

**RULES AND REGULATIONS**

**NORTH CREEK  
WATER DISTRICT**

**TOWN OF JOHNSBURG  
NEW YORK**

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**EFFECTIVE JUNE 15, 2010**

NORTH CREEK WATER DISTRICT  
Town of Johnsburg, N.Y.

1. No person other than the Water District Engineer or Employees of the Engineer shall make any connections, repairs, additions or alterations to the district water main or to that portion of any pipe through which district water flows between such main to and including the curb shut-off.
2. Applications for water service must be made to the Water District upon the form provided therefore. Payment therefore according to the schedule of charges included in these rules must be made in advance to the Collector of Water Rents who shall issue a receipt therefore. Cost of all excavations up to the main shall be borne by the applicant. Any excess or un-anticipated costs resulting from the breaking up and replacing of pavement, removing rock, must also be borne by the applicant. No taps will be made after November 15, or until the frost is out of the ground.
3. It shall be the duty and obligation of the property owner to keep the curb shut-off free from obstructions at all times in order that the Water District may have ready access thereto.
4. The Water District Engineer or other persons acting under his direction or any other persons designated by the Johnsburg Town Board shall be permitted, with permission to enter the premises of any water consumer at any reasonable time to examine the fixtures and pipes, ascertain the quantity of water used, and to determine whether there is a suspected leak.
5. No water consumer or property owner shall permit any person other than those residing or employed on the premises, to regularly take water therefrom, unless the Collector of Water Rents is first notified and payment made for the additional use.
6. Water rents shall be due and payable on the first day of April and October of each year, at the office of the Collector of Water Rents. A penalty of 10% will be added for rents not paid within 30 days. All water rents and other charges for service within the Water District, or outside the Water District, not paid before November 1 of the year billed, will be re-levied on the Town of Johnsburg Tax Roll. The District reserves the right to discontinue water service when rents are overdue beyond 60 days.
7. The District reserves the right to install meters on service lines at any time and charge meter rates for the consumption of water by such service. When a meter is installed during a water rent period the water rent will be prorated and the meter rates charged for the remainder of the period. In no event shall the charge for service be less than the flat water rent for the period.
8. The owners of property supplied with water through meters shall pay for all necessary repairs to the meter when damaged by any cause other than those of normal wear caused by water running through same.
9. In the event that any meter shall fail to properly register the amount of water running through same, the Collector of Water Rents shall arrive at a fair estimate of use based on previous experience. This estimate may be submitted to the Town Board for approval.
10. The Town Board shall have the full right at all times, and whenever in their opinion the public good requires it, to regulate, diminish or entirely cut off the supply of water from any and all properties or persons being serviced and to make such rules and regulations for the diminishing thereof as they shall deem necessary and expedient to the conditions prevailing.
11. No person other than the Water District Engineer or other persons acting under his direction shall molest or interfere with or open or close or attempt so to do, any valve, gate shut-off appurtenant to the mains through which district water flows or appurtenant to any service line between the water main and the curb shut-off inclusive.
12. No person other than the Water District Engineer or those acting under his direction or a member of any fire department on active duty, shall manipulate, control or operate, or attempt so to do, any fire hydrant, which derives its flow of water from any of the mains of the North Creek Water District.
13. No person shall bathe, wade, angle or fish in, boat or skate upon, take ice from, or cast wood, dirt or any foreign substance into, any of the reservoirs and/or springs or streams discharging into same, which supply the District with water. Nor shall any person in any manner interfere with or molest or attempt to do so, any structure of any reservoir or pipeline and the appurtenances thereto, or trespass upon any of the property, being and forming a part of the water supply system of the District.

