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WATER USE LAW
TOWN OF LYME
WATER DISTRICT NO. 2

as of 12/16/99

- 2-23-00

WATER USE LAW

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WATER DISTRICT NO. 2

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TOWN OF LYME WATER USE LAW

A local law regulating the use of public water facilities and the furnishing of water to the consumers of Water District No. 2 in the Town of Lyme, County of Jefferson, State of New York.

Be it enacted by the Town Board of the Town of Lyme as follows:

ARTICLE I. PURPOSE AND SCOPE.

1.1. Regulations as part of contract.

- A. The following law as established by the Town Board of Lyme (hereinafter called the Town Board), or as hereinafter amended or modified, is hereby made a part of any and all agreements, or contracts, with each consumer, taker, or user of water furnished directly, or indirectly, from the mains of Lyme Water District No. 2 (hereinafter called the District).
- B. Each and every consumer, user, or taker of water from the District water system shall be in all respects bound by, and shall be considered to have agreed to the rules, regulations, requirements of this law, and schedules of water rates and other charges as hereinafter set forth, or amended or modified by the Town Board as a condition precedent to the rights of service from said water systems.

1.2. Administration of the system.

- A. The Town Board shall be responsible for the administration of all affairs concerning the operation of the water district, including, but not limited to, the establishment of laws, rules and regulations, water rates and charges, appointment of all necessary personnel and general management of the district.
- B. The water district shall employ the necessary personnel as required for the proper operation of and administration of the district.
- C. The Town Board shall have control of the installation, operation, maintenance, repair and adjustment of taps, mains, curb boxes, valves, hydrants, laterals and meters. The Town Board shall not be responsible for breaks, obstructions, or interruption in service arising from any cause whatsoever except that they may take such steps as are reasonable upon proper notification to make such repairs as may be necessary to restore service from the main to the curb stop.
- D. The Town Board shall be the sole judge as to the meaning of this law, or these rules and regulations. Its interpretation shall be final and binding upon all applicants for water service and upon all takers and users of water.

ARTICLE II. DEFINITIONS.

As used in this law and these regulations, the words and phrases listed below shall be deemed to have the following meaning:

- 2.1 "Active Service" shall mean any service which includes water usage through a curb stop.
- 2.2 "Applicant" shall mean any person making a request in writing for "active service" to be rendered or furnished by the District.
- 2.3 "Basic Service" shall mean any premises on which a curb stop has been installed. Basic service does not include water usage through the curb stop or any other means.
- 2.4 "Builder", "Contractor", or "Real Estate Developer" shall mean any person owning or having an interest in a parcel or tract of land who applies for a supply of water to such premises which are intended to be sold, conveyed or leased by said person to an owner or occupant.
- 2.5 "Customer" shall mean the person legally or equitably responsible for payment of charges for water or other facilities and services furnished by the district.
- 2.6 "Commercial" or "Commercial Service" shall mean premises on which activities of industry or commerce are routinely conducted. Such activities of commerce shall include manufacture, buying or selling of any commodity or service or the conduction of any business related activities on a routine yet intermittent basis.
- 2.7 "Curb Box Shut-off" shall mean the in-ground enclosure containing the curb stop.
- 2.8 "Curb Stop" shall mean that part of the service connection controlling the flow of water between the main and the premises served.
- 2.9 "District" or "The District" shall mean the Town of Lyme Water District No. 2.
- ← 2.10 "EDU" shall mean, Equivalent Dwelling Unit. Every "Active Service" customer is classified as having 1 EDU, unless informed otherwise.
- 2.11 "Health Department" shall mean the New York State Department of Health, Bureau of Public Water Supply Protection.
- 2.12 "Institutional" or "Institutional Service" shall mean any premises on or in which the following services are provided; education in any organized form, medical treatment of any type; governmental services of any type, and other uses as determined by the Town Board.
- 2.13 "Lateral" shall mean the pipe installed between the curb stop and the premises.
- 2.14 "Occupant" shall mean the person actually in possession or control of any premises or part thereof who is a consumer.
- 2.15 "Owner" shall mean the person who has legal or equitable title to the premises.
- 2.16 "Person" shall mean an individual, family, firm, association, or corporation.

