

**Water District Rules
for
Pine Hill
Ulster County, New York**

Amended March 2, 2009

1. Definition of Terms

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

- 1.1 "District" means the Pine Hill Water District of the Town of Shandaken or its authorized representative. The District is an administrative department of the Town.
- 1.2 "Existing" means in existence on the effective date of these rules.
- 1.3 "Owner" means the fee owner of a parcel of property in the District.
- 1.4 "Person" means a natural individual or any other legal entity whatsoever.
- 1.5 "Town" means the Town of Shandaken, Ulster County, New York.
- 1.6 "User" means a person who resides in a property served by the Water System or one works at a location that is served by the Water System.
- 1.7 "Water Charges" means those charges that are assessed by the Town Board on behalf of the District that relate to capital or operation and maintenance expenses of the Water System
- 1.8 "Water Board" means the Town of Shandaken Town Board.
- 1.9 "Water System" means the permanently installed system providing piped water to the public in the Pine Hill 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.

2. GENERAL PROVISIONS

2.1 Purpose. The purpose of this rule is to establish requirements applicable to the District.

2.2 Applicability. This rule applies to all persons using the Water System and to all persons who own property in the District. Unless specified otherwise herein, the prohibitions in this rule apply to any person whatsoever.

2.3 Contract with the Owners and Users. By accepting water service from the District, Owners and Users consent to be contractual bound by these rules and any others adopted by the Town Board relating to the Water System and they further agree that, in addition to any other remedies the District may have, any provision may be enforced or asserted in the same manner as a contract

2.4 Responsibilities of the District. The District is responsible for the operation and maintenance of the water treatment plant and for all portions of the conveyance system located in the public right of way. The District has the sole authority to operate curb stops. Fire hydrants will only be operated by the District and any fire department operating within the District.

The District will undertake to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to Users. However, the District reserves the right to shut off the water in its mains for the purpose of making repairs or extension or for other purposes, at any time and without notice. It is expressly agreed that the District and the Town are not liable for any deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever nor for any damage thereby or by the bursting or breaking of any main or service line or any attachment to the District's property. , 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.

2.5 Responsibilities of the Owner. The Owner is responsible for the operation and maintenance of all portions of the conveyance system from meter to building located on his/her property and the service line from the curb to building if meter is on or in building. The Owner is also responsible for paying Water Charges assessed in relation to his/her property. 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.

2.6 Responsibilities of the User. The User is responsible for complying with all requirements of this rule relating to the use of the Water System and for providing access for inspections as set forth in paragraph 2.7.

2.7 Access. The District has the right upon reasonable notice and at reasonable hours to inspect any portion of the Water System that is under an Owner's control or is the Owner's responsibility to operate and maintain. If the District has directed an Owner or a User to make repairs necessary to comply with this rule and the Owner or User has not made those repairs in the period set by the District (or within 45 days if no period was set), the District may enter onto the premises and make repairs at its own expense and bill the owner. Access must be granted for these purposes by the User(s) or, if there is no User, by the Owner.

2.8 Authority of Water Board. The Water Board of the Town of Shandaken will have the authority delegated to it under this rule.

3. CONNECTIONS TO AND USE OF THE WATER SYSTEM

3.1 New Connections.

3.1.1 Permit Required. No connection to the Water System will be made without a permit obtained from the Water Board. All applications for the use of water must be made on forms provided by the Water Board and must be signed by the Owner of the affected property. Water may only be used in the manner and for the purposes represented in the application.

3.1.2 Action on Permits Applications. No permit for water service will be approved until all charges, together with any interest and penalties, due from the Owner for water service accrued while he/she was the owner of any property in the District were accrued are paid in full.

The Water Superintendent, with notification to the Water Board, may deny or condition approval of an application if, in its opinion, the water requirements of the applicant will in any way limit the ability of the Water System to provide satisfactory water service to all then-existing water users.

The Water Board may condition approval of an application if: (1) water is sought for non-domestic use; (2) the quantities of water sought are excessive as to total daily quantity or rate of use during any portion of the day; or (3) the granting of the permit would otherwise have an adverse impact on the operation of the Water System.

3.1.3 Temporary Service. Applications of contractors, builders and others for temporary service may be submitted. Written approval for such service will be issued if it is determined that the provision of temporary water service does not interfere with the use of water for general purposes and that the use of water will not otherwise create any adverse impacts. Temporary users will supply meters and be charged according to the rate schedule adopted by the District plus \$100 basic charge.

