

PHOENICIA WATER DISTRICT

Phoenicia, NY

Rules and Regulations

(AS AMENDED MARCH 5, 2012)

PHOENICIA WATER DISTRICT

Rules and Regulations

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Rules and Regulations

(AS AMENDED MARCH 5, 2012)

History

On January 5, 1938 the Town Board of the Town of Shandaken appointed itself as the Phoenicia Water District Board (Water Board). Under Section 198, Sub-division 3 of the New York State Town Law, the members of the duly elected Town Board automatically serve as members of the Board of the Phoenicia Water District. The statutes further describe the manner in which the Town Board conducts its business. These include such matters as powers and duties, procedures and other methods necessary to function as a Board.

As a matter of practice, official actions of the Water Board will be conducted as the final items at all Town Board meetings. Special Meetings of the Water Board however may be called whenever considered necessary.

In the interest of efficiency and good management, all recorded minutes and official actions of the Water Board shall be found as the final actions of the Town Board meeting. In the early years, this system was not followed and it created problems in searching records for documents and other materials for citation.

Definition of Terms

These terms will have the meanings when used in this rule:

- 1) **District** - the Phoenicia Water District of the Town of Shandaken or its authorized representative. The District is an administrative department of the Town.
- 2) **Existing** – in existence on the effective date of these rules
- 3) **Owner** – the fee owner of a parcel of property in the District
- 4) **Person** – a natural individual or any other legal entity whatsoever
- 5) **Town** – the Town of Shandaken, Ulster County, New York
- 6) **User** – a person who resides in a property served by the Water System or one who works at a location that is served by the Water System
- 7) **Water Charges** –charges that are assessed by the Water Board on behalf of the District that relate to capital or operation and maintenance expenses of the Water System.
- 8) **Water Board** – the Town Board of the Town of Shandaken
- 9) **Water System** – the permanently installed system providing piped water to the public in the Phoenicia Water District for potable purposes. The term includes: sources, collection, pumping, treatment transmission, storage and distribution facilities used in connection with the system whether owned and operated by the District or by Owners or Users.



Article I: Applications for Use of Water

All applications for the use of water from the mains, distribution pipes or any supply pipes of the Phoenicia Water District, including applications for construction or other special purposes, must be made in writing at the office of the Shandaken Town Clerk on the forms prescribed for that purpose. A copy of the Rules and Regulations of the Phoenicia Water District and Phoenicia Water District forms shall be furnished to applicants by the Water District Secretary. Each applicant shall state fully and accurately the specific purpose(s) for which use of water is requested, the manner in which the water is to be used, the name of the plumber selected to perform the work and shall be signed by the owner of the premises or his authorized agent. The application, together with all applicable fees, shall be delivered to the Shandaken Town Clerk who shall transmit the application to the Superintendent of the Phoenicia Water District (hereinafter the "Superintendent") for the purposes of issuing a permit.

Article II: Permits for Specific Use of Water

- A. Upon receipt of a complete application for use of water as set forth in Article I of these Rules and the payment of all applicable fees, the Superintendent shall issue a permit to the plumber designated in the application, who shall be recognized as the agent of the owner of the property; provided, however, that no permit will be issued to any premises which cannot comply with the provisions of Article VIII of these Rules.
- B. Permits shall be for the specific use applied for only. If, thereafter, an additional use of water or additional service is desired, a new application for a permit must be made as directed in Article 1 of these Rules and Regulations.

Article III: Additions and Attachments

No addition, attachment, alteration or extension to any water supply or service pipe on any premises shall be made until a permit is granted upon an application made and signed by the owner of the premises, as provided in **Article I** of these Rules.

Article IV: Independent Service to Each Building

In all instances where water is to be supplied for the first time to new or existing buildings, one tap and one service pipe shall serve only one parcel.

Article V: Work Under Supervision

All work involved in the introduction of water to any premises, including the tapping of mains, the laying of supply pipes, and the attachment of fixtures connected therewith shall be done under the supervision of the Superintendent, and subject to his approval. All independent contractors performing work for the District are required to show a certificate of insurance with a minimum of three million in liability.