2.17 "Premises" shall mean any building, owned or leased, and occupied as a residence or for business or commercial purposes; or a vacant or unimproved parcel of land contained wholly or partially within the District.

2.18 "Private fire protection system" shall mean water mains, pipes, hydrants, sprinklers or other facilities installed on private premises or on a public or private street for the purpose of providing private fire protection.

2.19 "Private street" shall mean any street, avenue, road or way that is not for any highway purpose under the jurisdiction of any village, town, city, county or the State of New York.

2.20 "Public fire protection system" shall mean distribution and storage facilities, water mains, pipes, hydrants and other facilities installed and owned by the District and used for the public protection of premises from the fire.

2.21 "Public street" shall mean any street, avenue, road or way that is for any highway purpose under the jurisdiction of any village, town, city, county or the State of New York.

2.22 "Service connection" shall mean the facilities and equipment used to supply water to any premises and which are installed within the limits of the street between the main and curb box shutoff of the premises to be served.

2.23 "The Town" or "Town" shall mean the Town of Lyme Town Board, consisting of the Town Supervisor and Town Councilmen.

ARTICLE III. DISTRICT LIMITS.

This water use law shall apply to all premises served and to be served by the water facilities of the District as currently approved by the State Comptroller, and including extensions to the District, both formal and informal.

ARTICLE IV. APPLICATION FOR SERVICE.

4.1 Applications for Active Service - General.

All applications for "active service" shall be made in writing on forms provided by the District. Upon acceptance by the District, the application shall constitute a contract between the District and the applicant, obligating the applicant to pay the District the established rates and to comply with this law.

4.2 Pre-existing Main Required.

Applications shall be accepted subject to the existence of a main in a street or right-of-way abutting on the premises to be served but acceptance shall in no way obligate the District to extend its mains to service the premises excepting as hereinafter provided.

4.3 Applications for Active Service - Multiple Premises.

A separate application must be made for each premises, as defined in Article II herein.

4.4 Outstanding Charges.

No agreement will be entered into by the District with any applicant for service until all charges due from the applicant for water or services at any premises now or heretofore owned or occupied by him which are in arrears shall have been paid.

4.5 Resale of Water.

Sub-metering will not be permitted. Resale of water will only be permitted with written permission of the Town.

4.6 Criteria for Acceptance of Applications.

Acceptance of an application made by a person, private or municipal corporation or Special Improvement District shall depend upon a determination in the sole discretion of the Town Board that the conditions of the service requested are: (1) economically feasible and (2) within the capacity of the District to render without prejudice to the demands imposed upon its system by its other customers.

4.7 Site Plan.

Whenever the owner or operator of a land parcel containing more than one commercial or residential premises unit applies for the service of water to said premises, there shall be furnished to the Town Board a map or plan thereof showing its location, the estimated number of residential or commercial units and other structures to be served, and the arrangement of laterals, roads, driveways and lanes affording access to and within the limits of said premises.

ARTICLE V. INSTALLATION OF SERVICES.

5.1 Service Connection Charges - General.

Upon written application for "active service" by an owner or occupant of any property abutting on any public or private street containing a district main of sufficient size and capacity, and upon payment of the applicable charge for the size service to be installed, as prescribed herein, the District will supply, install, operate, maintain and when necessary, replace at its own cost and expense, the service connection between the main and the curb box shut off on both public and private streets. It is further provided that easements acceptable to the Town Board must be furnished at the applicant's expense where necessary for all water service installations. All service lines installed by the District shall remain the property of the District.

When a building with an existing service is demolished and replaced with a new structure, or is substantially remodeled, the District will assess the same connection fee as for a new building, excepting however that the Town Board may waive the fee in the event no additional expense is incurred by the District.

The cost of water connections shall be that incurred by the water district in providing said services unless waived or modified by the Town Board.

5.2 Service Connection Charges - Private Fire Protection Service.

Private fire protection service will only be provided under a written agreement between the applicant and the District.

5.3 Maintenance and Replacement of Services.

The District, at its expense, will maintain, and when necessary, replace any existing service connections from the main to the curb stop shutoff on all water service connections. The owner shall be responsible to maintain the pipe installed between the curb stop and any premises in leak-proof condition and to the full satisfaction of the Town.

