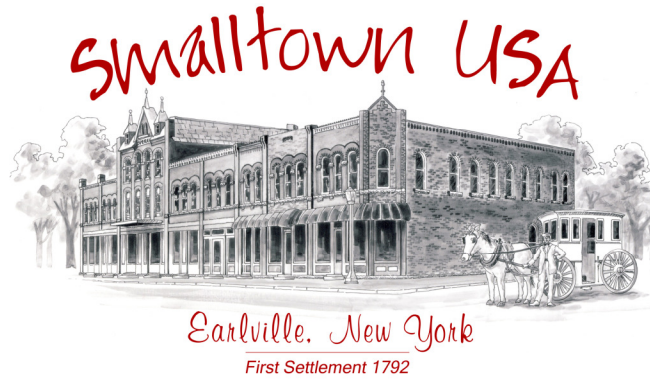


Mayor
Mark Doeberl

Trustees
William Excell
Dr. Gerald Hayes
Henry Moore
Tom Taylor



Streets Commissioner
Kyle Saltern
Water Superintendent
Bernard Thayer
Village Justice
Ronald Hailston
Clerk/Treasurer
Christian L. Vischi

WATER SERVICE RULES AND REGULATIONS

September 2010

1. **PURPOSE:**

These rules and regulations incorporated below have been adopted by the Village of Earlville Board of Trustees in accordance with Article 11 of the Village Law of the State of New York. Every person who is supplied or whose property is supplied with water by the Village of Earlville Water Department shall accept and subscribe to these Service Rules and Regulations as a condition of service and the same shall constitute a contract between this person and the Village of Earlville.

2. **DEFINITIONS:**

For the purpose of these water service rules and regulations, "Person" shall mean any person, firm, corporation, partnership or association. "Customer" shall mean any person who is supplied or whose property is supplied with water by the Village of Earlville Water Department. The "Board" shall mean the Village of Earlville Board of Trustees. "Water Department" shall mean the Village of Earlville Water Department. "Supervisor" shall mean the Village of Earlville Department of Public Works Supervisor.

3. **TERRITORIAL LIMITS:**

These service rules and regulations shall apply to all territory presently served or which shall be served by the Water Department.

4. **SERVICE INSTALLATION:**

SUPPLY TO NEIGHBORING PREMISES:

- A. No water customer shall be allowed to supply water in any manner, or through any fixture or device, to the occupants of neighboring premises of any description or distance from their property. The only exception shall be in an emergency situation as approved by a majority action of the Board. Upon the refusal of any person to comply with this rule, the water shall be shut off to the premises.
- B. If water service is suspended due to a customer supplying a neighboring premises as defined in Section 4A, a thirty (30) day period from the shut off date shall be provided to permanently cease providing the neighboring premises with a supply of

water. After the thirty (30) day period a re-connect fee of \$50.00 shall be charged to the customer to restore water service.

5. **METERING:**

- A. All water meters shall be furnished by the Water Department. The Board reserves the right, upon recommendation from the Supervisor, in all cases to stipulate the size, type and make of the meter to be used on any connection.
- B. An individual meter shall be required for each premise, and for each separate water service connection to a premise. All water, which enters the service from the main, shall pass through the meter.
- C. Any mobile or modular home served by the Water Department shall have a meter inside a pit and at a location as recommended by the Supervisor and approval by the Board. A remote may be placed on the mobile or modular home or a treated 4x4x4' post, with the remote as close to the meter as possible. The homeowner is responsible for said meter once in place.
- D. Upon the refusal of any person to comply with these metering rules, the water shall be shut off to the premises.

6. **RESPONSIBILITY OF THE OWNER:**

Every person whose property is supplied with water by the Water Department shall be required to properly maintain – at his or her own expense – the service pipe from the curb stop valve to his or her premises, including all fixtures there in provided for the delivering or supplying water for any purpose. “Properly maintain” in this instance shall mean that all water that passes through the curb stop valve shall pass through the water meter and that no water shall leave the service pipe prior to its route through the meter. In any case, where such service and fixtures are not so kept in repair, the Supervisor or their authorized representative will notify the owner of the property that water service will be terminated two (2) weeks from the notification date if satisfactory repairs are not completed. The Water Department will perform no repair to services between the curb stop and the house.

