

CHAPTER 77

WATERWORKS

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**§ 77-1. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**CITY** - The City of Dunkirk.

**DIRECTOR** - The Director of Public Works, or the Director's designee.

**MAIN, STREET MAIN or WATER MAIN** - A water main in a public street, easement or right-of-way owned by the City of Dunkirk and supplying or capable of supplying water to one (1) or more parcels of property.

**PLUMBER** - A plumber who is properly licensed and registered in the City of Dunkirk.

**SERVICE or SERVICE PIPE** - A water service pipe supplying water from a street main to an individual property.

**WATER DIVISION** - City of Dunkirk Department of Public Works - Division of Water Treatment & Distribution.

**§ 77-2. Responsibilities of Property Owners.**

- A. The owner of a parcel of property is responsible for the installation, and any necessary replacement, of the entire water service pipe supplying water to that parcel from the connection with the street main, up to, and including, the meter.
- B. The owner is responsible for all necessary repairs of the water service pipe from the curb valve, up to, and including, the meter.
- C. The Water Division will provide necessary repairs to the service pipe between the connection with the street main and the curb valve, inclusive, with the cost of such repairs to be paid by the property owner.
- D. The Director may, by written notification, require a property owner to make necessary repairs to a leaky or defective service, if such repairs are the responsibility of the owner.

- E. A problem of inadequate flow or pressure in a service must be corrected by the property owner, as set forth in §77A-D, supra; the Water Division is not responsible for making any repairs to try to correct such a problem.
- F. For work which is the responsibility of the property owner, the owner shall arrange with a private plumber, properly licensed in the City of Dunkirk, for such work to be performed, or can perform the work individually; the work must be inspected and approved by the City Plumbing Inspector.
- G. The owner shall see that all necessary permits are obtained and all necessary fees paid.
- H. The owner shall bear the full cost of such work, including the cost of any necessary street or sidewalk restoration.
- I. The property owner is responsible for seeing that a meter is installed in every active water service to the parcel, that the meter is not removed, illegally bypassed or tampered with, and that any bypass valve is not opened, except by the Water Division.
- J. The property owner is responsible for safeguarding the meter and shall be charged for any damage, loss or theft of the meter.
- K. The property owner is responsible for seeing that all water delivered to the property is properly registered on a meter and is paid for.
- L. An owner of any parcel of property which is connected to the City's water distribution system shall be deemed knowingly to accept water service to the parcel on the terms and conditions specified in the City Charter, the City Code, state law and all duly promulgated rules and regulations.
- M. Even if the City fails to issue water bills for a period of time, the property owner is still liable for water consumed on the premises and shall be responsible for paying any back water bills which may subsequently be issued.
- N. The owners shall be responsible for maintaining the valve box and cover free from all dirt and other materials which would prevent operation of the curb valve. Costs involved with the City's maintenance of the valve box will be at the expense of the owner.

- O. The property owner, and the occupant, shall permit access to the premises for the purposes of these regulations including, but not limited to, meter reading and water service repairs.

**§ 77-3. Preliminary Requirements.**

- A. For any new installations, renewals, alterations, enlargements or repairs to water service pipes which require excavation of the street, sidewalk or other public right-of-way, the property owner or the owner's plumber shall first obtain a street opening permit from the Director and shall pay the required permit fees.
- B. For new installations, enlargements or any other work which requires a new connection with the street main, the property owner shall first submit plans to the Director, if such plans are required by the Director, and pay the required connection fee pursuant to §77-37D; the connection fee is based on the actual size of the tap into the main; as-built plans shall be submitted pursuant to §77-6, as may be required by the Director.
- C. For new installations or enlargements or in any other case where a new meter is required, the property owner shall pay the required meter fee to the Water Division pursuant to §77-37B.
- D. The meter fee set forth in §77-37B, supra, shall be waived if the property owner purchases a meter from a source other than the City, provided that the meter size is greater than 2", and provided that the meter is approved by the Director.
- E. A deposit equal in amount to the estimated cost of making the tap, including, but not limited to, excavation, backfilling, materials, pavement restoration, furnishing and laying the supply pipe of an approved material and quality, shall be paid at the time of application.
- F. The estimated cost shall not be taken as the actual cost, and in no way relieves the owner from liability for full cost, should same be found in excess of the estimated cost.
- G. The final bill will be reconciled with the amount of the deposit; a refund or additional charge will be rendered, whichever is applicable.
- H. All service pipes shall have a minimum cover of four and one-half feet (4 1/2').
- I. All service pipes shall not be less than three-fourths inches (3/4") inside diameter and shall be of U.S. Government Specification Type

K, soft tempered copper tubing, or for service four inches (4") in diameter or larger, ductile iron pipe of quality equal to American Water Work Association or Federal Specifications, and of weight suitable for service under a pressure of at least two hundred-fifty (250) pounds per square inch.

- J. The City reserves the right in all cases to stipulate the size and type of service.