3.1.4 Compliance with specifications and techniques. Hook-ins to the Water System must be accomplished in conformance with specifications and construction techniques established by the Water Department. These specifications and techniques will include the following:

3.1.4.1. Pipe Specifications – The pipe from the curb stop to the consumer meter will be Type K copper with compression fittings. Such pipe specifications may be revised by the District or the Town Board of the Town of Shandaken.

3.1.4.2 Laying of Service Pipes – Service pipes will be required to be laid not less than forty eight (48) inches below the surface of the earth. This applies to the established grade where it has been fixed. No trench will be backfilled in any manner before inspection for leaks and clearances is made by a representative of the District.

3.1.4.3 Trench Openings and Backfilling – The trench opening by the owner or contractor for tapings on to the service shutoff for the installation of the water line shall be of sufficient size and have the proper safety precaution to accommodate the work to be accomplished. The owner or contractor will make alterations to the opening as instructed by the Operation and Maintenance representative. The backfilling of the trench will be made by the owner or the contractor. The material used will be sand in the immediate area around the pipe to a depth of one (1) foot. The remainder of the trench will be bank-run gravel, tamped every six (6) inches until the trench is backfilled to original grade or at the discretion of operation maintenance representative that if the original material is suitable it could be reused for back fill.

3.1.4.4 Cross-Connection Control

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.

(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

C. Health requirements and regulations.

(1) 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:

[1] Sewage and industrial wastewater treatment plants and pumping stations and sewer flushers.

[2] Paper manufacturing or processing, dye plants, petroleum processing, printing plant, chemical manufacturing or processing, industrial fluid systems, steam generation, rubber processing and tanneries.

[3] Canneries, breweries, food processing, milk processing, ice manufacturing, meat packers, poultry processing and rendering companies.

[4] Hospitals, clinics, laboratories, veterinary hospitals, mortuaries and embalmers.

[5] Shipyards and marinas.

[6] Metal-plating, photo-processing, laundries, commercial car washes, commercial refrigeration systems and dry-cleaning establishments.

[7] Commercial greenhouses, spraying and irrigation systems using weedicides and herbicides and exterminators.

[8] Boiler systems, cooling towers or internal fire-fighting systems using conditioners, inhibitors and corrosion-control chemicals.

[9] Residential units with lawn and irrigation systems with chemical injection.

[10] Any building or premises with an auxiliary water supply which is not separated from the municipal water supply.

(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:

[1] Customer fire protection loops and fire storage tanks with no chemical additives.

[2] High-temperature potable water.

[3] Utilization of food-grade dyes.

[4] 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.

[5] Any building or premises with a private booster pump.

[6] 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.

3.1.5 Taps. A separate tap is to be required for each lot supplied with water. However, the tap is the responsibility of the district and all costs will be

borne by the owner. In the case proposed water lines pass through premises other than those making connection with the water system, no connection will be made until a deed of easement is secured by the owner and filed in the Ulster County Clerk's Office at the owner's expense. The main tap will be performed by Water District.

3.1.6 Hook-in Fee. Applications for new hook-ins to the Water System must be accompanied by the payment of a deposit of \$750.00. Until the fee is paid, the application will not be processed.

3.2 Existing Connections. All existing connections must meet the specifications set by the Water Department pursuant to paragraph 3.1.2. Upon a determination by the District that an existing connection does not meet these specifications, it will so notify the Owner in writing. The Owner will upgrade the connection to the standard in this rule within 90 days after such notification.

3.3 Extensions of Mains. [TO BE ADDED AT LATER DATE]

3.4 Private Fire Protection Service. Whenever an application to hook-in to the Water System for purposes of private fire prevention is approved, the entire cost of materials, installation and maintenance of the service from the main to the premises and on the premises is the responsibility of the Owner. The consumer is responsible for a hook-in fee to be set in a schedule set by the Water Board.

The Owner or User may make flow tests or make repairs to the fire service system, upon providing 48 hours notice to the District. The District may allow a lesser notice period or waive the notice altogether in the event of an emergency.

3.5 Enlargement of Service. When an Owner or User requires more water than the existing water line can deliver, it is the responsibility of the Owner to pay the cost of the enlargement of the existing water line from the main to the building. Any such enlargement must be approved in advance by the District.

3.6 Private Wells. No new private wells may be installed without the approval of the District. The applicant to install such a well must demonstrate that the installation and use of the well will not have adverse impact on the water supply sources used by the District.

3.7 Repair and Maintenance of Lines. The District will turn off the water at the request of an Owner when necessary to effect repairs. In such an event, the Owner will be responsible for payment of the actual call out cost to the

District. In no event, will anyone other than the District dig up or repair any waterline prior to the service curb stop.