7. **WATER SERVICE CHARGES, RATES & FEES:**

A. **SERVICE CHARGES & RATES**

- (1) The minimum rate for Village residential customers shall be \$92.50 for the first 20,000 gallons of water during the billing period of July 1 to December 31, 2010. For each 1,000 gallons used over the minimum, Village residents will be charged an addition \$2.65 for each 1,000 gallons. The minimum rate for Village residential customers shall be \$102.50 for the first 20,000 gallons of water during the billing period of January 1 to June 30, 2011 and continuing thereafter until properly modified. For each 1,000 gallons used over the minimum, Village residents will be charged an addition \$2.65 for each 1,000 gallons.
- (2) The minimum rate for Village commercial customers shall be \$95.50 for the first 20,000 gallons of water during the billing period of July 1 to December 31, 2010. For each 1,000 gallons used over the minimum, Village residents will be charged an addition \$2.65 for each 1,000 gallons. The minimum rate for Village commercial customers shall be \$115.50 for the first 20,000 gallons of water during the billing period of January 1 to June 30, 2011 and continuing thereafter until properly

modified. For each 1,000 gallons used over the minimum, Village residents will be charged an addition \$2.65 for each 1,000 gallons. Commercial customers will be so designated by the property classification assigned by the Town Assessor and the Office of Real Property for which the property is respectively located.

- (3) The minimum rate for Town of Hamilton, Town of Lebanon, Town of Sherburne and Town of Smyrna (non-Village) customers shall be \$102.50 for the first 20,000 gallons of water during the billing period of July 1 to December 31, 2010. For each 1,000 gallons used over the minimum, Village residents will be charged an addition \$2.65 for each 1,000 gallons. The minimum rate for Town of Hamilton, Town of Lebanon, Town of Sherburne and Town of Smyrna (non-Village) customers shall be \$122.50 for the first 20,000 gallons of water during the billing period of January 1 to June 30, 2011 and continuing thereafter until properly modified. For each 1,000 gallons used over the minimum, Village residents will be charged an addition \$2.65 for each 1,000 gallons.

B. CONNECTION/DISCONNECTION FEES:

- (1) A disconnection fee of \$50.00 will be applied to any account when the water service to that property is disconnected due to lack of payment. Exceptions to this will be solely considered by the Department of Public Works liaison from the Board of Trustees.
- (2) A re-connection fee of \$50.00 will be applied to any account when the water service to that property was discontinued due to lack of payment. This amount shall be immediately due and water service will not be turned on until the connection fee is paid in its entirety.

C. LATE FEES:

- (1) All water rates and charges for consumption of water shall be due and payable to the Village of Earlville within thirty (30) calendar days of the invoice billing date, establishing this date as the "Due Date" on the invoice statement issued by the Village Clerk-Treasurer for such rates and charges. A five calendar day grace period will be added on to the Due Date where no late fees will be added to the bill. Any bill not paid on or prior to this fifth day of the grace period will incur a ten (10) percent late fee that becomes part of the water payment owed. This amount is due on or before thirty (30) calendar days from the Due Date, called the ten (10) percent late period. Any bill not paid by the end of the ten (10) percent late period will accrue a one (1) percent late fee each additional thirty (30) calendar days until paid in full or relieved to the respective county for collection.

D. MAILING REMUNERATION:

- (1) If a Notice of Discontinuation of Water Service (see Section 8 of these Water Service Rules And Regulations) is to be sent to a water customer for non-payment, a remuneration charge will be added to their water bill in the amount equal to the postal charge for United States Postal Service certified mail delivery with domestic return receipt plus \$1.50 for remuneration of materials and labor.

8. PAYMENTS

Accepted forms of payment are personal checks, money order, cash and credit card through Official Payment Corporation. There is a check return fee for non-sufficient funds of \$30.