Article VI: Location of Mains

Responsibility for the location of water mains to which supply lines are to be connected or repaired rests solely with the Phoenicia Water District. All persons desiring the location of mains shall give three (3) business days' notice to the Superintendent, prior to commencing work. Failure to give such notice shall relieve the Phoenicia Water District of all responsibility for the location of such mains.

Article VII: Tapping of Mains; Valves and Gates

- A. The tapping of water mains or distribution pipes shall only be done after issuance of a permit, and upon advance notice of three (3) business days to the Superintendent. Tapping of water mains and distribution pipes shall only be done by a plumber duly authorized by the Superintendent, or by an employee of the Phoenicia Water District.
- B. No single tap smaller than $\frac{3}{4}$ inch will be permitted. Taps larger than one inch must have the prior approval of the Superintendent.
- C. At the time of tapping, the Phoenicia Water District shall supply copper connections, curb stops, curb stop boxes, patent taps, gate valves and gate valve boxes, which shall be paid for in advance by the permit holder. The charge for tapping and materials furnished by the Phoenicia Water District shall be established by the Shandaken Town Board, and a schedule of charges may be obtained at the office of the Shandaken Town Clerk and Water District Secretary.
- D. No person except the Superintendent and persons under his direction shall open or close any valve or gate in any water main or street pipe, or in any manner interfere with or obstruct the same.

Article VIII: Service Pipes

- A. The minimum size of service pipes from the main to the premises shall be $\frac{3}{4}$ inch. All service pipes from $\frac{3}{4}$ inch to 3 inches in diameter shall be of Type K soft-copper tubing. All service pipes 3 inches and above in diameter shall be of cement-lined ductile iron pipe, and such pipe shall conform to the standards of the Phoenicia Water District for its mains.
- B. All service pipes to any premises shall be laid at least four (4) feet below the surface of the grade lines of the street or natural surface, and shall be covered with one foot of sand and back-filled, except upon the prior approval of the Superintendent. All service pipes shall extend at right angles from the street main to the inside of the curb line, where a curb stop shall be attached and a valve box placed.
- C. A valve shall be placed on every service pipe just inside the building or cellar.
- D. Every copper connection or service pipe must be laid with not less than six inches of slack. Such slack shall not be more than two feet from the main, and shall be laid in such a manner as to prevent rupture or settlement.
- E. No service pipe shall be laid with any sewer, gas, or other pipe.
- F. Cross connection control regulations, as required by the New York State Sanitary Code section 5-1.31, are hereby adopted by the Phoenicia Water District, and shall be fully complied with.



Article VIII: Service Pipes (Continued)

- G. All expenses for excavating for and laying service pipes and all fixtures connected therewith, must be paid for by the owner of the premises.
- H. The maintenance and repair of all service pipes from the curb stop to the house, shall be the responsibility of the owner of the premises. If for any reason a leak develops on the service line, the owner shall take immediate steps to repair the same. In the event of unreasonable delay in completing repair work, written notice will be given by the Superintendent to the owner or occupant of the premises to commence necessary repairs within 24 hours. Upon failure of the owner to commence repairs within this period, the Phoenicia Water District shall repair the leak, and the cost of the repairs shall be levied against the owner of the premises. The determination of the responsibility involved, whether the Water District or the owner, shall rest with the Superintendent. When, in the opinion of the Superintendent, an emergency exists as a result of a break on a service line, the Superintendent may make the necessary repairs without notice to the owner, who shall nevertheless remain responsible for the cost of the repairs.
- I. A main will be considered a lateral when going through private property unless it goes further on to service an additional parcel.

Article IX: Safety Valves

In all cases where water is supplied to storage tanks, or boilers for domestic, commercial, or manufacturing purposes, the supply pipe shall be provided with a suitable valve or other device sufficient to prevent damage from collapse or explosion when the water supply is shut off from the street mains, or other causes.