3.8 Abandonment of Service. When a building is abandoned or torn down, the District will disconnect the water service. The cost of such disconnection to the District will be charged to the Owner.

3.9 Cross Connections Prohibited. No person will connect or cause a connection between the Water System and any other source of water supply. Any such connection that exists upon the effective date of this rule, must be severed within two days and proof thereof submitted to the Water Department within one week. If any unauthorized connection is found, the District has the authority to direct an immediate termination of water to the user.

3.10 Misuse of Water. Intentional wasting of water, whether or not through use of improper or imperfect pipes, is prohibited.

3.11 The District is not authorized to supply water outside of the established boundaries of the District. Any such request would require a modification of its water supply permit that was issued by the NYS Department of Environmental Conservation.

4. METERING

4.1 Meters. Damage to the meter that is not caused by the District, or Town or is due to negligence of the Owner is the responsibility of the Owners, including the costs for removal, repair, testing and replacement. An individual meter is required for each separate service line to the property.

4.2 Testing and Repair. The District or a representative of the District will conduct periodic tests on all meters so as to maintain the meter in proper working condition. The District will be responsible for the cost for routine testing and maintenance. The user and the owner are responsible for repair costs for meters and components due to misuse.

4.3 Location of Meters. The meter must be installed in a pit at the curb stop. When placed in a pit specifications for such a pit must be obtained from the District. Just inside of the basement or pit wall into which the service pipe extends, a shutoff valve must be placed ahead of the meter. On all water meters two (2) inches and larger, a backflow preventer must be installed when connecting equipment or a building which has a potential of backfeeding contaminants into the Water System as determined by the Water Board. All

water meters installed in an owners building must be in a heated environment to prevent freezing.

4.4 Service Lines Serving Multiple Users. In any building with multiple meters, there will be a main water shutoff immediately inside the wall and individual shutoffs for each meter in the building. It is the responsibility of the Owner to provide the readings if the meters are not accessible.

4.5 Tampering Prohibited. All water meters, when set, will be sealed to prevent tampering. Any tampering with the meter is illegal and will constitute a violation of this rule. The Owner and the User where the tampering occurred are jointly and separately responsible, regardless of who performed the tampering.

5.SPECIAL RULES

5.1 Swimming Pools. No swimming pools shall be filled from any hydrant within the District.

5.2 Tankers. A request for filling tankers from municipal water must be in writing forty-eight (48) hours prior to the District. In such a case, the following conditions would apply.

1. All water must be pre-paid.
2. The District will install a meter on a hydrant and take a reading. The water will be metered up to the amount pre-paid.
3. The outside user rate will be charged to all consumers except those consumers connected to the municipal water service who are eligible for the inside user rate.
4. In case of an emergency situation, the forty-eight (48) notice and fee may be waived by the Water Board, with the approval of the Water Superintendent.

5.3 All independent contractors performing work for the District are required to show a certificate of insurance with a minimum of three million in liability.

6. EMERGENCIES AND WATER SHORTAGES

6.1 In the event of a major break in a water main or drought conditions that deplete the District water levels, the Water Board may order a conservation of water declaration. Times for the restriction will be set by the Town Board. The order prohibits the use of water to wash cars, driveways, homes water gardens, shrubs, flowers and the filling of pools, etc.

The Water Board may have to issue a "boil water" advisory through the media which could be caused by a major break, drought, or contamination of the water supply. The "boil water" advisory will stay in effect until such time as the U.C. Department of Health, through tests, has declared the water safe to use.

6.2 In the event of an emergency, including but not limited to breaks in a water main, the District shall not be liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatever, even in cases where notification is not given.

7. Variances

7.1 An Owner may request a variance from any provision in these rules by making application to the Town Board. Such application will be submitted to the Water Department for review and recommendation. The Town Board will act on any request for a variance within 90 days of its submission. A variance will only be granted where it is demonstrated that (1) the Owner would suffer an unreasonable hardship different from any hardship the rule imposes on the community at large if he/she were required to comply with the rule; (2) varying the rule will not impair the operation of the Water System; and (3) the applicant is in compliance with all other applicable rules for the Water System. The Town Board may impose any conditions on the granting of the variance needed to ensure compliance with these criteria.

8. Billing and Payment

8.1 Owners Responsible. All charges assessed by the District on account of the Water System will be billed to the owners of the properties within the District. Owners are personally liable for these charges as a contractual debt.

8.2 Water Charges to be Established Annually. Water charges will be established annually by the Town Board. Nothing herein precludes a special assessment should the Town Board find such assessment is necessary.