9. DISCONTINUATION OF WATER SERVICE FOR NON-PAYMENT

- A. In the event that a property owner or user fails to pay his or her water charges, after they become due and payable, the Supervisor may discontinue or disconnect the supply of water for non-payment of such water charges after the Board gives written notice of its intention to do so, upon thirty (30) calendar days in advance, to the owner of the premises or user thereby affected, or in lieu thereof, to the person to whom or which the last preceding bill has been rendered, and from whom or which the Village of Earlville has received payment therefore, and to the superintendent or other person, if any, in charge of the building or premises thereby affected, if it can be readily ascertained that there is such superintendent or other person in charge. Such notice in every case shall be served either personally on the person to whom or which it is directed, or by mailing such notice via USPS certified mail with domestic return receipt.
- B. The Supervisor shall not affect the discontinuance of water service to a user for non-payment of bills rendered for water service on Friday after twelve (12:00) noon, Saturday, Sunday, public holiday or a day on which the Municipal Office of the Village of Earlville is not open for business. The term public holiday herein refers to those holidays enumerated in the New York State General Construction Law.
- C. Discontinuance for non-payment of bills rendered for water service can only take place between Monday and Thursday between the hours of six (6:00) a.m. and three (3:00) p.m. and Fridays before twelve (12:00) noon.
- D. The actions above of Section 9 do not limit the Village of Earlville from pursuing Civil Action or the right to relevel the current and past due amounts to the respective counties for collection. The amount of water rates and charges which remain due and unpaid for thirty (30) days, with interest thereon, and with reasonable attorneys' fees, may be recovered by the Village of Earlville in a civil action in the name of the Village of Earlville against such owner(s) or user(s) liable for such unpaid amount.
- E. The Village of Earlville shall post a notice on the doors of properties that are not occupied by the owner in the event that a water bill has not been paid, and said notice shall state that water service will be suspended on such a date as the discontinuation of service would occur.

10. WATER BILLING INFORMATION

Water billing must be directed to the property owner. However, a property owner can request and file a Statement Of Authorization For Water Account Billing with the Village of Earlville to have the water billing directed to a tenant. This authorization in no form relieves the property owner of the responsibility for any outstanding charges on the water account for failure of the tenant to pay the water bill. The owner understands that unpaid water rents shall be a lien on the real property upon which or in connection with which the water is used, and such a lien is prior and superior to every other lien or claim, except the lien of an existing tax. Any property owner that shall have filed a Statement Of Authorization For

Water Account Billing with the Village of Earlville shall receive a copy of a delinquency notice and can receive a duplicate copy of each bi-annual billing statement.

11. REQUESTS

- A. NEW SERVICE: If a new water service is requested by a property owner, they will be charged directly for this service and at the actual cost to the Village. This charge includes labor and materials for the Department of Public Works.
- B. NEW WATER METER: If a homeowner requests a new water meter to replace a properly functioning meter, they will be charged the cost of the new meter and the associated Department of Public Works' labor.
- C. DPW SERVICES REQUESTED BY HOMEOWNER: Any time the Department of Public Works is called in on a non-working day – a Saturday, Sunday or public holiday – due to a property owners' error, the property owner will be charged for this service. This charge is calculated at the overtime pay rate for the individual working. (An example: A homeowner is working on plumbing and breaks a connection causing a serious leak; the Department of Public Works is called to come in and shut the homeowner's water off.)
- D. PARTIAL PAYMENT: All requests for partial payment of water rents will be denied. Any dispute of water billing must be presented to the Board for remediation.

12. OUTSIDE (NON-VILLAGE PARCEL) USERS

For all non-village property owners whose payment for water service is not made within 60 days of the billing Due Date as described in Section 7C(1) above, the water service will be shut off whereby there will be a \$50.00 re-connect fee added to the account and the water bill, including re-connect fee, must be paid in full before the service will be turned on again.

Resources:

Water Rules and Regulations Village Of Earlville, New York (Amended December 1, 2003)

Resolution 25-55 (Adopted December 13, 2005)

Resolution 27-88 (Adopted April 8, 2008)

Resolution 28-31 (Adopted February 10, 2009)

Resolution 30-25 (Adopted August 23, 2010)