Service connections shall not be trespassed upon nor interfered with in any respect. The curb stop may not be used by the customer for turning on or shutting off the water supply but is for the exclusive use of the District.

5.4 Service on Applicant's Property.

At his own expense, the applicant shall install the lateral from the curb box shut off to the premises in accordance with the specifications herein. In addition he shall install one meter and one valve, to be located inside the building at the terminus of the lateral. The valve is to be on the supply side of the meter. The valve shall be of a make and type approved by the District. The supply side valve may be used by the customer for turning on or shutting off the water supply. Finally, the District requires the customer to install, at his expense, suitable NYSDOH approved equipment properly located to prevent backflow of water which may cause damage to the meter, or other damage to the system.

The meter shall be so located as to be conveniently accessible for reading and changing ^{with} and sufficient flexibility in the piping for proper protection and clearances as required. For this entire installation the customer shall utilize a competent plumber and all work shall be performed in a manner satisfactory to the District. The meter will be maintained and when necessary replaced by the District, as noted in ARTICLE VI Section 6.4.

All laterals and equipment shall be subject to the inspection and testing, if so deemed necessary, by the District. The minimum size, materials, depth of cover and method of construction shall be the same as specified for a lateral installed by the District or as otherwise specified or permitted. The entire service line shall be inspected by the District's representative prior to backfilling or enclosure. If any defects in workmanship or materials are found, or if the customer's lateral has not been installed in accordance with such specifications, or with the District's requirements, water service either will not be turned on, or will be discontinued if such defects are not remedied. No service will be activated by the District until the lateral and service connection from the premises to the street have been installed, inspected, tested and approved in a manner satisfactory to the District.

Upon receipt of an application for a new service or for the reinstatement of an existing service, the District may assume that the piping and fixtures which the service will supply are in proper order to receive service, and the District will not be liable in any event for any accident, breaks, or leakage arising in any connection with the supply of water or failure to supply same, however, the District reserves the right to require pressure testing of any and all buried or enclosed pipes.

The District reserves the right to require pressure testing of any and all buried or enclosed laterals at any time for reasonable cause.

5.5 Lateral Specifications.

All laterals shall have a minimum earthen cover of five feet (5). No lateral shall be less in size than three-quarters inch (3/4") inside diameter. U.S. Government Specification Type K soft tempered copper tubing (ASTM B-88) or polyethylene tubing meeting ASTM D-2737, PE 3408, and AWWA C-800, minimum pressure rating 200 psi, shall be used in all services up to and including three inches (3") in diameter.

All services 4" and greater in diameter shall be ductile iron pipe of quality equal to AWWA standard specifications (class 50 minimum) and of weight suitable for service under a pressure of 200 pounds per square inch. All connections of laterals to a main with a ground covering of less than five (5) feet shall be made on the side of the main so that such laterals shall in no case have less covering than the main. The District reserves the right in all cases to stipulate the size and type of service connection to be used.

5.6 Winter Provisions.

The District shall not be required to install any service lines or service connections between November 1st and April 15th.

5.7 Service Meter Size.

Where the lateral is larger than three-fourths (3/4) inch in diameter, a meter of smaller size than that of the lateral may be used provided the consumer shows to the satisfaction of the Town Board that the flow through the meter only rarely extends the amount specified by the following table:

Size of meter	Maximum Allowable Flow in Gallons per Minute
5/8 inch	20
3/4 inch	34
1 inch	53
1 - 1/4 inch	72
1 - 1/2 inch	100
2 inch	160
3 inch	315
4 inch	500

ARTICLE VI. INSTALLATION OF METERS.

6.1 Individual Meters Required.

An individual meter shall be required for each "active service" connection to a premises.

6.2 Purchase of Meter.

The applicant shall purchase the meter through the District and shall be responsible for its proper installation. The District reserves the right in all cases to stipulate the size, type and make of the meter to be used in any connection.

