

**WELLSVILLE WATER DEPARTMENT
RULES AND REGULATIONS
DECEMBER 1997**

	<u>Page:</u>
LOCAL LAW AUTHORIZING RULES AND REGULATIONS	2
WATER AND SEWER SERVICE CHARGES	3
ARTICLE I - AUTHORITY OF BOARDS FOR RULES AND REGULATIONS	4
ARTICLE II - DEFINITION OF TERMS	4
ARTICLE III - APPLICATION FOR SERVICE	4
ARTICLE IV - SERVICE LOCATION	4
ARTICLE V - NOTICE TO CONNECT SERVICE TO WATER MAIN	5
ARTICLE VI - MAINTENANCE OF CURB STOPS AND BOXES	5
ARTICLE VII - LEAKS	5
ARTICLE VIII - ACCESS TO PREMISES	5
ARTICLE IX - METER INSTALLATION AND PROTECTION	6
ARTICLE X - CONTROL OF CURB BOX	7
ARTICLE XI - METER TESTS	.
ARTICLE XII - METER READING	7
ARTICLE XIII - LIABILITY FOR BILLS	7
ARTICLE XIV - PAYMENT OF BILLS	8
ARTICLE XV - RESUMPTION OF SERVICE	8
ARTICLE XVI - VILLAGE LIABILITY	8
ARTICLE XVII - SERVICE INTERFERENCE	9
ARTICLE XVIII - CHANGES IN RULES AND REGULATIONS	9
ARTICLE XIX - WATER TARIFF	9
ARTICLE XX - ORDINANCE AMENDMENTS (ETC.)	9

LOCAL LAW - BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK AS FOLLOWS:

ARTICLE I - The Wellsville Village Board of Trustees may adopt such rules and regulations as it deems necessary, appropriate or suitable to the operation of Village utilities including electric, water and sewer.

Rules and regulations may include requirements or conditions of service, its installation, maintenance or discontinuance and provide for the setting of rates and the collection of fees, rents or other charges. This is not a paragraph of limitation of the content of rules and regulations established pursuant to this Local Law.

All rates, fees, rents or other charges for utility services in existence on the effective date of this Local law shall continue until modified or amended by rules or regulations established under the authority provided herein. All new or amended rates, fees, rents or other user charges for utility service shall henceforth be established or set by rules or regulations.

These rules and regulations may supersede, amend or revoke any existing Ordinances heretofore passed by the Village of Wellsville pertaining or relating to utilities and utility service, or any provisions of any Local Laws pertaining to rates, fees, rents or other user charges for utility service.

ARTICLE II - All existing rules and regulations pertaining to electric, water and sewer are hereby ratified and continue in effect until modified or rescinded by the Board.

ARTICLE III - All rules and regulations established by the Board shall be filed in a separate book maintained for that purpose in the office of the Village Clerk. The Village Clerk shall also promptly publish notice of adoption of such rules and regulations.

All rules and regulations shall be effective upon publication of Notice of Adoption, except that any rule or regulation adopted by the Board which is personally served upon any person shall be immediately effective as to that person.

ARTICLE IV - Any rule or regulation adopted pursuant to this Local Law may provide that any person who does not comply with the terms of the rule or regulations, or who willfully attempts in any manner to evade or defeat the application of the rule or regulations, shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$250.00 or imprisonment for not more than fifteen (15) days, or subject to both such fine and imprisonment, or subject to such permissible alternative disposition as the Court may impose.

A rule or regulation may provide for continuing penalties for non-compliance.

Prosecution of a person for non-compliance of a rule or regulation shall not be a waiver of, nor held to be a waiver of, enforcement of the rule or regulation by means of any civil action or proceeding, by termination of service, or by the imposition of conditions for the establishment of the continuance of service.

ARTICLE V - (THIS LOCAL LAW SHALL TAKE EFFECT IMMEDIATELY).

WATER SERVICE...

The Village will terminate at the curb stop. The customer is responsible for the piping from this valve to the building. For services of 3/4" and 1", the Village will supply the meter at no additional cost to the owner. The owner must install the meter but the meter remains the property of the Village. For services larger than 1", the owner must pay an additional service fee per the following schedule. The Village will purchase the meter and the owner shall install it. Meters must be installed 30" above the floor in a horizontal position.

The owner shall install valves on each side of the meter. For meters larger than 2", the owner must also install a by-pass line with a valve.

ADDITIONAL SERVICE FEE FOR LARGER SERVICES...

1 - 1-1/2"	\$650.00
2"	\$650.00
3"	\$850.00
4"	\$1,450.00
6"	\$3,100.00
8" and up -	price on request

These prices are good until December 31, 1996, at which time they will be adjusted as may be required.

There are also excavation permit requirements. A permit shall be obtained from our DPW office prior to any excavation. The fee for the permit to connect to the water distribution system is \$330.00 plus \$150.00 for a pavement opening where required.

SANITARY SEWER SERVICE...

The material shall be cast iron soil pipe, ASTM specification (A-74-82) or equal, or poly vinyl chloride (PVC) schedule 40 ASTM specification (D1785-86) or equal.

The size and slope of the building sewer shall be subject to the approval of the Director, but in no case shall be less than 4". The slope of such 4" pipe shall not be less than 1/8" per foot. The depth shall be sufficient to provide protection from frost.

There are also excavation permit requirements. A permit shall be obtained from our DPW office prior to any excavation. The fee for the permit to connect to an existing mainline connection shall be \$150.00. If the connection to the mainline is new, the connection fee will be \$500.00. In both cases, there will be an additional street opening permit fee of \$150.00.

The following Rules and Regulations for use of water and collection of water rents are adopted to take effect from and after midnight on the last day of December 1997. These rules and regulations supersede those adopted January 1986.

ARTICLE I - AUTHORITY OF BOARDS FOR PRESCRIBING RULES AND REGULATIONS:

Authority is granted to the board to prescribe rules and regulations by Section 228 of the Village Law, which reads as follows:

"Sec. 228. Ordinances. The Board of Water Commissioners may adopt ordinances, not inconsistent with law, for enforcing the collection of water rents and relating to the use of water, and may enforce observance thereof by cutting off the supply of water, or by the imposition of penalties, or both."

ARTICLE II - DEFINITION OF TERMS:

1 - The term "Village" as hereinafter used shall mean the Village of Wellsville, acting through its Board of Trustees.

2 - The term "Board" as hereinafter used shall mean the Board of Trustees of the Village of Wellsville or their designated, authorized agent(s).

ARTICLE III - APPLICATION FOR SERVICE:

Section 1 - Written application for water service must be made to the Village Water Department at its office upon Village furnished forms, by the property owner or his agent authorized to act by a power of attorney duly executed and filed at the office of the Board.

Section 2 - Application for service to a property not previously served by the Village Water Department must be accompanied by an excavation permit and a payment of three hundred and thirty dollars (\$330.00).

ARTICLE IV - SERVICE LOCATION:

Written application must be made by the property owner or his agent authorized to act by a power of attorney duly executed to the Board for permission to open a street. This must be done prior to any excavating in the street and all work in connection therewith must be conducted in conformity with all Village regulations. The Board reserves the right to designate the location of the water service pipes and the depth of the same from the street main to a point designated for the location of the meter and also reserves the right to designate the location of all appurtenances used in connection with water service upon the property to be used, including the location of meters. Location of water service pipes in relation to sanitary sewer pipes shall be as

recommended by N.Y. State Health Department, Manual of Instructions for Water Treatment Operators which is incorporated herein by reference. Upon receipt of written request from the property owner or his agent duly authorized as stated, the Board will designate the same. All excavation, back filling, replacement of street surface, including maintenance of traffic and protection of the excavation must be done at the sole risk and responsibility of the owner of the property to be served. All excavation and back filling must be in accordance with the Village regulations for this work. All connections with the street main, including the service pipes to curb shut-off, curb cock and box, must be of such type and size as the Board designates and will be furnished and installed by the Village at its own expense, exclusive of the necessary excavating, back filling and protection of the same and the replacement of the street surface over the area excavated.