14. The owners of premises receiving District water shall be required to maintain in perfect order and repair, at the owner's expense, the service pipe and its fixtures and appurtenances, from the curb shut-off to and into the premises. Service lines shall be at least ¾ inch in diameter, type K copper tubing buried to a minimum depth of 5 feet. All repairs are to be made under the supervision and direction of the Water District Engineer or other persons acting under his direction. There shall be an inspection fee as noted in "Appendix A".
15. The owners of premises receiving District water shall be required to install and maintain a shut-off at or near the entrance of the service line into the owner's buildings in order that repairs to the consumer's plumbing may be made without closing the curb shut-off. No charge will be made for the shutting off of the water in order to install such shut-off in the building, but failure to install same will result in charges being made as listed in the schedule for shutting off and turning on of water.
16. Request to have water shut off at curb box shall be made in writing to the North Creek Water District. Water must be turned off 6 months in order to receive half rates. A service fee of \$25 will be made for each shut-off or restoration of service.
17. The District shall not be liable for any damage resulting from the sudden shutting off of water to any premises.
18. Applications for service will be entertained only if such service can be supplied without undue expense. The Town Board reserves the right to refuse such applications involving undue expense unless the applicant agrees to pay for such excess costs and deposits with the Collector of Water Rents in advance, a sum estimated to be sufficient to cover same. Extensions to existing mains must be made at the expense of the applicant, subject to the specifications of the Town Board and under the direction and supervision of the Water District Engineer. Subject to agreement between the applicant and the Water District Engineer such extension may be made by the District provided that a sum estimated to be sufficient to cover the cost of materials and labor is deposited in advance with the Collector of Water Rents. Such extensions and additions to the main when connected with the District mains shall become the property of the district and no connection will be made by the Water District Engineer or other persons acting under his direction unless the applicant first agrees in writing to such District ownership.
19. No application for water service will be entertained by the District until all water rents and charges in arrears, due the District from the applicant are paid in full. Applicant must be the owner of the property.
20. The property owner receiving water service is required to promptly repair any leaks in his pipes or fittings.
21. In case of frozen water pipes the District shall be liable for expense involved in thawing mains and service lines to the curb shut-off and such work shall be done under the supervision of and at the direction of the Water District Engineer or other persons acting under his direction. The customer shall be responsible for expense involved in thawing service lines from the curb shut-off to and into the premises. In case there is some question as to the responsibility for such expense, the expense shall be assessed to the proper party once the responsibility has been determined by the Water District Engineer. In case of disagreement over the responsibility for such expense, the Town Board's decision shall be final.
22. It shall be the obligation of the property owner to report to the Collector of Water Rents any change in occupancy, plumbing fixtures or other factor which occurs or has occurred since the last Water District Survey or any error or omission in the water billing. Failure to so notify said Water District Officials shall result in the assessment of a penalty of \$5 per day that notice is not given or \$50, whichever is greater and such additional rent as would have been required for the full period during which such change existed. Said notification must be given within thirty days of such change and an additional rent due will be pro-rated from the date of change.
23. Water service may be discontinued by the District at any time for any of the following:
  - (i) Violation of any of these rules and regulations.
  - (ii) Non-payment of water rents.
  - (iii) Use of water for any purpose other than as represented in the application.
  - (iv) Willful waste of water through improper or imperfect pipes.
  - (v) Refusal of reasonable access to the premises by authorized persons for the purpose of inspection.
  - (vi) Violation of any reasonable rules and regulations laid down by the Town Board or the Water District Engineer for the public good.
24. No swimming pool shall be filled from the Water District without prior authorization from the Water District Engineer. This shall apply to in-ground and above ground pools, wherein if approval is granted, property owner shall be charged \$100.00 for the service. This shall not apply to "Kiddie Pools" that are not deeper than 9 inches and with a diameter of less than 10 feet.

building, and provide reasonable access to the Water District Engineer or other persons acting under his direction for inspection prior to water being connected and services commenced.

26. All Water District customers are required to know the location of the curb stop shut-off and to keep the shut-off free from obstruction at all times permitting the Water District Engineer or other persons acting under his direction ready access to the shut-off valves.

## 27. CONNECTION TO SYSTEM

(A) All property owners requesting new water service to the Town's system shall complete the attached "Fee Application Form". The attached form "Appendix A" shall determine the connection fee and related charges for both individual connections and for subdivisions where mains are to be dedicated to the North Creek Water District. The fee schedule is divided into four sections:

(i) An application fee based on number of services and size of service  
TO BE PAID WITH EACH SERVICE CONNECTION

(ii) A review fee based on size of service  
TO BE PAID WITH APPLICATION

(iii) An **inspection fee** based on size of service  
TO BE PAID WITH EACH WATER CONNECTION

(iv) An additional **annual** fee to track annual **sprinkler** certifications. Annual certifications shall be performed by a certified qualified independent inspector to track and verify an owner's fire insurance coverage. The owner bears the responsibility for the certification process.

THIS IS AN ANNUAL CHARGE THAT WILL BE ADDED TO THE USAGE BILL

(B) The connection fee described in paragraph 27(A) herein shall relate to the Town's administrative cost, labor and equipment cost, and construction and inspection of site cost for the supply and installation of a corporation tap, curb stop and copper line from the corporation tap to the curb stop. All curb stops will be located within the Town's right-of-way. The property owner shall be responsible for the service line from the curb stop to the residence or structure including: all pipe, fittings, testing and disinfection (if required), and any other cost associated with this portion of the service connection. The property owner shall be responsible for all excavation and backfill from the corporation tap to the residence or structure. All materials shall be in conformance with NCWD requirements and be approved by the Water District Engineer prior to construction. Services that require roadway cuts or borings will be coordinated with the Highway Superintendent, and that cost will be added to the property owner's connection fee.

(C) New subdivisions located **within the District and within the Service Area**, shall be subject to the same fee structure as in "Appendix A".