6.3 Location of Meter.

Whenever possible, meter four inches (4 ") in size and under shall be set in the basement. The meter shall be located at a convenient point approved by the District so as to protect the meter and to measure the entire supply of water through the connection. When a meter cannot be set in the basement, it will be set near and inside the property line or in a location designated by the District and all expenses incurred by the District in connection with its proper housing shall be paid by the applicant.

Meters larger than four inches (4 ") shall be set near and inside the property line or in a place designated by the District, and all expenses incurred in connection with its proper housing, including by-pass for testing, if required, shall be paid by the applicant. All meters two inches (2") or larger shall have a by-pass for testing.

In all cases, irrespective of meter size, where the distance from the curb stop shut off to the front wall of the building is greater than one hundred and fifty (150) feet, the District may require that the meter be set near and inside the property line.

All meters shall have external readout devices acceptable to the District.

When, due to special circumstances, it is necessary to set any meter within the limits of a public street, all expenses incurred by the connection with its proper housing shall be paid by the applicant. The meter will be furnished and connected as prescribed herein. Meter housings located in public streets will be maintained by the District, and when necessary, replaced all at the expense of the applicant.

6.4 Meters May Not Be Interfered With.

All meters and meter connections shall at all times remain under the direct control of the District, and shall not be interfered with in any respect. All meters will be maintained by and at the expense of the District, so far as ordinary wear and tear are concerned, but the customer will be held responsible for damages due to freezing, hot water, or other external causes. In cases of damage the District will repair the meter, if necessary replacing it with another meter and the costs shall be paid by the customer. Meters shall not be interfered with or removed by any person except an authorized employee of the District. Seals placed on meters, valves or other fittings shall not be tampered with or broken. If a seal is broken the meter will be removed, tested, calibrated, and replaced, if necessary, at the expense of the customer.

The District shall not be liable for damages to any premises caused by flooding in connection with the testing or removal of any meter.

6.5 Testing of Meters.

The District reserves the right to remove and test any meter at any time and to substitute another meter in its place. In case of a disputed account involving the accuracy of the meter, such meter will be tested. When the test is requested by the customer, the fee for testing such meters will be \$25.00 for meters two inches (2 ") and smaller, and \$50.00 for larger meters, payable in advance of the test. In the event that the meter so tested is found to have an error in registration to the prejudice of the customer in excess of four percent (4 %) at any rate of flow within the normal test flow limits, the fee advanced for testing will be refunded and the bill for the previous period be adjusted for over-registration.

ARTICLE VII. EXTENSION OF MAINS.

7.1 Application for Extension of Water Service.

Upon application for water service in areas not served by a District owned main or where existing flows or pressures are deemed inadequate, the District will extend its mains or install necessary mains in accordance with the terms to be developed in a Main Extension Contract.

7.2 Size and Type.

The District reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and its location within or outside the limits of a street. The District further reserves the right to install a main larger in diameter than the main required to render the service requested, in cases where the Town Board feels the larger main is justified.

7.3 Title.

Title to all main extensions shall be vested in the District and shall carry the right to further extend any main installed pursuant to the terms of any Main Extension Contract, in and to other streets or premises without repayment or refund to any applicant. The District reserves the right to consider extensions made at the applicant's expense and without a written main extension agreement as service lines. Upon such lines, the District may require a meter to be installed, in accordance with this law, at the beginning of the extension to measure all water used, and title to the line beyond the meter in such case will be vested in the customer, who will be responsible for operation, maintenance and replacement, when necessary.

7.4 Maintenance and Replacement.

The District at its expense, will maintain and when necessary, replace District-owned mains located within public or private streets used to supply water to its customers; and if, in the opinion of the Town Board adequate service requires the reconstruction or replacement of such mains, said mains will be reconstructed or replaced by the District at its expense.

ARTICLE VIII. DEPOSITS.

As security for payment of bills, the District may require of any applicant or any customer to whom it is proposed to supply, or is currently supplying water, a deposit approximately equal to one and one-half (1 - 1/2) times the estimated average bill for the billing period but in any case not less than fifty dollars (\$50.00). Deposits of applicants will be payable at the time of application and of customers upon demand.

When service is discontinued and the final bill is paid, or upon timely payment of twelve consecutive water rent bills, whichever comes first, the deposit will be refunded to the depositor.

ARTICLE IX. PAYMENT FOR SERVICE.