ARTICLE V - NOTICE TO CONNECT SERVICE TO WATER MAINS:

Written notice must be left at the Office of the Village Water Department twenty-four hours prior to the time service is to be installed, stating the exact time when the trench will be ready for making the tap into the water main.

ARTICLE VI - MAINTENANCE OF CURB STOPS AND BOXES:

All curb stops or cocks and boxes furnished by the Village must be at all times protected by the owner from damage, illegal use or injury of any and every nature.

ARTICLE VII - LEAKS:

When leaks occur in service pipes and appurtenances at any point beyond the curb stop or cock, they must immediately be repaired by the owner or occupant, and if not repaired within thirty (30) days following written notice to the owner or occupant, the water will be shut off until the same has been repaired.

A leak will be deemed an emergency by the Board if it poses either a safety hazard or a threat to the water supply. In an emergency, repair must be made within seventy-two (72) hours of verbal notification to the property owner, or water service will be shut off until the same has been repaired.

ARTICLE VIII - ACCESS TO PREMISES:

The agents of the Village shall at all reasonable hours have free access to the consumer's premises for the purpose of reading, testing and inspecting meters and performing any other necessary act in connection with the service, including inspection of plumbing, fixtures and appliances installed within or about the premises. All employees under jurisdiction of the Board who are authorized to enter premises in connection with any matter having to do with the operation of water equipment, shall be provided with an identification card bearing the photograph of said employee. Employees are instructed to carry these cards at all times and to display them without question upon demand by any person when entering private property.

ARTICLE IX - METER INSTALLATION AND PROTECTION:

Section 1 - The property owner shall furnish sufficient and proper space for the installation of the meter or meters. The meter location shall be reasonably convenient and accessible. Meter locations must be approved by the Board in every case, and shall be such as to offer adequate protection to Village equipment.

Section 2 - The owner shall provide a suitable opening in pipe line for the meter. The Board will furnish a meter or meters together with the coupling and set the same at its own expense.

Section 3 - All meters will be sealed by the Board and the breaking of meter seals without authority will be cause for discontinuance of service.

Section 4 - All meters that require an inlet in excess of one (1) inch in diameter shall be purchased from the Village by the property owner or his authorized agent. Calibration checks, maintenance or replacement of such meters shall be done by the Village and charged to the property owner.

Meter calibration checks and meter replacement or rebuilding may be done by the Village according to the following schedule:

1"	every 6 years
1-1/2"	every 6 years
2"	every 6 years
3"	every 5 years
4"	every 4 years

-or more frequently if there is reason to believe a meter is not registering properly.

Section 5 - The property owner and/or consumer must not tamper or interfere with the property of the Village or suffer or allow it to be tampered or interfered with in any manner. The property owner shall be held responsible for any damage to Village property. The property owner also is responsible for any damage to any meter through which his premises are served resulting from freezing, hot water, steam, fire, loss by theft, or as may be caused by his negligence or that of his tenants, agents, or by his own or their failure properly to secure and protect said meters. Damages will be repaired by the Board and actual repair costs charged to the property owner except that a minimum charge of \$100 will be assessed in cases of theft and/or tampering and if cost of parts, labor and other items involved exceed this amount, they will be duly charged to the property owner. All such charges must be paid by the property owner within thirty (30) days of the billing date. Failure to pay such charge promptly shall be sufficient cause for refusal of further service. The Board reserves the right to change its equipment at any time it may deem advisable to do so. Meters remain the property of the Village. The Board reserves the right to remove them at any time upon discontinuance of water service or at any other time if it should be found necessary to do so for its protection against abuse or fraud.

Section 5 - Homeowners having private water wells whose water discharges into the Village sanitary sewer system must provide either a Village approved water meter or sewage discharge meter so the amount of water entering the sanitary sewer system from the premises can be accurately determined. Such meters shall be readily accessible. All costs, including meter installation and maintenance shall be borne by the property owner. Failure to comply with this Ordinance shall be sufficient cause for refusal of further water or sewer service.

ARTICLE X - CONTROL OF CURB COCK:

Where water has been shut off for non-compliance with this ordinance, no person except an employee of the Village shall be allowed to operate the curb cock without the written permission of the Board.

ARTICLE XI - METER TESTS:

Upon the request of the property owner or consumer, the water meter will be removed for testing upon payment of a deposit of fifty (50) dollars at the office of the Village Water Department. If upon testing, the meter fails to meet the standards for water meters prescribed by the Public Service Commission of the State of New York in Case 8818, Schedule B, dated February 9, 1932, the deposit will be returned and a new meter installed without charge. An adjustment will be made with the consumer on his bills for such prior period as the occasion may require, but in no instance for a term longer than three (3) months prior to the date of the complaint.

Should the meter be found to register correctly or under-register, the deposit will be retained to cover the cost of testing.

ARTICLE XII - METER READING:

The Village will endeavor to read its meters at regular monthly intervals and all charges and quantities will be figured on a monthly basis unless otherwise stated. In the event of inability to read meters, the bill will be estimated from the best available information. All such bills will be marked "E" (estimated).

ARTICLE XIII - LIABILITY FOR BILLS:

All bills for the use of water service are charged against the owner of the premises served and the property where the water is used. This is in accordance with Section 11 - 1118 of the Village Law which declares all water rents a lien. All bills are due and payable and become such a lien as soon as charged upon the books of the Board. Failure to receive bills for water service or repairs does not relieve the owner from liability to pay the bill. The burden is upon the owner of the property to keep track of all unpaid water bills.

All unpaid bills for water service thirty (30) days or more delinquent on April 1st of each year shall be turned over to the Board for attachment to the tax roll and collection with taxes.

Upon the written request of the property owner upon forms supplied by the Board, a tenant or occupant of the property may be billed direct for water service and repairs, but such billing shall not relieve the property or the property owner of his direct responsibility for payment or from his obligation under this ordinance in any way.

Property owners will be held liable for all service to the final reading of the meter, provided such readings be taken not more than forty-eight (48) hours (excepting Saturdays, Sundays and holidays) after written notice to discontinue has been received by the Village Water Department at its office and the property owner agrees to keep the property and meters accessible to the Board during that time. In the event that the property and meters are not kept accessible, the property owner shall be liable for service up to such time as the Board may find the meter and property accessible.

ARTICLE XIV - PAYMENT OF BILLS:

All bills are due when rendered and payment is required on or before the due date shown on said bill. If the due date falls on a weekend or holiday, then payment is required on the next working day. Bills or accounts shall become delinquent at the expiration of the discount period. The Board will mail bills to the property owner or, upon his request in writing, to the tenant at his last known address as it appears upon the books of the Board. The Board is not responsible for the failure of the mail to deliver bills. As stated in Article XIII hereof, the burden is upon the property owner to keep track of his water bill. The Board reserves the right to discontinue service upon ten (10) days written notice whenever bills are delinquent or when the property owner refuses to comply with the Rules and Regulations prescribed by this Ordinance, or without notice for improper use of Village property, tampering with equipment, or fraud. The net amount shown on the bill will be accepted as full payment on or before the due date shown on the bill, provided all back bills are paid. Remittance mailed will be considered received as of the time and date of postmark. Failure to receive bill does not entitle property owner, or if property owner has designated that bills be mailed to tenant, then the tenant and the property owner, to the net amount.

