

CITY OF ONEIDA

WATER DEPARTMENT

RULES AND REGULATIONS

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GENERAL CONDITIONS AND RESTRICTIONS

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GENERAL CONDITIONS AND RESTRICTIONS

The following rules and regulations are adopted by the Board of Water Commissioners, approved by the Common Council of the City of Oneida, and every person who shall be supplied or whose property shall be supplied with water by the Water Department shall accept said rules, and the same shall constitute a part of the contract between said person and the Water Department. Whenever the word customer shall be used in these rules and regulations it shall mean the owner of the premises.

I. METERS

All meters up to 3/4 inch will be owned by the City of Oneida. All meters larger than 3/4 inch will be owned and maintained by the property owner. The cost of repairs or the replacement of meters damaged by hot water, freezing, or neglect on the part of the customer will be borne by the customer. No meter shall be set without a permit from the Superintendent of the Water Department and such installations shall be made under the supervision of such Superintendent of the Water Department. The Superintendent of the Water Department or any persons delegated by him must at all reasonable hours have access to all meters and to all parts of the premises to which water is delivered, for the purpose of inspection, examination of fixtures, reading meters, etc. All persons using water must at all times, frankly, and without concealment, answer all questions put to them relating to its consumption. All meters will be sealed and anyone tampering or removing a seal on a meter without the consent of the Superintendent or authorized personnel shall be subject to a fee and/or fine. All residential meters will be tested at least once every ten years and all commercial and industrial meters will be tested every four years or when deemed necessary by the Superintendent.

The following regulations shall be adhered to:

1. Meters are to be accessible at all reasonable hours.
2. No meter shall set in any foul place or more than four feet above the floor.
3. No meter shall be located where it may freeze.
4. Whenever possible the meter shall be set in the basement. When a meter cannot be set in the basement, it will be installed either in a meter pit or in a place designated approved by the Water Superintendent.
5. When the distance from property line to the front wall of the building is greater than one hundred fifty (150) feet, the Water Superintendent may require that the meter be installed in an approved meter pit.
6. All meter pits and covers shall be owned, installed and maintained by the customer.
7. All meters must be installed level and installed as close as reasonably possible to point of entry of water service into building and all piping before meters will remain exposed.
8. A valve must be placed in the service pipe inside the building between the wall and meter, and valve must be installed directly beyond the meter, and both maintained in an operable condition at all times.
9. All meters two-inch or larger must be installed with flexible meter couplings to assure spaced for installing and removing meters.
10. All meters two inch or larger must be installed with a by-pass, and the by-pass must contain a sealable valve

11. When a meter cannot be read for a period of a year, the water service will be discontinued.
12. No outside remotes will be installed no less than three feet from the finish grade of ground, or more than five feet above ground level, and no more than twenty-five feet from the meter.
13. All multiple dwellings requiring a two inch meter or larger will be of a compound type.

II. PLUMBERS

All work in connection with water supply furnished by the Water Department shall be done under the supervision of the Superintendent of the Water Department. Where trenches are opened for the laying of service pipes, such trenches shall be inspected by the Superintendent of the Water Department or a personnel authorized by him before the same are filled. The plumber performing such work shall notify the Superintendent that such trench is open so inspection after the valve between the wall and meter has been placed and the service has been connected to the curb stop.

Water service pipe shall be of copper or ductile iron up to the meter. Copper pipe shall be type "K", have a minimum diameter of 3/4", and all joints shall be of the flared type or approved compression fittings.

Ductile iron pipe shall be cement-lined, class 52, and joints shall be of the mechanical type or push-on type.

Service pipes, (whether copper or ductile iron) will be laid not less than five feet below the surface of earth at any point to the inside of the foundation wall of the building in which water service is introduced. In case the final grade of the street or sidewalk has been officially determined and established, then said service pipes shall be laid at a depth of not less than five feet below said established grade at all points, so that when the street and sidewalk are graded there shall not be less than five feet of earth over it at any point; and in no case will a water service pipe be permitted to be laid within five feet of a sewer, gas, steam, electrical, or other conduit.

No curb valve will be set at a greater distance of more than 100 feet from the water main. If the property line is of a greater distance, the property owner will pay the additional cost. All new curb valves will be set between the sidewalks and curb. No curb valve shall be located under a driveway and/or paved area.