Article X: Fire Hydrants

No person shall open any fire hydrant or draw water therefrom except the Superintendent of the Phoenicia Water District and persons under his direction or with his permission, except in case of fire, when the Chief of the Fire Company, his assistants, officers, or members shall have free and entire control of the hydrants for the purpose of extinguishing fires.

Article XI: Water Turn On

No plumber or other person shall open any curb cock or let on the supply of water through any service pipe without a permit from the Water Superintendent.



Article XII: Water Meters

- A. All applicants for new taps on the mains are required to have a water meter installed on their supply line, and shall be charged for the quantity of water passing through the meter at the established meter rates.
- B. The Town Board reserves the right to attach a water meter to any supply or service pipe at any time, when it shall deem it expedient to do so, and thereafter charge for the quantity of water passing through the meter.
- C. All water meters shall be the property of the Phoenicia Water District, and shall be attached or set only by the Superintendent or by a plumber authorized by the Superintendent. Either the property owner or the plumber shall give the Superintendent not less than three (3) business days notice of the proposed date of installation of the meter.
- D. For each service or supply pipe, a single meter up to one-inch size will be installed by the Phoenicia Water District under usual conditions, at no charge to the owner or applicant, except where an outside installation is necessary. If it should be necessary to attach a water meter to the outside of a building, the owner shall pay the expense of excavating for and boxing the water meter, or installing a meter jacket, in such manner as is required by the Superintendent.
- E. The sizing of meters on all service lines shall be determined by the Superintendent and subject to his approval. All water meters of more than one-inch size shall be installed at the expense of the owner or applicant, who shall be charged the actual cost of the meter. Installation shall be made at the owner's expense in accord with the directions of the Superintendent, who may require use of a suitable by-pass, valves, or cross-control devices
- F. Where specific permission has been granted by the Superintendent, additional meters may be installed within a building that is served by a single service line. The cost of such additional meters shall be borne by the owner of the premises.
- G. Owners of premises where meters and/or outside readouts are attached are required to protect the meter from freeze damage or other injury at their own expense, and to pay the cost of all necessary repairs resulting from lack of such protection. Outside meters are the responsibility of the District unless the owner is found to be negligent in protecting such meter.
- H. Owners of premises where outside readouts are attached are required to keep all shrubbery or vegetation trimmed in such a manner as to keep the readout indicator visible to meter readers, or in the alternative, to provide the meter reader with access to the interior of the building, in order to read the meter.
- I. Owners of premises where outside meters and/or outside readouts are attached are prohibited from tampering with the water meter or the exterior meter read-out device, or from cutting or removing the seal therefrom.
- J. Where it appears that a water meter may not register the correct quantity of water delivered through it, or where it otherwise becomes out of order or in need of repair, the owner or occupant of the premises shall immediately give notice to the Superintendent. All repairs shall be made by the Phoenicia Water District. When, in the opinion of the Superintendent, the meter has become unsuitable for use for reasons other than freeze damage or owner negligence, it shall be replaced by the Water District. Repair or replacement of freeze-damaged meters shall be made at the expense of the owner(s) of the premises.



Article XIII: Repairs and Maintenance

- A. Repairs and maintenance of water mains shall be the responsibility of the Phoenicia Water District.
- B. Repairs and maintenance of supply pipes located on the premises of water users shall be the responsibility of the owner(s) of the premises, who shall keep their supply pipes and fixtures connected thereto in good repair.
- C. The Superintendent shall have the right to shut off the supply of water from any premises temporarily, in order to make necessary repairs or additions; provided, however, that the Superintendent shall provide advance notice to users affected by a shut off, whenever possible.
- D. The Superintendent and his authorized employees or agents may enter the premises of any water user, at reasonable hours, and upon reasonable notice, to examine the pipes and fixtures, including the water meter, in order to determine the amount of water used, the manner of its use, and whether there is any unnecessary waste of water. If any waste or irregular use of water is found, a written notice shall be left with the owner or occupant of the premises, requiring that within 72 hours, such waste or irregular use of water shall be stopped, or the water supply to the premises will be shut off and will not be recommenced until repairs are made, and the sum of \$ 50.00 paid at the office of the Town Clerk, Town Hall, for restoring the supply of water.
- E. No person or entity shall be entitled to damages, nor to have any portion of a water payment refunded, as the result of stoppage of water supply as a result of accident to any portion of the water works, or as a result of repairs or additions, and each person, owner or user shall defend, indemnify and hold harmless Phoenicia Water District and the Town Board from any and all claims, damages, suits, liens or judgments of any kind whatsoever arising therefrom.