ARTICLE XV - RESUMPTION OF SERVICE:

No application for water service will be approved and accepted by the Board unless all moneys due and owing from the property owner for water service, or items connected therewith not previously charged on the tax roll, have first been paid.

ARTICLE XVI - NO LIABILITY FOR FAILURE OF SERVICE, SHUTTING OFF, OR RESTRICTING SERVICE:

Neither the Village nor the Board shall under any circumstances be held liable either to the property owner or to such persons, corporations, associations, partnerships, or otherwise, who may have the use of the property through lease from the owner or by agreement, contract or otherwise regardless of the form or by sufferance, for deficiency or failure of the supply of water.

The Board reserves the right to shut off or restrict the supply of water as follows:

- a) Without notice whenever it may be found necessary to do so in cases of emergency or as hereinbefore stated.
- b) Upon written notice or otherwise in order to make repairs or extensions to the distribution system or to private services or for the causes hereinbefore stated.

ARTICLE XVII - SERVICE INTERFERENCE:

The property owner and/or consumer's equipment and the operation thereof must be such as not to interfere with the service of other consumers. In case of interference, the property owner must take immediate steps to correct the situation or suffer discontinuance of service until normal conditions are restored.

ARTICLE XVIII - CHANGES IN RULES AND REGULATIONS:

The Village reserves the right to change the Rules and Regulations and rates for the use of water and to make special rates or contracts from time to time at their discretion.

ARTICLE XIX - WATER TARIFF:

The rates and classifications for water service shall be those currently established from time to time by the Board and on file at the office of said Board.

ARTICLE XX - AMENDMENTS, MODIFICATIONS, OR ALTERATIONS OF THIS ORDINANCE:

No amendment, modification or alteration of the terms of this ordinance made either by promise or representation of agents of the Board, individual members of the Board, or otherwise, shall be binding upon the Village and all consumers are hereby given notice to that effect. This ordinance, except as it may be amended by action of the Board in the manner described by law, states in full the rules and regulations covering water service, and the Village is in no way bound except by the terms of this ordinance or amendments thereof duly enacted.

Water rates - 1 unit = 748 gallons

	Net	Gross
Service Charge (per month)	\$14.00	\$15.40
1 to 3 units (per unit)	\$00.54	\$00.59
4 to 50 units (per unit)	\$3.68	\$4.05
50 to 100 units (per unit)	\$2.54	\$2.79
101 to 150 units (per unit)	\$2.27	\$2.50
Over 150 units (per unit)	\$1.32	\$1.43

Outside Village customers are charged @ 150%

Miscellaneous Water Charges

Account change over charge	\$5.00
Flow test	
If meter is okay	\$50.00
If meter is faulty - With replacement	\$0.00
Turn on or off	
During working hours	\$10.00
After working hours	\$41.85
On and off same day during working hours	\$10.00
Turn on after turn off for non-payment	
During working hours	\$20.00
After working hours	\$40.00
Replace frost bottom	\$50.00
Freeze-ups, customer side	
During working hours	Actual
After working hours, minimum charge or actual costs whichever is greater.	\$82.50

The Village is responsible for service from the main to the curb box. The customer is responsible for the line from the curb box to the house and inside the house.

New service connection fee \$330.00
The owner digs the ditch and backfills it. The Village taps the main, supplies and installs the line to and including the curb box, patches the street, and supplies and installs the remote meter.

Street opening	\$150.00
Truck w/welder - plus man hours	\$14.00
Other calls after working hours, minimum charge or actual costs whichever is greater.	2 hours

WATER RATES:

	NET:	GROSS:
Service charge (per month):	\$13.00	\$14.30
1 to 3 units (per unit):	\$0.51	\$0.56
4 to 50 units (per unit):	\$3.50	\$3.85
51 to 100 units (per unit):	\$2.42	\$2.66
101 to 150 units (per unit):	\$2.16	\$2.38
over 150 units (per unit):	\$1.26	\$1.39

Outside village customers are charged at 150%.

Miscellaneous Water Charges:

Account change-over charge:	\$5.00
Flow test:	
-- If the meter is OK:	\$50.00
-- If the meter is faulty: (with replacement)	no charge
Turn on or off:	
-- during working hours:	\$10.00
-- after working hours:	\$41.85
Turn on and off same day:	\$10.00
Turn on after turn off for non-payment:	
-- during working hours:	\$20.00
-- after working hours:	\$40.00
Replace frost bottom:	\$50.00
Freeze-ups, customer side:	
-- during working hours:	actual costs
-- after working hours:	\$82.50 or actual costs
	(or actual costs, whichever is greater)

Village is responsible for service from main to curb box.

Customer is responsible for line from curb box to house and inside house.

New service connection fee: \$330.00

(Owner digs ditch and backfills. Village taps main, supplies and installs line to and including curb box, patches street, and supplies and installs remote meter.)

Street Opening:	\$150.00
Truck with welder:	\$14.00 plus man hours
Other calls after working hours: (2 hour minimum)	actual costs

SEWER RATES:

Service charge (per month):	\$2.50	\$2.75
Usage rate (per unit):	\$0.70	\$0.77

Outside village customers are charged at 150%.

Miscellaneous Sewer Charges:

Sewer connection fee:	\$500.00
Sewer repair or reconnect fee:	\$150.00
Street Opening:	\$150.00

In Account With

**THE VILLAGE OF WELLSVILLE
DEPARTMENT OF PUBLIC UTILITIES**

Date:

FINAL DISCONNECT NOTICE - PLEASE READ CAREFULLY

YOU ARE HEREBY GIVEN NOTICE, YOUR UTILITY BILL IS PAST DUE AND IN ACCORDANCE WITH THE VILLAGE ORDINANCE, IF YOUR UTILITY BILL IS NOT RECEIVED IN THE UTILITY OFFICE BEFORE 4:00 PM ON _____
SERVICE WILL BE DISCONNECTED THE FOLLOWING DAY.

If service is disconnected, your utility bill of plus a **CONNECTION CHARGE OF \$25.00** must be paid before service can be reconnected. NO RECONNECTIONS WILL BE MADE AFTER 4:00 PM. Reconnect payments will be received ONLY at the Utilities Office, Municipal Bldg, 156 North Main St. (593-4960). For cases of acute hardships, contact the Billing Office immediately upon receipt of this notice.

THIS IS A FINAL DISCONNECT NOTICE.
NO FURTHER NOTICE OF SERVICE DISCONNECTION WILL BE GIVEN.

MINUTES OF A REGULAR MEETING OF THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE HELD ON DECEMBER 22, 1997 AT 7:30 PM IN THE TRUSTEES ROOM OF THE MUNICIPAL BUILDING, 156 NORTH MAIN STREET, WELLSVILLE, ALLEGANY COUNTY, NEW YORK.

PRESENT: Mayor Sue Goetschius
Trustees: Art Van Tyne, Tim Colligan, Hugh Elliott, Bill Hendrick
Police Chief: Jim Cicirello
DPW: Bob Chaffee

The meeting opened with the Pledge to the flag.

Motion made by Colligan seconded by Elliott that the minutes of the 12/9/97 regular meeting be approved as presented. Carried.

Darwin Fanton has asked to meet with Art and Bob Chaffee regarding the Riverside Water District agreement language, as soon as he reviews his copies.