III. PERMITS

No person except the Superintendent of the Water Department or a person regularly employed or authorized by him, shall make any attachment or connection with the pipes of the said water system; nor shall any person make any additions to, or alterations of any tap, pipe cock, or other fixtures connected with the pipes supplying water to customers from said water system, at any point between the water mains of this department and the water meter of the customer, without a permit in writing from the Superintendent. Any person violating any of the above provisions shall be subject to prosecution under penal law and the Superintendent of the Water Department may shut off the supply of water.

IV. GENERAL RULES

The Water Department may discontinue and or refuse water service for any of the following reasons:

1. A customer has obtained water service without proper authorization, has diverted the water service for unauthorized use, or acquired water from an unmetered water service line.
2. A condition determined by the Water Superintendent to be unsafe or hazardous (i.e. a leaking service or an unsafe cross connection).
3. Tampering with any service connection, service pipe, seal, meter or any appurtenance owned by the Water Department.
4. Refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters and meter reading systems or inspecting water piping and other fixtures during normal working hours.
5. Use of water for purposes other than as represented in Customer's application.
6. Waste of water through improper or imperfect facilities or by any other means.
7. Cross-connection as described in Section XXIII.
8. Violation of the Water Department Rules and Regulations.

Service may be terminated without notice when appropriate, as determined at the sole discretion of the Water Superintendent.

V. AGENT OR OWNER

The plumber designated and employed by the customer will be considered the agent of such owner while employed in the prosecution of the work of introducing water into said premises, and in no sense as the agent of the Water Department. Neither will the said Water Department of the City of Oneida be responsible for the acts of such plumber.

VI. CURB STOP VALVE OR VALVE KEYS

The curb stop valve may not be used by the customer or plumber designated and employed by the owner for turning on or shutting off water supply but is for the exclusive use of the Water Department.

VII. INJURY TO PIPE OR FIXTURES

Any injury to service pipes, street mains, hydrants, valves, valve boxes, or other fixtures, or any damage that may be caused by leakage, or flow of water occasioned by such injury caused by putting in any sewer, drain or other pipe; or by any excavation, embankment, track laying, paving, conduit, pole, or tampering, or other construction shall be paid for by the contractor doing the work or by the owner of the premises, or the person or the corporation for whom such work is being done

VIII. APPLICATION FOR SERVICE

Application for a water service pipe from the main to the curb, or from the curb to the house must be made in writing by the owner of the property, or his agent. Written application, along with supporting documents, to adequately evaluate the application, shall be submitted to the office of the

Superintendent of the Water Department. Before a permit shall be granted by the Superintendent, the applicant will be required to pay all sums that may be demanded by the Board of Water Commissioners, for time required and material used, in making tap, connecting service pipe to water main, setting up the account and the purchase of a meter larger than 3/4 inch. The fee charged for service to a new customer will be set annually.

IX. SERVICE PIPES MAINTAINED

The owner of the property into which water is introduced by a new service pipe will be required to put in and maintain in perfect order, at his own expense, said service pipe from the main to his premises, including all fixtures therein provided for delivering or supplying water for any purpose; and in case such service and fixtures are not so kept in repair, the Superintendent of the Water Department may shut off the supply of water.

X. DEFECTIVE SERVICES

In all premises where water from the city mains are now delivered by a system of pipes and fixtures for water services, and where the service pipes and fixtures are not of the standard or pattern prescribed in the rules and regulations of the Water Department; or where such fixtures and devices for the prevention of damage to the service, or waste of water, as are prescribed in said rules and regulations, are lacking from said system, the customer shall at any time, when so required by order of the Board of Water Commissioners make such changes in and additions to said system or fixtures for said services shall be required by the Board of Water Commissioners, and at the customers own expense. Any defective residential service up to and including one inch will be replaced from the water main to the curb by the Water Dept. The fee charged for said replacement service will be set annually in order to cover the average cost of materials only. The service pipe from the curb box to the house is to be installed by a plumber hired by the customer. The full cost of a service replacement from the curb to the cellar will be borne by the property owner. Upon refusal of any person to comply with this rule, the water shall be shut off.