Article XIV: Disconnection of Water Service

When, for any reason, a service pipe to a premises is to be abandoned, the property owner shall promptly notify the Superintendent. The owner shall then have a plumber disconnect such service pipe at the curb stop. Such disconnection of the service line shall be done only under the supervision of the Superintendent, and at the sole expense of the owner.

Article XV: Water Emergency

- A. To prevent water shortages, no swimming pools shall be filled after June 15th using water supplied by the Phoenicia Water District, except upon the express written consent of the Superintendent. Replacement of water which has evaporated from swimming pools shall be permitted, unless restricted as provided in paragraph (b) of this Article.
- B. In the event of a water shortage, whether resulting from drought conditions or from other causes, the Superintendent may, at his sole discretion, restrict the use of water by prohibiting non-essential uses, including but not limited to the filling of swimming pools, watering of lawns and gardens, the washing of vehicles, and the power-washing of structures. The Superintendent shall provide public notice of all such water restrictions by publishing notice thereof in the official town newspaper, other local newspapers, and by the posting of notices in at least three (3) public locations within the Phoenicia Water District.



Article XV: Water Emergency (continued)

- C. Any person or entity who violates a duly published water restriction order of the Superintendent shall be subject to penalties as set forth in Article 17 of these Rules.

Article XVI: Water Rents

- A. The basic water service rate for all premises located within the Phoenicia Water District is a minimum amount of \$100.00 to be billed per each bi-annual billing period which includes the first 10,000 gallons per billing period. All usage in excess of the first 10,000 gallons will be billed at \$5.00 per thousand gallons. Such rates are subject to change from time to time, as determined by the Shandaken Town Board. If the water meter is not functioning for any reason, a minimum biannual fee of \$150.00 will be assigned to the owner. It is the responsibility of the owner to contact the District to schedule repairs. The owner will be responsible for the costs to repair the meter if the Superintendent determines that the owner or user was negligent in protecting the meter. To determine how much money may be owed, the average of the previous 3 years of normal readings will be used.
- B. All water rents, accounts, or other charges shall be made against the owner(s) of the premises, and such owner(s) shall be held responsible for all such charges, which shall be payable at the office of the Town Tax Collector, Town Hall.
- C. Water meters shall be read bi-annually around March 15 and September 15. A schedule of due dates may be obtained at the office of the Town Tax Collector, Town Hall.
- D. A late payment charge of ten percent (10 %) shall be added to all water bills not paid after 30 days.
- E. Any bills not paid by November 10 will go on next county/town tax bills.

Article XVII: Rules Violations

- A. The Water Superintendent shall have the right to shut off the supply of water to any premises for violation of these Rules after a 30 day written, with certified return receipt, warning notice.
- B. Willful violation of these rules and regulations is hereby declared to be a misdemeanor punishable by a fine not to exceed \$500 or imprisonment for a term not to exceed fifteen days, or both fine and imprisonment. When a violation of any of these rules and regulations is continuing, each 24 hours thereof shall constitute a separate and distinct offense.