STOP DWI-motion made by Van Tyne seconded by Elliott that the 1998 STOP DWI contracts for \$9100.00 be signed by the mayor. Carried.

EXECUTIVE SESSION-motion by Colligan seconded by Elliott that we hold a brief executive session to discuss a real property transaction. Carried. The meeting was resumed after a brief session.

105 PINE ST-motion by Colligan seconded by Elliott that the village accept the purchase offer of \$29,000 from William and Patricia Childs for the property located at 105 Pine Street. Carried.

CABLEVISION-it was noted that the State of New York Dept of Public Service has granted a temporary operating authority to Cablevision until 6/5/98.

WATER RULES AND REGULATIONS-motion made by Van Tyne seconded by Elliott that the village make two changes and add a paragraph to the water rules and regulations that will read as follows:.....effect from and after midnight on the last day of December 1997. Section 2.....must be accompanied by an excavation permit and a payment of three hundred thirty dollars. Add to Article VII -Leaks-A leak will be deemed an emergency by the Board if it poses either a safety hazard or a threat to the water supply. In an emergency, repair must be made within seventy-two hours, of verbal notification to the property owner, or water service will be shut off until the same has been repaired. Carried.

PILOTS-the board was asked to review the protocols and procedures for approval of PILOT agreements. This will be discussed at the meeting of 1/12/98.

SCIO WATER SALES/METERING-Chaffee noted that a meter is desirable, however, the cost would be approximately \$8000. We have sold to Scio in the past two years, water totaling on \$5200. We want to be able to justify the cost of a meter installation. We now have a system that gives us 95% accuracy. Twice Scio has supplied us with water in the Riverside District when we had Coats St. shut down. This does not happen often. However, a meter can record dual flow-meaning water going either way. Bob is to continue to investigate this matter and keep the board apprized of his findings.

**WELLSVILLE WATER DEPARTMENT
RULES AND REGULATIONS
SEPTEMBER 1, 1985**

Local Law Authorizing Rules & Regs.	PAGE #
	3
Water & Sewer Service Charges	4
Article I - Authority of Boards for rules & regs.	5
Article II - Definition of Terms	5
Article III - Application for Service	5
Article IV - Service Location	5
Article V - Notice to Connect Service to Water Main	5
Article VI - Maintenance of Curb Stops and Boxes	6
Article VII - Leaks	6
Article VIII - Access to Premises	6
Article IX - Meter Installation and Protection	6
Article X - Control of Curb Box	7
Article XI - Meter Tests	7
Article XII - Meter Reading	7
Article XIII - Liability for Bills	7
Article XIV - Payment of Bills	8
Article XV - Resumption of Service	8
Article XVI - Village Liability	8
Article XVII - Service Interference	8
Article XVIII - Changes in Rules and Regs.	8
Article XIX - Water Tariff	8
Article XX - Amendments, Modifications etc.	9

**BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK AS
FOLLOWS:**

ARTICLE I

- Section 1.* The Wellsville Village Board of Trustees may adopt such rules and regulations as it deems necessary, appropriate or suitable to the operation of Village utilities including electric, water and sewer.
- Section 2.* Rules and regulations may include requirements or conditions of service, its installation, maintenance or discontinuance and provide for the setting of rates and the collection of fees, rents or other charges. This is not a paragraph of limitation of the content of rules and regulations established pursuant to this Local Law.
- Section 3.* All rates, fees, rents or other charges for utility services in existence on the effective date of this Local Law shall continue until modified or amended by rules or regulations established under the authority provided herein. All new or amended rates, fees, rents or other user charges for utility service shall henceforth be established or set by rules or regulations.
- Section 4.* These rules and regulations may supersede, amend or revoke any existing Ordinances heretofore passed by the Village of Wellsville pertaining or relating to utilities and utility service, or any provisions of any Local Laws pertaining to rates, fees, rents or other user charges for utility service.

ARTICLE II

- Section 1.* All existing rules and regulations pertaining to electric, water and sewer are hereby ratified and continue in effect until modified or rescinded by the Board.

ARTICLE III

- Section 1.* All rules and regulations established by the Board shall be filed in a separate book maintained for that purpose in the office of the Village Clerk. The Village Clerk shall also promptly publish notice of adoption of such rules and regulations.
- Section 2.* All rules and regulations shall be effective upon publication of Notice of Adoption, except that any rule or regulation adopted by the Board which is personally served upon any person shall be immediately effective as to that person.

ARTICLE IV

- Section 1.* Any rule or regulation adopted pursuant to this Local Law may provide that any person who does not comply with the terms of the rule or regulation, or who willfully attempts in any manner to evade or defeat the application of the rule or regulation, shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$250.00 or imprisonment for not more than fifteen (15) days, or subject to both such fine and imprisonment, or subject to such permissible alternative disposition as the Court may impose.
- Section 2.* A rule or regulation may provide for continuing penalties for non-compliance.
- Section 3.* Prosecution of a person for non-compliance of a rule or regulation shall not be a waiver of, nor held to be a waiver of, enforcement of the rule or regulation by means of any civil action or proceeding, by termination of service, or by the imposition of conditions for the establishment of or the continuance of service.

ARTICLE V

This Local Law shall take effect immediately.

Water Service

The Village will terminate at the curb stop. The customer is responsible for the piping from this valve to the building. For services of 3/4" and 1", the Village will supply the meter at no additional cost to the owner. The owner must install the meter but the meter remains the property of the Village. For services larger than 1", the owner must pay an additional service fee per the following schedule. The Village will purchase the meter and the owner shall install it. Meters must be installed 30" above the floor in a horizontal position.

The owner shall install valves on each side of the meter. For meters larger than 2", the owner must also install a by-pass line with a valve.

Additional Service Fee for larger services

1 - 1 1/2"	\$650.00
2"	\$650.00
3"	\$850.00
4"	\$1450.00
6"	\$3100.00
8" and up - price on request	

These prices are good until 01 June 1991 at which time they will be adjusted as may be required.

There are also excavation permit requirements. A permit shall be obtained from our Utility Billing Office prior to any excavation. The fee for the permit to connect to the water distribution system is \$330.00 plus \$150.00 for a pavement opening where required.

Sanitary Sewer Service

The material shall be cast iron soil pipe, ASTM specification (A-74-82) or equal, or poly vinyl chloride (PVC) schedule 40 ASTM specification (D1785-86) or equal.

The size and slope of the building sewer shall be subject to the approval of the Director, but in no case shall be less than 4". The slope of such 4" pipe shall not be less than 1/8" per foot. The depth shall be sufficient to provide protection from frost.

There are also excavation permit requirements. A permit shall be obtained from our Utility Billing Office prior to any excavation. The fee for the permit to connect to an existing mainline connection shall be \$150.00. If the connection to the mainline is new, the connection fee will be \$500.00. In both cases there will be an additional street opening permit fee of \$150.00.

The following rules and regulations for the enforcement of collection of water rents and the use of water, be adopted to take effect from and after midnight on the first day of September, 1985.

ARTICLE I AUTHORITY OF BOARD FOR PRESCRIBING RULES AND REGULATIONS

Section 1 - Authority is granted to the board to prescribe rules and regulations by Section 228 of the Village Law, which reads as follows:

Sec. 228, Ordinances.

The board of the Village of Wellsville may adopt ordinances, not inconsistent with law, for enforcing the collection of water rents and relating to the use of water, and may enforce observance thereof by cutting off the supply of water, or by imposition of penalties, or both.

ARTICLE II DEFINITION OF TERMS

Section 2 - The term "Village" as hereinafter used shall mean the Village of Wellsville, acting through the Board of Trustees.