Water services inactive for a period of three (3) years from the date of initial turn off shall not be turned on unless the service meets the current material specifications. The customer shall be responsible for replacing the service if any portion of the service line contains lead. The City will replace the service from the main to the curb in accordance with the Rules and Regulations governing the same.

XI. STEAM BOILERS

In all places where steam boilers or hot or cold water tanks are supplied with water from the City water system, the owner or customer must see that the plumber places a suitable safety valve, vacuum valve, or other proper device, to prevent damage from collapse or explosion when the water is shut off. There will be no cross connections allowed. The Board of Water Commissioners, or the City of Oneida, shall not be liable for any damage resulting from sudden shutting off of the supply of water from any steam boiler or other fixture deriving its supply from the City water system. It is intended that suitable notice of such shutting off shall be given to the customers when practicable.

XII. FIRE SERVICE

Standpipes, or other pipes for automatic suppression of fires in buildings which fixtures are only extended for such use, may be permitted to be attached to the water supply. Applications for such permits, accompanied by a plan of the proposed pipe systems, must be submitted to the Superintendent of the Water Department for his approval. No additional fixtures shall be made in any system without the approval of the Superintendent of the Water Department. Rates will be set annually, based on the size of the fire line. All such pipes must be provided with a valve outside of the building under the exclusive control of the Water Department. In the case of standpipes, a valve must be provided, and placed at the bottom of the standpipe. No standpipe, or other fixtures for a fire protection, will be allowed on the premises where water is taken from them for other than fire purposes. The entire cost of installing and maintaining a fire service shall be borne by the owner of the building supplied. Any customer taking or allowing others to take water from any fire service pipe for other than the extinguishing of fires, or making taps or connections to fire services, shall be subject to prosecution under penal law and the Superintendent of the Water Department may shut off the fire service.

XIII. PAYMENTS

All amounts due for water rents, water meters, time or material used for the repair of water meters, time or material used by the Water Department in shutting off turning on water, shall be regarded as a lien against the property where such water or material was used or such labor performed.

All retail customers with average annual consumption in excess of 400,000 cubic feet will be billed monthly. All monthly water bills shall be paid at the office of the City Chamberlain prior to the 25th of the month issued, monthly due date, if said bills are issued prior to the 5th of the month. If the bills are issued after the 5th of the month, an equal number of days will be added to the 25th due date.

All retail customers with a two year annual average consumption below 400,000 cubic feet will be billed quarterly. All quarterly water bills shall be payable quarterly at the office of the City Chamberlain on the last business day of December, March, June, and September, quarterly due date.

Every bill for water rent which is not paid, by having the amount thereof delivered at the office of the City Chamberlain on or before the due date shall be subject to an additional charge of ten percent of the amount of such bill, and the same shall be added to and collected as a part of such water rent.

XIV. MISREPRESENTATION

In case of frequent misrepresentation on the part of the applicant, or of use of water not embraced in the application, or of willful or unreasonable waste of water, or the violation of any of the rules and regulations of the Water Department, or charges for water meters, time or material used by the Water Department in shutting off water or turning on water, within thirty days after bills for such charges have been rendered, the Board of Water Commissioners in addition to any penalties herein imposed, reserves the right to forfeit any payment that has been made and cut off the supply of water without notice. The water will not be turned on again until such rents and charges have been fully paid and satisfactory assurance given that no further cause of complaint shall arise.

XV. OPENING HYDRANTS OR VALVES

No person, except firemen for the use of the fire department, under the direction of the proper officer, shall open any public hydrant or valve without the consent of the Superintendent of the Water Department in writing. Nor shall any person place any building material, or other articles, or rubbish, in such a way as to hinder or obstruct free access to any such hydrants or valves. No person shall use a wrench for opening hydrants except a wrench made for that purpose and furnished by the Superintendent of the Water Department.

XVI. PENALTY FOR TRESPASS

No person will be allowed to enter the water of the reservoir to bathe or fish therein, or to skate or slide thereon, or in any manner to trespass thereon, or to interfere with the water of the same, under penalty of the law.

XVII. LIMIT TO WATER FURNISHED

The Water Department reserves the right to limit the amount of water furnished to any customer, should circumstances seem to warrant such action, although no limit may be stated in the application or permit for use; or said Water Department may entirely shut off the water supply used for any manufacturing purposes, or for furnishing power, or for lawn sprinkling, at any time, by giving reasonable notice of such intended action.