8.3 Usage Based Charges. To the extent that water charges are usage based, the quantity of use recorded by the meter will be conclusive except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, the quantity of water will be charged at the average daily consumption for the last four quarters of services or such other a representative method as determined by the Water Board.

8.4 Quarterly Billings. Water bills will be issued to Owners on a quarterly basis. Bills are payable upon receipt but may be paid without penalty if payment is received by the District within thirty days after the date of issuance as noted on the bill. If payment is not received within the thirty day period, a late charge of ten percent will be assessed.

The district will include all charges for repairs and other services rendered pursuant to this rule as part of its billings. At its discretion, the District may include such charges in the quarterly billings or may bill the charges separately at any time after the service is rendered.

8.5 Billings Based on Estimated Usage. To the extent that water charges are usage based, the District may issue bills based on estimated usage so long as proper adjustment is made on bill following the next meter reading.

8.6 Deposits. As security for payment of water bills, the Water Department may require an applicant for water services or the Owner of a property that is already served to submit a deposit equal to an estimate of two months of services. Deposits will be refunded after a one-year period if no payments were delinquent during that period. If a deposit is held for more than one year, interest will be credited to the deposit at one percent below the rate that interest is being paid on the operating account for the District.

9. Enforcement

9.1 Collection of Water Charges. The District may collect any outstanding water charges in the following ways:

9.1.1 Action to Collect a Debt. The Town on behalf of the District may take any legally authorized measures to collect a contractual debt.

9.1.2 Lien of Real Property. All water charges assessed by or on behalf of the District constitute a lien on the real property upon which or in connection with which the charges were accrued. At the same time as the filing of estimates specified in section one hundred four of the Town Law, or at a subsequent date if the Town Board has so elected, but in no event later than November tenth in any year, the town clerk will annually file with the town board, statements showing the unpaid water charges in the District and which have not appeared on any such statements previously filed. Such statements shall contain a brief description of the property upon which the water was used or in connection with which the charges were accrued, the names of the persons or corporations liable to pay for

the same and amount chargeable to each. The Tax Collector of the Town will transmit such statements to Ulster County. Ulster County will levy such sums against the property liable and will state the amount of the tax in a separate column in the annual tax rolls of the Town under the name of "Water Rents". Such tax will be paid to the Tax Collector on behalf of the District. All of the provisions of the existing tax law of the state of New York covering the enforcement and collection of unpaid town taxes or assessments for special improvements will apply to the collection of water rents.

9.2 Termination of Water Service. If any rule is violated, the District may give the Owner(s) and User(s) notice, with certified return receipt, of intent to terminate service. The notice will indicate that unless the violation of the rule is corrected, water service will be terminated within fifteen days or such longer period determined to be appropriate. Upon the failure to correct the violation within the period stated in the notice, the District may terminate water service to the property. Restoration of water services at a property where it was terminated is subject to a fifty dollar restoration fee. Any alleged violators can be given a hearing, by request.

9.3 Repairs. If the District has directed an Owner or a User to make repairs necessary to comply with this rule and the Owner or User has not made those repairs in the period set by the District (or within 45 days if no period was set), the District may enter onto the premises and make repairs at its own expense. The expense of any such repair will be charged to the Owner. Such charge is subject to the same late penalty as any other Water Charge and it may be collected in the same manner as any other Water Charge.

9.4 Other District Charges. If the District charges an Owner for any service or other purpose under this rule, such charge will be billed to the Owner. Such charge is subject to the same late penalty as any other Water Charge and it may be collected in the same manner as any other Water Charge.

9.5 Fines and Penalties. Any person who violates any provision of these rules are guilty of a Violation as defined in the Penal Law, and upon conviction thereof, will be punished by a fine of Two Hundred and Fifty Hundred Dollars (\$250.00), or imprisonment not to exceed fifteen (15) days or both.

Any person who commits a subsequent violation of this rule is guilty of a Class A Misdemeanor, and upon conviction, will be punished by a fine of One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

Any person who knowingly makes any false statements, representations, or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this rule, or who falsifies, tampers with, or knowingly renders inaccurate any monitoring device or method required under this rule is guilty of a Class A Misdemeanor and, upon conviction, will be punished by a fine of not more than One Thousand Dollars (\$1,000.00) per violation per day or imprisonment for not more than one (1) year or both.

Each offense shall be a separate and distinct Violation or Misdemeanor, as the case may be, and, in the case of a continuing offense, each day's continuance thereof shall be deemed a separate and distinct Violation or Misdemeanor, as the case may be.

____10. Severability. Each provision of this Law is severable from the others, so that if any provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision shall be severed from this Law which shall nonetheless remain in full force and effect.