Section 3 - The term "Board" as hereinafter used shall mean the Board of Trustees of the Village of Wellsville or their designated authorized agent(s).

ARTICLE III APPLICATION FOR SERVICE

Section 4 - Written application for water service must be made to the Village Water Department at its office in the Village of Wellsville upon Village furnished forms, by the property owner or his agent authorized to act by a power of attorney duly executed and filed at the office of the Board.

ARTICLE IV SERVICE LOCATION

Section 5 - Written application must be made by the property owner or his agent authorized to act by a power of attorney duly executed, to the Board for permission to open a street, prior to any excavating in the street, and all work in connection therewith, must be conducted in conformity with all Village regulations. The Board reserves the right to designate the location of the water service pipes and the depth of the same from the street main to a point designated for the location of the meter and also reserves the right to designate the location of all appurtenances used in connection with water service upon the property to be used, including the location of meters. Location of water service pipes in relation to sanitary sewer pipes shall be as recommended by N. Y. State Health Department Manual of Instruction for Water Treatment Operators, which is incorporated herein by reference. Upon receipt of written request from the property owner or his agent duly authorized as stated, the Board will designate the same. All excavation, back filling, replacement of street surface, including protection of the same in the street, must be done at the sole risk and responsibility of the owner of the property to be served. All connections with the street main, including the service pipes to curb shut-off, curb cock and box, must be of such type and size as the Board designates and will be furnished and installed by the Village at its own expense, exclusive of the necessary excavating, back filling and protection of the same and the replacement of the street surface over the area excavated.

ARTICLE V NOTICE TO CONNECT SERVICE TO WATER MAINS

Section 6 - Written notice must be left at the office of the Village Water Department forty-eight hours prior to the time service is to be installed, stating the exact time when the trench will be ready for making the tap into the water main.

**ARTICLE VI
MAINTENANCE OF CURB STOPS AND BOXES**

Section 7 - All curb stops or cocks and boxes furnished by the Village must be at all times protected by the owner from damage, illegal use or injury of any and every nature.

**ARTICLE VII
LEAKS**

Section 8 - When leaks occur in service pipes and appurtenances at any point beyond the curb stop or cock, they must immediately be repaired by the owner or occupant, and if not repaired within thirty (30) days following written notice to the owner or occupant the water will be shut off until the same has been repaired.

**ARTICLE VIII
ACCESS TO PREMISES**

Section 9 - The agents of the Village shall at all reasonable hours have free access to the consumer's premises for the purpose of reading, testing and inspecting meters and performing any other necessary act in connection with the service, including inspection of plumbing, fixtures and appliances installed within or about the premises. All employees under jurisdiction of the Board who are authorized to enter premises in connection with any matter having to do with the operation of water and electric equipment, shall be provided with an identification card bearing the photograph and signature of said employee and serial number. Employees are instructed to carry these cards at all times and to display them without question upon demand by any person when entering private property.

**ARTICLE IX
METER INSTALLATION AND PROTECTION**

Section 10 - The property owner shall furnish sufficient and proper space for the installation of the meter or meters. The meter location shall be reasonably convenient and accessible. Meter locations must be approved by the Board in every case, and shall be such as to offer adequate protection to the Village equipment.

Section 11 - The owner shall provide a suitable opening in pipe line for the meter. The Board will furnish a meter or meters together with the coupling and set the same at its own expense.

Section 12 - All meters will be sealed by the Board and the breaking of meter seals without authority will be cause for discontinuance of service.

Section 13 - The property owner and/or consumer must not in any manner tamper or interfere with the property of the Village or suffer or allow it in any manner to be tampered or interfered with, and shall be held responsible for any damage to the same. The property owner also is responsible for any damage to any meter through which his premises are served resulting from freezing, hot water, steam, fire or loss by theft, or such as may be caused by his negligence or that of his tenants, agents or by his own or their failure to properly secure and protect said meters. Damages will be repaired by the Board and charged to the property owner. A minimum charge of \$100 will be assessed and if cost of parts, labor and other items involved exceed this amount they will be duly charged to the property owner. All such charges must be paid by the property owner promptly. Failure to pay such charge promptly shall be sufficient cause for refusal of further service. The Board reserves the right to change its equipment at any time it may deem advisable to do so. Meters remain the property of the Village. The Board reserves the right to remove them at any time upon discontinuance of water service, or at any other time if it should be found necessary to do so for its protection against abuse or fraud.

Section 14 - Home owners having private water wells whose water discharges into the Village sanitary sewer system must provide either a Village approved water meter to monitor such water from the well or a sewer discharge meter so that amount of water entering the sanitary sewer system from the well can be accurately determined. Such meters shall be readily accessible. All costs, including meter, installation, and maintenance shall be borne by the property owner. Failure to comply with this ordinance shall be sufficient cause for refusal of further water or sewer services.

**ARTICLE X
CONTROL OF CURB BOX**

Section 15 - Where water has been shut off for non-compliance with this ordinance, no person except an employee of the Village, shall be allowed to operate the curb cock without the written permission of the Board.

**ARTICLE XI
METER TESTS**

Section 16 - Upon the request of the property owner or consumer, a water meter may be removed for testing, upon payment of fifty (50) dollars at the office of the Village Water Department. If upon testing, the meter fails to meet the standard for water meters prescribed by the Public Service Commission of the State of New York, in Case 6816 Schedule B dated February 9, 1932, the deposit will be returned and a new meter installed without charge. Should the meter be found to register correctly or under-register, the deposit will be retained to cover the cost of testing. In the event the meter fails to meet the prescribed standard, adjustment will be made with the consumer for such prior period as the occasion may require but in no instance, for a term longer than one year prior to the date of the complaint. In this latter case, the meter testing fee shall be returned to the payer.

**ARTICLE XII
METER READING**

Section 17 - The Village will endeavor to read its meters at regular monthly intervals so that all charges and quantities will be figured on a monthly basis unless otherwise stated. In the event of inability to read meters, the bill may be estimated from the best available information. All such bills will be marked with an abbreviation of the word estimate in the form "Est."

**ARTICLE XIII
LIABILITY FOR BILLS**

Section 18 - All bills for the use of water service are charged against the owner of the premises served and the property where the water is used, in accordance with Section 11 - 1118 of the Village law which declares all water rents a lien. All bills are due and payable and become such a lien as soon as charged upon the books of the Board. Failure to receive bills for water service or repairs, does not relieve the owner from liability to pay. The burden is upon the owner of the property to keep track of all unpaid water bills. All unpaid bills for water service one year or more delinquent on April 1st of each year, shall be turned over to the Board for attachment to the tax roll and collection with taxes. Upon the written request of the property owner upon forms to be prescribed by the Board, a tenant or occupant of the property may be billed direct for water service and repairs, but such bill shall not relieve the property or the property owner of his direct responsibility for payment or from his obligation under this ordinance in any way. Property owners will be held liable for all service to the final reading of the meter, provided such reading be taken not less than forty-eight hours (excepting Sundays and holidays) after written notice to discontinue upon forms provided by the Board has been received by the Village Water Department at its office and the property owner agrees to keep the property and meters accessible to the Board during that time. In the event that the property and meters are not kept accessible, the property owner shall be liable for service up to such time as the Board may find the meter and property accessible.