Or, in case of making or constructing new work, or in making repairs, the right is reserved to shut off the water from any customer without notice for as long a period as may be necessary.

The Water Board reserves the right to restrict, curtail or prohibit the use of water. Such restriction may include, but not limited to sprinkling, car washing, or filling swimming pools. The Water Board shall also have the right to fix the hours when water may or may not be used for specified purpose.

XVIII. CHANGE OF PRESSURE

The City of Oneida Water Department shall not be liable for any damage or loss of any kind to property or persons which may arise from or be caused by any change, diminution in or increase of the water pressure from any cause whatever.

XIX. TERMINATION OF SERVICE

- A. Customers which are supplied with water shall be charged for water supplied, for the expense of the repair of services, meters, fixtures and all other appliances connected with such water services, and for damages to the same, and for fees and/or fines imposed for violation of any rules of the Water Department by such owner or by an occupant, and if said sums for any reason cannot be collected and the water shall be turned off on account of non-payment and/or violation of any rules of the Water Department, no application for water service for such premises shall be granted by the Water Department (notwithstanding the said premises may have changed ownership) until such charges have been paid in full to the City of Oneida.
- B. Notwithstanding any of the foregoing provisions of paragraph "A" above, except in case of emergency, customer requests, temporary interruption necessitated by repairs, extensions or maintenance operations, shortage of water or similar situation, no water services shall be terminated by the Water Department without complying with the following procedures:

1. Upon the determination by the Water Department that a violation of these Rules and Regulations has occurred, or that a bill for services or other charges has become delinquent for a period of ten (10) days, the Water Department shall send a written notice to the owner of the affected premises by first-class U.S. mail at the last known address of such owner, setting forth specifically the nature of the violation and/or the amount of the delinquent payment and also stating that water service may be terminated if the bill remains unpaid or said violation is not corrected.
2. In the event that a violation is not corrected, or a bill for services remains delinquent for a period of twenty-one (21) days, the Water Department shall notify in writing the owner of the affected premises, by first-class U.S. mail at the last known address of such owner, setting forth specifically the nature of the violation and/or the amount of the delinquent payment, and shall further state that water service shall be terminated ten (10) days after the date of said notice if within such time period the violation(s) have not been remedied and/or the delinquent payment has not been made to the City Chamberlain. In the event the address of the identified owner of the premises is different than the actual street address of the premises, a copy of such notice shall also be sent by first-class U.S. mail, addressed to "Occupant" of each unit at the street address of the premises, and a copy of the notice shall also be affixed to what appears to be the primary entrance door of the premises, and to each unit within or upon the premises in the case of multiple unit properties. The notice shall also state that in the event that water services are terminated at the premises, said termination will result in an unsanitary condition at the premises, thereby rendering the premises unfit for habitation.
3. The notice of termination, as set forth in Subparagraph 2 above, shall specifically state that any owner or occupant of the premises shall be entitled to a due process hearing prior to the termination of water service, at which the Water Department's decision to terminate water service may be contested. Any request for a due process hearing challenging the Water Department's determination shall be in writing and submitted to the Water Superintendent at least two (2) business days prior the scheduled service termination date.
4. The Common Council may itself conduct the due process hearing, or may designate any of its members or any officer or employee of the City of Oneida to conduct the hearing, which member, officer or employee shall:
 - a. Issue, in the name of the Common Council, a notice of the hearing, by personal service or certified mail to the owner, occupant and/or the individual requesting such hearing, setting forth the date, time and place of the hearing and requesting the attendance and testimony of witnesses, and the production of evidence relevant to any matter involved in such hearing;
 - b. Take evidence;
 - c. Take sworn testimony; and
 - d. Transmit a report of the evidence and hearing, together with the recommendations to the Common Council for action thereon.

5. No water service shall be terminated until the requested hearing has been held, and the challenge by the owner or occupant has been adjudicated.
6. In the event the owner or occupant fails to request a due process hearing or fails to attend a due process hearing after having requested same, the Water Department shall proceed with the termination of water service as originally noticed and scheduled.