Article XVIII: Grievance Procedures

--As Adopted by the Shandaken Town Board – March 5, 2012

In the event a property owner disputes the accuracy of a water bill said property owner will have a period of sixty (60) calendar days from the mailing date of the bill to do the following:

- A. File a written complaint with the Town Clerk/ Tax Collector requesting an inspection of the relevant parts of the property owner's premises being served by the meter in question. If the property's water system appears to be normal (no leaks, etc.) the investigation will progress to Article 18 Section B.
- B. The meter will be removed, by a plumber assigned by the Water District Superintendent, replaced with a temporary meter and sent for testing. Should the meter test "fast," (recording more than designed guidelines/actual flow) the Water District will bear all of the costs incurred for the removal, shipping, testing, and inspection of the meter, and for the installation of a new meter and shall also credit to the property owner the charges incurred by said owner on the challenged bill to the extent that said charges exceed the average of the three billings immediately prior to the date of the water bill that was disputed. Should the meter run "slow" (recording less than designed guidelines/ actual flow) or accurate, the property owner will be responsible for all expenses (removal, shipping, testing, calibration, reinstallation, parts and labor) incurred by the Water District, in addition to the water bill being questioned and any late fees accrued. These charges, if not paid prior to the next bill being sent, will be added to the relevant property's next water bill.
- C. In the event that a property owner fails to file a written complaint within sixty (60) days of the date the water bill was mailed, the bill shall be deemed valid and the property owner(s) shall have waived his/her/their right to challenge the bill.

Article XIX: Right to Modify Rules

The Shandaken Town Board shall have the right to modify or change any of these Rules, or to make such additional rules and regulations as may be found necessary to protect the public interests in management of the Phoenicia Water District.

Article XX: Rules Constitute Contract with Users

All of the foregoing rules, regulations, and restrictions relating to the use of water from the Phoenicia Water District shall be considered part of the contract with and between any person or entity who applies for and obtains a supply of water from said Phoenicia Water District, and every person or entity receiving the water so supplied shall be deemed to have expressed his consent to be bound thereby.



Article XXI: Cross-Connection Control

The purpose of this Article is to:

Protect the public water supply of the hamlet of Phoenicia from the possibility of contamination by isolating within its customers' internal distribution system or its customers' private water system such contaminants or pollutants which could backflow into the public water supply system; and comply with the requirements of the New York State Sanitary Code 5-1.31.

A. **Legislative intent.** The purpose of this section is to safeguard the public water supply from potential contamination by preventing backflow from a water user's system into the public water system and to comply with the requirements of the New York State Sanitary Code, Title 10 of the New York Code of Rules and Regulations, Part 5, § 5-1.31. This is to be accomplished by:

1. Requiring an approved air gap, reduced-pressure-zone device, double check-valve assembly or equivalent protective device consistent with the degree of hazard posed by any service connection.
2. Requiring the users of such connections to submit plans for the installation of protective devices to the Building Inspector and the Ulster County Department of Health and/or New York State Department of Health for approval.
3. Assuring that all protective devices will be tested at least annually, records of which shall be submitted by the property owner to and maintained by the Building Inspector.

B. Backflow prevention devices required.

1. All nonresidential users of the public water system and all residential users of the public water system having auxiliary water supply, including but not limited to a private well, lawn sprinkler or irrigation system, shall be required to comply with this section.
2. Any installation, service, maintenance, testing, repair or modification of a backflow prevention device shall be performed in accordance with the requirements of Town of Shandaken and the New York State Plumbing Code. For purposes of this article, a backflow prevention device is an approved air gap, reduced-pressure-zone device, double check-valve assembly or equivalent protection device designed to prevent potential contamination of a public water system.
3. Backflow prevention devices conforming to the most current requirements of the New York State Department of Health and the Ulster County Department of Health shall be installed by the owner of those systems pursuant to the rules of those Departments in force at the time of the installation.
4. A certificate of occupancy shall not be issued by the Building Inspector for a new or modified/renovated/rehabilitated structure having a system classified by the Department of Health or determined by the Building Inspector as hazardous, unless a backflow prevention device has been installed and approved pursuant to this section and Department of Health requirements.
5. The cost to install a backflow prevention device shall be borne by the owner of the property.



Article XXI: Cross-Connection Control (continued)

6. The Town Building Inspector or designee shall make a determination as to whether a property owner requires a backflow prevention device and the type of device in accordance with this section and the New York State Department of Health and the Ulster County Department of Health requirements and regulations.