ARTICLE XIV PAYMENT OF BILLS

Section 19 - All bills are due when rendered and payment is required on or before the 10th of the following month from the date of the said bill. If the 10th falls on a weekend the payment is required on the next closest working day. Bills or accounts shall become delinquent at the expiration of the discount period. The Board will mail bills to the property owner or, upon his request in writing, to the tenant at his last known address as it appears upon the books of the Board. The Board is not responsible for failure of the mail to deliver bills. As stated in Article XIII Section 18 hereof, the burden is upon the property owner to keep track of his water bill. The Board reserves the right to discontinue service upon ten days written notice whenever bills are delinquent or when the property owner refuses to comply with the rules and regulations prescribed by this ordinance; or without notice for improper use of Village property, tampering with equipment or fraud. The net amount shown on the bill will be accepted on or before the 10th of the following month after the date of the bill, provided all back bills are paid except as hereinafter provided under "Water Tariff". Remittances mailed will be considered received as of the time and date of postmark. Failure to receive bill does not entitle property owner, or if property owner has designated that bills be mailed to tenant, the tenant and the property owner, to the net amount.

ARTICLE XV RESUMPTION OF SERVICE

Section 20 - No application for water service, except applications required by this ordinance of present consumers to comply with terms hereof, either to the same or a different property, will be approved and accepted by the Board unless all moneys due and owing from the property owner for water service or items connected therewith not theretofore charged on the tax roll, have first been paid.

ARTICLE XVI NO LIABILITY FOR FAILURE OF SERVICE, SHUTTING OFF OR RESTRICTING SERVICE

Section 21 - Neither the Village nor the Board shall under any circumstances be held liable either to the property owner or to such persons, corporations, associations, partnerships or otherwise, who may have the use of the property through lease from the owner or by other agreement, contract or otherwise regardless of the form or by sufferance, for deficiency or failure of the supply of water. The Board reserves the right to shut off or restrict the supply of water as follows:

a. - Without notice whenever it may be found necessary to do so in cases of emergency or as hereinbefore stated.

b. - Upon written notice or otherwise in order to make repairs or extensions to the distribution system or to private services or for the causes hereinbefore stated.

ARTICLE XVII SERVICE INTERFERENCE

Section 22 - The property owner and/or consumer's equipment and the operation thereof must be such as not to interfere with the service of other consumers. In case of interference the property owner must take immediate steps to correct the situation or suffer discontinuance of service until normal conditions are restored.

ARTICLE XVIII CHANGES IN RULES AND REGULATIONS

Section 23 - The Village reserves the right to change the rules and regulations and rates for the use of water from time to time in their discretion and to make special rates or contracts.

ARTICLE XIX WATER TARIFF

Section 24 - The rates and classification for water service shall be those currently established from time to time by the Board and at the time or times involved on file at the office of said Board.

ARTICLE XX
AMENDMENTS, MODIFICATIONS, OR ALTERATIONS OF THIS ORDINANCE

Section 25 - No amendment, modification or alteration of the terms of this ordinance made either by promise or representation of agents of the Board, individual members of the Board, or otherwise, shall be binding upon the Village and all consumers are hereby given notice to that effect. This ordinance, except as it may be amended by action of the Board in the manner described by law, states in full the rules and regulations covering water service, and the Village is in no way bound except by the terms of this ordinance or amendments thereof duly enacted.

3 of 1975

A Local Law Pertaining To The Inclusion Of Unpaid Water Rents
Into The Annual Tax Levy.

adopted: 2-24-75

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK AS FOLLOWS:

Section 1. Section 37-13 of the Ordinance of the Village
of Wellsville is hereby amended as follows:

The sentence "All unpaid bills for water services one year or more delinquent on May 1st of each year, shall be turned over to the Board of Trustees of the Village for attachment to the tax roll and collection with taxes" shall be deleted.

Section 2. The following shall be added to Section 37-13 of the Ordinance of the Village of Wellsville:

Except as may otherwise be provided by the Board of Water Commissioners pursuant to the authority of 11-1118 of the Village Law, all delinquent bills for water services as of March 1st of each year shall be certified to the Village Clerk for presentation to the Board of Trustees of the Village for attachment and inclusion into the annual tax levy for the following fiscal year.

Section 3. This local law shall take effect immediately.

AN ORDINANCE AMENDING LOCAL LAW REGARDING WATER

SECTION 37-19

adopted: 5/9/67

BE IT HEREBY ENACTED BY THE BOARD OF TRUSTEES, VILLAGE OF WELLSVILLE, NEW YORK AS FOLLOWS:

Section 37-19 WATER TARIFF (Amendment)

A. The rates and classifications for water service shall be those currently established from time to time by the Board of Water and Light Commissioners of the Village of Wellsville, and at the time or times involved on file at the office of the said Board in the Village of Wellsville, New York:

<u>Per Meter Per Quarter</u>			<u>Gross</u>	<u>Net</u>
First	75-00	cu. ft., per 100 cu. ft.	\$.57	\$.53
Next	75-00	cu. ft., per 100 cu. ft.	.45	.45
Next	150-00	cu. ft., per 100 cu. ft.	.30	.30
Over	300-00	cu. ft., per 100 cu. ft.,	.20	.20

Minimum charge per quarter, payable in advance, allowing 1500 cu. ft. \$8.55 \$7.95

Large consumers may be required to pay monthly, instead of quarterly, at proportionate rates, at the option of the superintendent, subject to the approval of the Municipal Board of Water and Light Commissioners.

Bills will be computed at both the gross and net rates. If paid on or before date shown on the bill, which will be not less than 20 days from day bill is rendered for quarterly bills and not less than 10 days for monthly bills, net amount will apply; thereafter the gross amount will come due and payable.

FLAT RATES

Payable Quarterly in Advance

see next page

(flat rates)

DOMESTIC

	<u>per year</u>	<u>per quarter</u>
First Plain Faucet	\$ 30.00	\$ 7.50
Each additional faucet	12.00	3.00
Additional for hose faucet	12.00	3.00
First bath, tub, or shower stall	18.00	4.50
Each additional bath tub or shower stall	12.00	3.00
Each toilet	20.00	5.00
Each additional toilet	12.00	3.00
Maximum charge for single family	\$125.00	\$31.25

STORES, OFFICES, ETC

First plain faucet	\$ 40.00	\$10.00
Each additional plain faucet	20.00	5.00
First toilet or urinal	40.00	10.00
Each additional toilet or urinal	20.00	5.00

Hot and cold water emptying into the same receptacle count as one faucet.

Ten per cent discount will be allowed on all bills paid on or before the date shown on bill which will not be less than 20 days from day bill is rendered.

B. Special rates for services not listed in the published schedule of rates may be fixed by the Superintendent, subject to the approval of the Municipal Board of Water and Light Commissioners at the next regular meeting.

C. Any consumer may have the privilege at any time, on application and compliance with the rules and regulations of this ordinance, of changing from a flat to a meter rate, and the commission may require any consumer to change from a flat to a meter rate at any time, and upon refusal to make such a change, the Commission may discontinue service.

A LOCAL LAW REGARDING WATER

adoption: 06/16/39

effective: 09/01/39

BE IT HEREBY ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK, AS FOLLOWS:

Section 37.1 AUTHORITY OF BOARDS FOR PRESCRIBING RULES AND REGULATIONS:

Authority is granted to the Board to prescribe rules and regulations by Section 228 of the Village Law, which reads as follows:

"Section 228. Ordinances, The Board of Water Commissioners may adopt ordinances, not inconsistent with law, for enforcing the collection of water rents and relating to use of water, and may enforce observance thereof by cutting off the supply of water, or by the imposition of penalties, or both."

Section 37.2 DEFINITION OF TERMS

VILLAGE - As hereinafter used shall mean the Village of Wellsville, acting through its Municipal Board of Water and Light Commissioners.