9.1 Responsibility for Payment.

All persons owning, having or occupying lots, parcels or tracts of land situate within the Water District, or receiving any service from said District, including basic service, shall pay to the receiver of water charges, at the times provided by the Town Board, rents and/or charges as may be fixed by the Town Board, from time to time, and based on the criteria set forth herein.

9.2 Components of the Water Bill.

The source of the revenues for retiring debt service, capital expenditures, operation and maintenance costs of the water system shall be water service charges, said charges may be a combination of Basic Service Charges and Water Use Charges assigned to owners of property receiving "Active" or "Basic Service" located within the Water District or formal or informal extensions thereto. Nothing herein contained, however, shall require uniformity of method or basis of charges among any other Water Districts within the Town of Lyme and the Town Board is empowered hereby to establish different methods or basis of charges within each respective Water District.

The charges for water service shall consist of the water service charge as outlined in the preceding paragraph plus the base charge and the per thousand gallon charge as stipulated in the current Water Contract with the Development Authority of the North Country (DANC).

9.3 Unpaid Water Bills Become Liens on the Premises.

All charges and fees concomitant to the establishment of the water district, as well as any subsequent water rent and/or service charges levied pursuant to this Local Law are hereby made liens on the premises to which it relates and if the same is not paid within 30 days after it shall be due and payable, it shall be certified to the fiscal officer of the Town of Lyme who shall place the same on the real property tax bill for that parcel and for that year with interest and penalties allowed by law and thereafter collected as other Town taxes are collected.

9.4 Terms of Payment.

All bills are payable in accordance with the terms of the applicable service classification. New services installed at any time during the billing period will be subject to the full charges for the period.

9.5 Billing Periods.

Meters will be read at the discretion of the Town Board. Customers will be billed annually, semi-annually, quarterly, bi-monthly, monthly, or at any other regular interval, at the District's option and as authorized by resolution of the Town Board.

9.6 Determination of the Quantity of Water Used.

The quantity recorded by the meter shall be considered the amount of water passing through the meter, which amount shall be conclusive on both the customer and the District, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, the quantity may be determined by the average registration of the meter during the most recent corresponding past period when the meter was in order, or by the average registration of the new meter, whichever method is representative, in the Town Board's opinion, of the conditions existing during the period in question.

9.7 Change in Occupancy.

The customer shall notify the Town Board in writing of any change in occupancy. No adjustment of the bills will be made by the District as between owners or tenants unless ten day's notice in writing prior to change of occupancy has been given. No consideration will be given for unoccupied premises.

9.8 Time Frame for Payment of Water Bill.

All bills are due and payable net cash when rendered. In case any water bill or charges is not paid within thirty days following the rendering of the bill, such bill shall be delinquent. All unpaid bills shall bear a ten percent service charge beginning the thirty-first day following the date of billing. If not paid within forty-five days after such a bill has become delinquent, the District, or its agents, may discontinue water service to the customer and service will not be re-established until such unpaid charges, together with charges for restoration of service, interest, and an appropriate deposit, as elsewhere provided herein, are fully paid.

9.9 Discontinuance of Active Service by the Customer.

Any customer may discontinue "active service" by giving the District written notice not less than thirty (30) days prior to the discontinuance of service. Liability for usage charges, excluding basic service charges, for service rendered after the discontinuance of service as herein provided for, shall cease.

Upon discontinuance of "active service", the meter will be read and the customer will be billed for not less than the Basic Service charges and any gallonage charges for water used during the period, plus the termination fee.

ARTICLE X. GENERAL RULES.

10.1 Discontinuance of Service by the District.

"Active service" may be discontinued for any of the following reasons:

- A. For use of water other than as represented in the application, or through branch connections on the street side of the meter or place reserved therefor.
- B. For willful waste by use of water through improper and imperfect pipes, or by any other means or any other purpose.
- C. For damaging any service pipe, seal, meter, or other appliance owned by the District, or unauthorized operation of a curb stop valve.
- D. For non-payment of bills for water or services rendered.
- E. Cross connecting water supplied by the District with any other source of supply or with any apparatus which may endanger the quality of the District's water supply or integrity of its system.
- F. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or replacing meters or inspecting water piping and other fixtures.
- G. For any violation of the water use law.
- H. Constructing, or causing to construct any pipe or fitting in the District's service line or the private service line located between the curb stop and the meter without written authorization from the Town.