C. Upgrade of preexisting systems:

Any preexisting system that does not contain a backflow prevention device shall be upgraded so as to comply with the current requirements of this section and of the New York State Department of Health and the Ulster County Department of Health within 120 days following the service of notice by certified mail to install said device.

D. Determination of type of backflow protection device.

1. The Building Inspector or designee shall determine the type of device required for each property and facility. In making this determination, the Building Inspector shall utilize the Sample List of Facilities Requiring Backflow Prevention, prepared by the Department of Health, and, if necessary, shall consult with the Ulster County Department of Health.
2. Cross-connection control by facility type.
 - a. The types of facilities which shall require installation of an approved reduced-pressure zone (RPZ) or air gap in the service connection to the public water distribution system include, but are not limited to:
 - i. Sewage and industrial wastewater treatment plants and pumping stations and sewer flushers.
 - ii. Paper manufacturing or processing, dye plants, petroleum processing, printing plant, chemical manufacturing or processing, industrial fluid systems, steam generation, rubber processing and tanneries.
 - iii. Canneries, breweries, food processing, milk processing, ice manufacturing, meat packers, poultry processing and rendering companies.
 - iv. Hospitals, clinics, laboratories, veterinary hospitals, mortuaries and embalmers.
 - v. Shipyards and marinas.
 - vi. Metal-plating, photo-processing, laundries, commercial car washes, commercial refrigeration systems and dry-cleaning establishments.
 - vii. Commercial greenhouses, spraying and irrigation systems using weedicides and herbicides and exterminators.
 - viii. Boiler systems, cooling towers or internal fire-fighting systems using conditioners, inhibitors and corrosion-control chemicals.
 - ix. Residential units with lawn and irrigation systems with chemical injection.
 - x. Any building or premises with an auxiliary water supply which is not separated from the municipal water supply.



Article XXI: Cross-Connection Control (continued)

- b. The types of facilities which shall require installation of an approved double check-valve in the service connection of the public water distribution system include, but are not limited to:
 - i. Customer fire protection loops and fire storage tanks with no chemical additives.
 - ii. High-temperature potable water.
 - iii. Utilization of food-grade dyes.
 - iv. Complex plumbing systems in commercial buildings, such as, but not limited to, beauty salons, churches, apartment buildings, gas stations, supermarkets, nursing homes, construction sites and carnivals.
 - v. Any building or premises with a private booster pump.
 - vi. Residential units with lawn and irrigation systems without chemical injection.
 - c. The types of facilities or water distribution structures which required installation of an approved vacuum breaker include, but are not limited to, hose bibs.
 - d. The above lists are not all-inclusive. The type of backflow prevention device required for each facility shall be determined by the Building Inspector or designee as set forth above.
- E. Testing: owner liability for costs. The testing of backflow prevention devices shall be performed on an annual basis by the owner of any system requiring the same, and the cost of such testing shall be borne by the owner of the system. The testing procedures shall conform to the requirements of the New York State Department of Health and the Ulster County Department of Health. Test results shall be submitted to the Building Inspector.
- F. Department of Health requirements: the Building Inspector shall enforce this section and the cross-connection and backflow protection requirements, specifications, guidelines and facilities classifications of the New York State Department of Health and the Ulster County Department of Health. Specifications, guidelines, facilities, classifications and other administrative requirements and information which shall be used to implement the requirements shall be on file in the Building Inspector's office.
- G. Penalties: in addition to, and not in lieu of, any other penalty set forth in this chapter, any person who violates any provision of this section shall be subject to a fine not to exceed \$250 for each day the violation continues after notice by the Building Inspector. In addition, the service of water to any premises may be discontinued by the town if backflow prevention devices required by this section or regulations adopted pursuant thereto are not installed, tested and maintained; if any defects are found in an installed backflow prevention device; if it is found that the backflow prevention device has been removed or bypassed; or if an unprotected cross-connection exists on the premises, and water service shall not be restored until such condition or defect is corrected.