BOARD or THE BOARD or COMMISSION or THE COMMISSION - As hereinafter used shall mean the Municipal Board of Water and Light Commissioners of the Village of Wellsville.

Section 37.3 APPLICATION FOR SERVICE

Written application for water service must be made to the Municipal Board of Water and Light Commissioners at its office in the Village of Wellsville, upon forms furnished by the Commission, by the property owner or his agent authorized to act by a power of attorney duly executed and filed at the office of the Board.

Section 37.4 SERVICE LOCATION

next page

Section 37.4 SERVICE LOCATION

Written application must be made by the property owner, or his agent authorized to act by a power of attorney duly executed, to the Board of Trustees of the Village of Wellsville, for permission to open a street, prior to any excavating in the street and all work in connection therewith must be conducted in conformity with all village regulations. The Board of Water and Light Commissioners reserves the right to designate the location of the water service pipes and the depth of the same from the street main to a point designated for the location of the meter, and also reserves the right to designate the location of all appurtenances used in connection with water service upon the property to be used, including the location of meters. Upon receipt of written request from the property owner or his agent duly authorized as stated, the Commission or its agents will designate the same. All excavation, back filling, replacement of street surface, including protection of the same in street, must be done at the sole risk and responsibility of the owner of the property to be served. All connections with the street main, including the service pipes to curb shut-off, curb cock, and box must be of such type and size as the Board or its agents designate and will be furnished and installed by the village at its own expense, exclusive of the necessary excavating, back filling and protection of the same and replacement of the street surface over the area excavated.

Section 37.5 NOTICE TO CONNECT SERVICE TO WATER MAINS

Written notice must be left at the office of the Commission forty-eight (48) hours prior to the time service is to be installed, stating the exact time when the trench will be ready for making the tap into the water main.

Section 37.6 MAINTENANCE OF CURB STOPS AND BOXES

All curb stops or cocks and boxes furnished by the village must at all times be protected by the owner from damage, illegal use or injury of any and every nature.

Section 37.7 LEAKS

When leaks occur in service pipes and appurtenances at any point beyond the curb stop or cock, they must immediately be repaired by the owner or occupant, and if not repaired within a

given time after notice, the water will be shut off until the same has been repaired.

Section 37.8 ACCESS TO PREMISE

The agents of the village shall at all reasonable hours have free access to the consumer's premises for the purpose of reading, testing and inspecting meters and performing any other necessary act in connection with the service, including inspection of plumbing, fixtures and appliances installed within or about the premises. All employees under jurisdiction of the Board of Water and Light Commissioners who are authorized to enter premises in connection with any matter having to do with the operations of water and electric light equipment, shall be provided with an identification card bearing the photograph and signature of said employee and serial number. Employees are instructed to carry these cards at all times and to display them without question upon demand by any person when entering private property.

Section 37.9 METER INSTALLATION AND PROTECTION

A. The property owner shall furnish sufficient and proper space for the installation of the meter or meters. The meter location shall be reasonably convenient and accessible. Meter locations must be approved by the Commission or its agents in every case, and shall be such as to offer adequate protection to the village equipment.

B. The owner shall provide a suitable opening in pipe line for the meter. The Commission will furnish a meter or meters together with the couplings and set the same at its own expense.

C. All meters will be sealed by the Commission and the breaking of meter seals without authority will be cause for discontinuance of service.

D. The property owner and/or consumer must not in any manner tamper or interfere with the property of the village or suffer or allow it in any manner to be tampered or interfered with, and shall be held responsible for any damage to same. The property owner is also responsible for any damage to the meter through which his premises are served resulting from freezing, hot water, steam, fire or loss by theft, or such as may be caused by his negligence or that of his tenants, agents, or by his own or their failure to

properly secure and protect said meters. Damages will be repaired by the Commission and charged to the property owner at costs for parts, labor and other items involved and must be paid by the property owner promptly. Failure to pay such charge promptly shall be sufficient cause for refusal of further services. The Commission reserves the right to change its equipment at any time it may deem advisable to do so. Meters remain the property of the village. The Commission reserves the right to remove them at any time upon discontinuance of water service, or at any other time if it should be found necessary to do so for its protection against abuse or fraud.

Section 37.10 CONTROL OF CURB COCK

Where water has been shut off for noncompliance with this ordinance, no person except an employee of the village shall be allowed to operate the curb cock without the written permission of the Commission or its duly authorized agent.

Section 37.11 METER TESTS (repealed)

Section 37.12 METER READING

The village will endeavor to read its meters at regular intervals of three (3) months so that all charges and quantities will be figured on a quarterly basis unless otherwise stated. In the event of inability to read meters, the bill may be estimated from the best available information. All such bills will be marked with an abbreviation of the word estimate in the form "Est".

Section 37.13 LIABILITY FOR BILLS

All bills for the use of water service and charges against the owner of the premises served and the property where the water is used, in accordance with Section 229 of the Village Law which declares all water rents a lien. All bills are due and payable and become such a lien as soon as charged upon the books of the Water and Light Commission. Failure to receive bills for water service or repairs, does not relieve the owner from liability to pay. The burden is upon the owner of the property to keep track of all unpaid water bills. All unpaid bills for water service one (1) year or more delinquent on May 1st of each year, shall be turned over to the Board of Trustees of the village for attachment to the tax roll and collection with taxes. Upon the written request of

property owner upon forms to be inscribed by the Commission, a tenant or occupant of the property may be billed direct for water service and repairs, but such bill shall not relieve the property or property owner of his direct responsibility for payment of from his obligation under this ordinance in any way. Property owners will be held liable for all service to the final reading of the meter, provided such reading be taken not less than forty-eight (48) hours (excepting Sundays and holidays) after written notice to discontinue upon forms provided by the Commission has been received by the Board at its office; and the property owner agrees to keep the property and meters accessible to the Commission or its agents during that time. In the event that the property and meters are not kept accessible, the property owner shall be liable for service up to such time as the Commission or its agents may find the meter and property accessible.

Section 37.14 PAYMENT OF BILLS

All bills are due when rendered and payment is required within twenty (20) days from the date of the said bill. Bills or accounts shall become delinquent at the expiration of the discount period. The Commission will mail bills to the property owner or, upon his request in writing, to the tenant at his known address as it appears upon the books of the Commission. The Commission is not responsible for the failure of the mail to deliver bills. As stated in Section 37-13 hereof, the burden is upon the property owner to keep track of his water bill. The Commission reserves the right to discontinue service upon ten (10) day's written notice whenever bills are delinquent or when the property owner refuses to comply with the rules and regulations prescribed by this ordinance; or without notice for improper use of village property, tampering with equipment or for fraud. The new amount shown on the bills will be accepted not later than twenty (20) days after the date of the bill, provided all back bills are paid, except as hereinafter provided under "Water Tariff". Remittances mailed will be considered received as of the time and date of the postmark. Failure to receive bills does not entitle property owner, or if property owner has designated that bills be mailed to tenant, then the tenant and the property owner, to the net amount.

Section 37.15 RESUMPTION OF SERVICE

next page

Section 37.15 RESUMPTION OF SERVICES

No application for water service, except applications required by this ordinance of present consumers to comply with terms hereof, either to the same or a different property, will be approved and accepted by the Commission unless all moneys due and owing from the property owner for water service or items connected therewith not theretofor charged on the tax roll have first been paid.

Section 37.16 NO LIABILITY FOR FAILURE OF SERVICE; SHUTTING OFF OR RESTRICTING SERVICE.