Acceptance shall include:

- (i) NYSDOH approval of said plans
- (ii) Documentation of all completed and acceptable bacteriological and pressure tests
- (iii) Certification by a NYSPE, hired by the developer, whom was responsible for construction oversight
- (iv) Approval from the Town Engineer
- (v) All application and review fees noted in "Appendix A" must be paid in full
- (vi) Any additional cost needed to modify the water district to support the project as required by the Water District Engineer.

Only after all of the above conditions have been satisfactorily addressed will the Town consider accepting ownership of the main. Upon the Town's acceptance of each water main the appropriate inspection fee will be paid in full in compliance with "Appendix A". A bond will be required to cover the incremental cost of operational and maintenance increases if necessary as determined by the Town Board.

(D) New subdivisions **outside the Service Area** and **within the District** shall need to apply to NYSDEC for a Water Supply Permit to extend the Service Area. Approval of the service area extension **requires** a resolution by the Town Board. The Town will require the following items for the Town Engineer to review 30 days prior to any action:

- (a) Completed Water Service Area Extension application form
- (b) Water Evaluation report which addresses: supply, demand, type of construction, plans and specifications, a narrative of the project which discusses pressure, number of homes or structures, hydrant locations, pressure booster stations, PRV locations, storage requirements, and any further relevant information requested by the Town's Engineer
- (c) A site map showing existing Service Area and proposed new boundaries with associated tax map boundaries
- (d) Project schedule
- (e) An estimate of project cost and Operational & Maintenance requirements

It shall be the developer's responsibility for any water supply improvements or upgrades needed to the NCWD to support the project. The Developer must fund all aspects of the improvements and present a schedule for implementation. After receiving Town approval of the Water Service Area Extension application, it is the obligation of the developer to construct the main(s) in accordance with any conditions specified in the approved permit, the Town Code, and all NYSDOH and NYSDEC requirements.

The following items will be required prior to Town Board Resolution for acceptance of the mains:

- (i) Submittal of Water Supply Application to NYSDEC and complete application notice
- (ii) Complete set of plans with written approval from NYSDOH
- (iii) All pressure testing has been completed and witnessed by the Town Engineer
- (iv) All bacteriological testing completed and results submitted to the Town Engineer
- (v) Certification by design engineer that construction was done in accordance with approved plans and specifications
- (vi) Construction approval from the Town Engineer
- (vii) All Town fees and Town Engineering costs have been paid
- (viii) A one year warranty from contractor
- (ix) A bond will be required to cover incremental cost of operation and maintenance increase if necessary
- (x) Certified As-Builts
- (xi) Town and State approval for a Water-works transportation corporation, if required, for any portion of a subdivision's water distribution system

Upon the Town's acceptance of the main(s) from the developer, service connections made to the newly constructed main shall be subject to the same fee structure as in "Appendix A".

(E) New subdivisions **outside the Service Area** and **outside the District** shall need to apply to NYSDEC for a Water Supply Permit to extend the Service Area and District Boundary. Approval of the District Boundary and Service Area extension **requires** a resolution by the Town Board. The Town will require the following items 30 days prior to any action for the Town Engineer to review:

- (a) Completed application form, Map Plan and Report prepared by a NYSPE
- (b) Water Evaluation report which addresses: supply, demand, type of construction, plans and specifications, a narrative of the project which discusses pressure, number of homes or structures, hydrant locations, pressure booster stations, PRV locations, storage requirements, and any further relevant information requested by the Town's Engineer

(c) A site map showing existing Service Area and proposed new boundaries with associated tax map boundaries

(d) Project Schedule

(e) An estimate of project cost and Operational & Maintenance requirements

(f) All necessary NCWD water supply improvements needed to support the project will be addressed by the developer. In addition, the developer will fund those improvements, and present a schedule for implementation

(g) A summary of operational cost changes and NYSDOH requirements

If the Town approves the District Boundary/Water Service Area Extension Application, with or without any conditions, it is up to the developer to construct the main(s) in accordance with any conditions specified by any involved regulatory agency and the Town Code.

Upon acceptance by the Town, all connections to the newly constructed main shall be subject to the same fee structure noted in "Appendix A".

The same stipulations listed in section "D", items (i) through (xi) will be required prior to Town Board Resolution for possible acceptance of the mains/ improvements.

28. Any person, plumber, caretaker, owner or tenant in possession of the property, violating these rules and regulations is guilty of a misdemeanor and shall be dealt with according to the penal law and declared a disorderly person and may be punished by a fine of \$500 or imprisonment for 6 months or both.

29. The acceptance of water service following June 15, 2010 shall constitute acceptance of these rules and regulations by the customer.

30. These regulations shall apply to any applicant not approved by Town Board action as of June 15, 2010.

These Amended Rules and Regulations, as adopted by the Town Board of Johnsbury at a Water District meeting held on June 15, 2010 shall be effective June 15, 2010. A copy of these Rules and Regulations shall be furnished to every customer.