10.2 Joint Service Lines.

In general, each premise shall be served by a separate lateral and a curb stop shall be installed for each premise. The Town Board in cases of extreme hardship may, by written permission, allow use of a joint lateral.

Where two or more premises are supplied with water through one lateral, under the control of one curb stop, if any of the parties so supplied shall violate any of the provisions of this law, the District reserves the right to shut-off the joint service line except that such action shall not be taken, until the innocent customer, who is not in violation of the law, has been given reasonable opportunity (not to exceed thirty days) to attach the lateral leading to his premises to a separately controlled service connection.

10.3 Restoration of Service.

When "active service" to any premises has been turned off upon order of the customer, or for any of the above reasons, and service at any premises is again desired by the same customer, including seasonal customers, a charge may be made for the restoration of service. If by the willful acts of the customer or other circumstances it becomes necessary to shut off or disconnect the lateral at the curb stop, the charge to the customer for restoration of service will be the actual cost incurred by the District incident to the disconnection and reconnection of the lateral.

10.4 Use of Fire Hydrants.

No person, except as specifically authorized by the Town Board, shall take water from the public fire hydrant for any use whatsoever. The use of public fire hydrants for washing streets, flushing sewers or any other public purpose is not permitted except upon specific authorization. For such uses, the user may be billed at the rates set forth in the rate schedule. If water is used from public fire hydrants without specific authorization, the quantity so used will be estimated by the District and the user will be billed at the rates set forth in the rate schedule, as well as face additional costs and fines as allowed by law or these regulations.

10.5 Cross Connections.

As mandated by the Public Health Law, and in the interest of public health, the District mains or services shall not be connected on any premises with any lateral or piping which is connected with any other source of water supply, nor shall the mains or laterals be connected in any way to any well, piping, tank, boiler, vat pressure cleaner, apparatus which contains liquids, chemicals, or any other matter which may flow back into the lateral or mains and consequently endanger the water supply.

10.6 Continuity of Service.

The District undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to customers, but reserves the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs or extensions, or for other purposes deemed necessary by the Town Board.

It is expressly agreed that the District shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever, nor for any injury or damage caused thereby of any main or lateral or any attachment to the District's property. All customers having installations upon their premises depending upon the pressure in the District's pipes to keep them supported, or otherwise protected, are cautioned against danger of collapse and damage, the costs of which shall be borne exclusively by the customer.

10.7 Easements.

Applicants for service or main extensions shall deliver, without cost, to the District or the Town Board, permanent easements or rights-of-way when necessary for the installation, operation and maintenance of the service lines and service connections.

The District shall not commence any construction until applicants either have obtained for it satisfactory easement or rights-of-way or have agreed to pay such costs as may be incurred if, at their request, the District obtains such easements or rights-of-way.

10.8 Delay.

The District shall not be compelled to proceed with the installation of main extensions or service lines and service connections when circumstances beyond the control of the Town Board prohibit such construction. Said circumstances include, but shall not be limited to, lack of funds, delays in delivery of materials, weather conditions, availability of funds, strikes, acts of God, etc.

10.9 Forms of Agreement.

All applications, contracts, agreements and any other forms required in connection with Water Use Law shall be in the form and shall contain such general conditions, provisions and terms as the Town Board shall approve. Copies of such forms shall be filed at the office of the Town Clerk.

10.10 Frozen Services.

In cases where a customer-owned main or service is frozen, the thawing shall be done at the expense of the customer. To avoid a recurrence of freezing, the District may order an examination and replacement of the customer's lateral. All frozen laterals shall be pressure tested for leakage prior to reactivation of the service. No leaking laterals shall be reconnected without suitable repairs and retesting.

10.11 Service Restrictions.

The District reserves the right, in periods of drought or emergency or when deemed essential to the protection of the public health, safety or welfare, to restrict, curtail or prohibit the use of water including but not limited to sprinkling, car washing, or filling swimming pools, and shall have the right to fix the hours and periods when water may be used for any specific purpose.