Neither the village nor the Commission shall under any circumstances be held liable either to the property owner, or to such persons, corporations, associations, partnerships or otherwise, who may have the use of the property through lease from the owner or by other agreement, contract or otherwise, regardless of the form, or by sufferance, for deficiency or failure of the supply of water. The Commission reserves the right to shut off or restrict the supply of water as follows:

A. Without notice whenever it may be found necessary to do so in cases of emergency or as heréinbefore stated.

B. Upon written notice or otherwise in order to make repairs or extensions to the distribution system or to private services, or for the causes hereinbefore stated.

Section 37.17 SERVICE INTERFERENCE

The property owner's and/or consumer's equipment and the operation thereof must be such as not to interfere with the service of other consumers. In case of interference, the property owner must take immediate steps to correct the situation or suffer discontinuance of service until normal conditions are restored.

Section 37.18 CHANGES IN RULES AND REGULATIONS

The village and the Commission reserve the right to change the rules and regulations and rates for the use of water from time to time in their discretion, and to make special rates or contracts.

** see attached amendment 8-11-69*

Section 37.19 WATER TARIFF (Amended 5/11/64; effective 6/1/64)

A. The rates and classifications for water service shall be those currently established from time to time by the Board of Water and Light Commissioners of the Village of Wellsville, and at the time or times involved on file at the office of the said Board in the Village of Wellsville, New York:

First 75-00 cu.ft., per 100 cu. ft. @	\$.40	\$.36
Next 75-00 cu.ft., per 100 cu. ft @	\$.30	\$.30
Next 150-00 cu.ft., per 100 cu. ft @	\$.20	\$.20
Over 300-00 cu.ft., per 100 cu. ft @	\$.135	\$.135
Minimum charge, per quarter, Payable in advance, allowing 1500 cubic feet		\$6.00 \$5.40

Large consumers may be required to pay monthly, instead of quarterly at proportionate rates, at the option of the Superintendent, subject to the approval of the Municipal Board of Water and Light Commissioners.

Bills will be computed at both the gross and net rates. If paid on or before the date shown on the bill, which will not be less than twenty (20) days from day bill is rendered for quarterly bills and not less than ten (10) days for monthly bill, net amount will apply; thereafter the gross amount will come due and payable.

FLAT RATES

PAYABLE QUARTERLY IN ADVANCE

DOMESTIC

	<u>Per Year</u>	<u>Per Quarter</u>
First Plain Faucet	\$20.00	\$ 5.00
Each additional faucet	6.80	1.70
Additional for Hose Faucet	6.80	1.70
First Bathtub	10.80	2.70
Each Additional Bathtub	6.80	1.70
First Toilet	12.80	3.20
Each Additional Toilet	6.80	1.70
Maximum charge per single family	75.00	18.75

STORES, OFFICES, ETC.

	<u>year</u>	<u>Quarter</u>
First Plain Faucet	\$ 24.80	\$ 6.20
Each Additional Plain Faucet	12.80	3.20
First Toilet	24.80	6.20
Each Additional Toilet	12.80	3.20

Hot and cold water emptying into the same receptacle count as one (1) faucet.

Ten percent (10%) discount will be allowed on all bills paid on or before date shown on bill which will not be less than twenty (20) days from day bill is rendered.

B. Special rates for services not listed in the published schedule of rates may be fixed by the Superintendent, subject to the approval of the Municipal Board of Water and Light Commissioners at the next regular meeting.

C. Any consumer may have the privilege at any time, on application and compliance with the rules and regulations of this ordinance, of changing from a flat to a meter rate, and the commission may require any consumer to change from a flat to a meter rate, at any time, and upon refusal to make such a change, the Commission may discontinue service.

Section 37.20 AMENDMENTS, MODIFICATIONS OR ALTERATIONS OF THIS ORDINANCE

No amendment, modification, or alteration of the terms of this ordinance made either by promise or representation of agents of the Commission, individual members of the Commission, or otherwise, shall be binding upon the village or Commission, and all consumers are hereby given notice to that effect. This ordinance, except as it may be amended by action of the Commission in the manner described by law, states in full the rules and regulations covering water service, and the village and the Commission is in no way bound except by the terms of this ordinance or amendments thereof duly enacted.

Section 37.21 FORM OF APPLICATION FOR SERVICE

All applications for water service shall be made in writing to the Board of Water and Light Commissioners at its office in the Village of Wellsville upon printed blanks furnished by the Commission, and shall be in the following form:

Village of Wellsville, New York
Board of Water and Light Commissioners
Application for Water Service

TO THE BOARD OF WATER AND LIGHT COMMISSIONERS OF
THE VILLAGE OF WELLSVILLE, NEW YORK:

I, (We) hereby make application for water service at the premises known as _____ Wellsville, New York, and for the installation of _____ meter (s) therein, and other appurtenances in accordance with your rules and regulations for each service. I (We) represent to the Board as a condition of this contract that I am (we are) owner(s) of the said premises and in consideration of the supplying of water to you to the said premises, I (WE) hereby agree to be governed by and liable for such service in accordance with the rules and regulations prescribed therefor by a certain ordinance of the Board of Water and Light Commissioners enacted June 16, 1939, and in accordance with any and all amendments thereof.

I, (We) understand that the rules and regulations prescribed by the ordinance and any and all amendments thereto are as follows:

(There shall be inserted here the rules and regulations hereinbefore prescribed beginning with Article I through the end of Article XVIII, Section 22).

Owner(s)

DATED _____

PLACE _____

Sworn to before me by _____

this _____ day of _____ 19____.

Notary Public
Justice of the Peace

APPROVED:

MUNICIPAL BOARD OF WATER AND LIGHT COMMISSIONERS OF
WELLSVILLE, NEW YORK

By _____
Superintendent

Section 37.22 FORM OF REQUEST FOR MAILING BILLS TO TENANT

All requests by property owner to the effect that water service and repair bills be mailed to a tenant or tenants of the property, shall be made in writing to the Board of Water and Light Commissioners, at its office in the Village of Wellsville, upon printed blanks to be furnished by the Commission, which blanks shall be in the following form:

Village of Wellsville, New York
Board of Water and Light Commissioners
Request by Property Owner That
Bills Be Mailed to Tenant.

TO THE BOARD OF WATER AND LIGHT COMMISSIONERS OF THE
VILLAGE OF WELLSVILLE, NEW YORK:

I, (We) hereby request that until further written notice from me (us), all bills for water service and repairs for the property located at _____ of which I am (we are) the owner(s) be mailed to _____ the tenant now occupying the said premises under a lease from me (us), at the address stated, and that until this request be revoked by written notice signed by me (us), no further bills or notices be mailed to me (us). I, (We) understand that in making this request, I am (we are) in no way relieved from my (our) personal responsibility and liability for prompt payment of all bills in connection with and for such service repairs, and that I am (we are) still, and will continue to remain, liable for such bills and for all other obligations imposed by the rules and regulations of your Commission as to water service.

Owner(s)

Date _____

Place _____

Section 37.23 DISCONTINUANCE OF SERVICE

In the event of the refusal or neglect of any property owner to sign the application for service prescribed by this ordinance within sixty (60) days of the date of the notice to him, to the effect that he is required to sign, mailed to his last known post office address as shown upon the books of the Commission, the Commission reserves the right to discontinue service without further notice. The Superintendent of the Water and Light Plant is hereby authorized and instructed to send such notices promptly upon the adoption of this ordinance by the Village Board and thereafter to discontinue service for failure to sign new applications within the time stated.

Section 37.24 REVOCATION OF PRIOR ORDINANCES

All prior ordinances establishing rules and regulations regarding the use of water, water service, and collection of water rents, are hereby revoked as of the time when this ordinance becomes effective.