XX. ESTIMATED BILLS

If a meter gets out of order or for any reason fails to register the water passing through said meter, the customer shall be charged at the average yearly consumption as registered for the last four quarters when such meter did register correctly. Customers shall pay for all water passing through meters, whether such water is used or wasted, unless extraordinary circumstances warrant an investigation by the Water Superintendent and brought to the attention of the Board of Water Commissioners. Each case will be decided upon as to its individual merit.

XXI. DEPOSIT MAY BE REQUIRED

Before water shall be furnished to any individual customer outside the City of Oneida, the Board of Water Commissioners may require such customer to deposit a sum equal to the estimated amount of the quarterly charges for water to be used by such customer as fixed by such Board.

Such deposit shall be retained to guarantee the payment of all charges against such customer, and may be applied to the payment of such charges whenever the same shall be past due. Upon the discontinuance of service to such customer, when all water rents, materials and service have been paid, said remaining deposit shall be refunded to such customer.

XXII. CHANGING RULES AND RATES

The City of Oneida reserves the right to change the rules, rates, and regulations from time to time; and to make special rates and contracts in all proper cases; to shut off the water for alteration, extensions and repairs; to stop and restrict the supply of water whenever it may be found necessary. The City of Oneida shall not be liable under any circumstances for a deficiency or failure in the supply of water, whether occasioned by the shutting off of water to make repairs or connections, or for any cause whatsoever.

XXIII. CROSS CONNECTIONS

- a) The term "cross-connection" as used here means any unprotected connection between any part of the City of Oneida Water system and any service or system containing water or substance that is not approved as equally safe for human consumption.

Cross-connection control shall be provided by the customer to protect the City water system, by containment of any existing or potential contamination within the premises of the customer in the following manner:

1. By installing an acceptable air gap, reduced pressure zone device, double check valve assembly or equivalent backflow prevention device acceptable to the New York State Department of Health consistent with the degree of hazard posed by the premises.

2. By submitting plans for the installation of backflow prevention devices to the Water Superintendent and the New York State Department of Health for approval; and
3. By inspecting and testing all such devices annually at the expense of the customer. These devices shall be repaired, overhauled or replaced at the expense of the customer whenever they are found to be defective. Inspection shall be performed by a person qualified in the testing of backflow prevention devices. Records of such inspections shall be provided to the Water Superintendent within one week after the test is performed.

Customer Responsibility. It shall be the responsibility of each customer at his own expense to furnish, install, and keep in good working order and safe condition any and all protective devices required. The City shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation operation, use, repair or maintenance of, or interfering with, any protective device by any customer or other person.

Backflow prevention devices shall not be required when the Water Superintendent or qualified individual determines that no significant hazard is posed by the premises.

- b) No customer shall establish or maintain a separate source of water without the approval of the Water Board. In order to receive approval, the customer must justify the need for a separate source. The City water system shall be protected from a separate source as detailed in subdivision (a) of this section.
- c) All users of the City of Oneida Water System shall prevent cross-connections, within their premises, between the potable water piping system and any other piping system. Failure to comply with any cross-connection regulations shall result in termination of water services to the effected property.

XXIV. APPLICATION FOR ADDITIONAL METER (S)

1. Additional meters may be installed within a building served by one water service.
2. Application for an additional meter(s) must be made in writing by the owner of the property, or his agent. Written application, along with supporting documents, to adequately evaluate the application, shall be submitted to the office of the Superintendent of the Water Department. Before a permit shall be granted by the Superintendent, the applicant will be required to pay all sums that may be demanded by the Board of Water Commissioners for setting up the additional meters(s). The fee charged for additional meter(s) will be set annually.
3. If the request is approved, the customer must notify the Water Department Office of when plumbing changes will be made to accommodate the additional meter(s). All plumbing changes are to be made by the customer. There should not be any unmetered water use during the period that the plumbing changes are being made.
4. The Water Department will set up a new account for each additional meter. Separate bills will be issued for each account and sent to the property owner. The owner is responsible for seeing that each water bill is paid. The total of all water bills for a property must be paid in order to avoid the water being turned off for non-payment of one water bill for that property.

5. Billing procedures for each of the new accounts will be the same as for a single-meter water service, including minimum bill amounts. Thus, the total water and sewer bill with multiple meters will be more than with one meter, for the same total consumption.
6. Piping layout for multiple meters shall be designated and approved by the Water Superintendent