10.12 Water Conserving Fixtures.

When any new plumbing fixtures are installed or existing fixtures are replaced within a premise, water conserving fixtures are recommended.

10.13 Mandatory Service - Residential Premises.

Any new construction, or "substantially modified construction" as defined by the New York State Building Code on a single family residential structure and located within the water district shall be required to connect the water system and remove any other source of water from production prior to the issuance of a certificate of occupancy by the code enforcement official. This provision shall not be subject to waiver by the Town Board.

10.14 Mandatory Service - Commercial.

All commercial, institutional, industrial and rental property, including single family residential structures which are leased or rented and any premises containing a "Public Water Supply" as defined by the New York State Department of Health, and located within the water district, shall be connected to the water system within two (2) years of the operation of the system or extension of the district to include such premises, whichever occurs first.

10.15 Administration of the system.

Service shall be controlled at the curb stop. The water shall be turned off and on only by employees of the Town or their designated representatives and only upon filing proper notice with the Town Board. Violations of this rule shall result in a penalty of fifty dollars (\$50) for each offense.

ARTICLE XI. RATE SCHEDULE.

11.1 Establishment of Rates.

- A. The Town Board shall have the exclusive authority, by resolution, to establish and modify, as appropriate, rates for all types of water service provided by the District.
- B. The Town Board shall review and modify the rate schedule as necessary.

11.2 Rate Schedule - Residential Service.

A. Availability.

Active service under this rate schedule will be available to any metered residential customer within the Water District, or authorized extension thereto, or the residential customers served by the District. Active service is mandatory for new or significantly modified structures, or premises being rented, leased or otherwise used by other than the Owner.

B. Applicability .

Any regular metered purpose, or any unused service connection.

C. Minimum Bill.

The minimum bimonthly bill for services hereunder shall be computed as follows:

SERVICE TYPE	MINIMUM BI-MONTHLY BILL
Active Service	Basic + Water Use
Basic Service	# of EDU's*(Debt Service + DANC line charge + O& M

An EDU is an Equivalent Dwelling Unit.

11.3 Rate Schedule - Commercial Service.

A. Availability.

Active service is mandatory under this rate structure for any commercial, institutional, industrial or rental premise (other than single-family residential use), including all sources of "Public Water Supply" as defined by the New York State Department of Health.

B. Applicability.

Any commercial, institutional, or industrial service.

C. Minimum bill.

The minimum bimonthly bill for services shall be based on the rate formula for water district users as described in Article XI paragraph 11.1 C herein.

11.4 Rate Schedule - Other Service.

A. Availability.

Service under this rate schedule shall be available only upon authorization, via resolution, by the Town Board.

B. Applicability.

Any authorized and legal purpose, including temporary service.

C. Minimum Bill.

The minimum bill for service under this rate schedule shall be as determined by Town Board Resolution and established prior to the start of service. Said rate shall be not less than the minimum bi-monthly bill for residential active service.

ARTICLE XII. WAIVER OR VARIANCE OF REGULATIONS

In the event that the strict application of these regulations is not reasonably possible due to the existence of exceptional circumstances, the Town Board may, only upon a showing of exceptional circumstances by the applicant, grant a waiver or variance of these regulations. Such requests for a waiver or variance must state, in writing, the specific article and section for which a waiver or variance is sought, the reason that the applicant believes that exceptional circumstances exist, and the proposed course of action that the applicant would follow should the requested regulations be waived or varied. The Town Board reserves the right and has the responsibility to verify the existence of exceptional circumstances and to assert that granting the requested waiver or variance would not jeopardize the safe and effective operation of the district's water distribution system.

ARTICLE XIII. SEVERABILITY AND EFFECT.

13.1 Severability.

The invalidity of any section, clause, sentence or provision of the Local Law later held to be unenforceable for any reason shall be deemed void, and all remaining sections, clauses, sentences, or provision shall continue in full force and effect. The provision of any ordinance or other local law in conflict with any provision of this local law is hereby repealed.

13.2 Effect.

This law shall take effect upon filing with the Secretary of State.

Gail Walker
Town Clerk
Town of Lyme