**§ 77-4. Water Services**

- A. Except as provided in §77-26, every separately owned property shall have a separate water service, unless otherwise approved by the Director.
- B. Motor trailer parks may be permitted to have a single water service and shall be billed as set forth in §77-37F, infra.
- C. All water services shall meet the approval of the Director.

**§ 77-5. Applications.**

- A. All applications for the use of water or for other services and facilities shall be made in writing on forms furnished by the City, and the applicant shall furnish such maps, plans and surveys and further information with respect to the applicant's premises and the service requested as may be required by the City.
- B. The receipt of an application shall not obligate the City to render, perform or provide the service requested until the applicant shall have complied with the Rules and Regulations herein provided, and shall have paid the applicable charges herein prescribed for the service requested.
- C. On acceptance by the City, the application shall constitute a contract between the City, and the applicant, obligating the applicant to pay the City's established rates and charges and to comply with its Rules and Regulations.
- D. A separate application shall be made for each water service, whereat the service of water is to be metered and billed to a consumer.
- E. There will be a Twenty Dollar (\$20.00) account initiation fee for new accounts.

- F. No agreement will be entered into by the City with any applicant for water or other service and facilities until all amounts due from the applicant on any and all property which may be in arrears shall have been paid.
- G. Whenever a person, municipal corporation or special improvement district shall make application to the State of New York Department of Environmental Conservation, Office of Environmental Analysis, for its approval to take a water supply or an additional water supply from the City or from a municipal corporation or special improvement district which is then supplied by the City, the applicant shall file with the City, on or before making such application to the Department of Environmental Conservation, Office of Environmental Analysis, a true copy of its petition, maps, plans, engineering reports, exhibits and other papers filed in support of its application.
- H. Whenever the owner or operator of a motor trailer court applies for the service of water to the court, there shall be furnished to the City a map or plan thereof showing its location, the estimated number of trailers to be accommodated, and the arrangement of roads, driveways and lanes affording access to, and within the limits of, the trailer court.
- I. The use of water delivered to the applicant shall be confined to the service of water to the trailers and/or service buildings located within the court, and shall not be used to furnish water to any other structure or premises.

**§ 77-6. As-built Drawings.**

- A. Within ten (10) days after the completion of any water service work, pursuant to a street opening permit, the plumber shall submit a written return to the Director stating the nature of the work, the size of the service pipe, the material of which the pipe consists and the purpose for which the water will be used.
- B. The return shall also include a drawing of the service, showing the length and location of the service pipe and the location of the controlling valve.

**§ 77-7. New Connections; Turning on Water.**

- A. Where a new connection with the street main has been made, the water shall not be turned on, except by the specific authorization of the Water Division.

- B. Upon satisfactory completion of all required work by the property owner or property owner's plumber, and upon remission of as-built drawings, as may be required, the owner or owner's plumber shall install the meter, which meter is furnished by the Water Division, or approved by the Water Division.
- C. The Water Division shall be notified after installation of the meter for the purpose of reading and sealing the meter, within 48 hours after installation.

**§ 77-8. Fire Services.**

- A. Fire services shall be designed and installed in accordance with the waterworks specifications promulgated by the Director.
- B. All fire services shall be equipped with a detector check valve and bypass meter, and any backflow prevention devices as may be required.
- C. Fire services shall be used only for fire protection.
- D. If the Director determines that it is possible for water to be used for other than fire protection, the Director may require the property owner to install a mainline water meter in the service.
- E. Quarterly charges shall be made for each fire service.
- F. The charge for a domestic fire service with a mainline meter which records all water consumption shall consist of a fire service charge, pursuant to §77-37C, and a consumption charge, pursuant to §77-37A(1).
- G. The charge for a domestic fire service with a bypass meter shall consist of a fire service charge, pursuant to §77-37C, a base charge, pursuant to §77-37A(2), and a consumption charge pursuant to §77-37A(1).

**§ 77-9. Installation and Maintenance of Meters.**

- A. Customers shall make application for water meters, at the Water Division Office, City Hall, Dunkirk, N.Y.
- B. A water meter provided or approved by the Water Division shall be installed in every active water service.
- C. Water meters shall not be moved from one service to another.

- D. The property owner shall pay the required meter fee, pursuant to §77-37B, for any new meter installed on the premises.
- E. The customer shall give the Water Division at least twenty-four (24) hours notice for all service calls, which notice may be less, at the discretion of the Director.
- F. There shall be no refund of meter fee if the service is permanently disconnected or is enlarged.
- G. When the water supply through a service is discontinued, but the service is not permanently disconnected from the main, the meter will be stored by the Water Division until it is reinstalled in the service at the request of the owner.
- H. No refund of the meter fee shall be made when the meter is removed for storage, and no meter fee shall be charged when it is reinstalled.
- I. Water meters furnished by the City at all times remain the property of the City.
- J. Meters which become obsolete or are no longer serviceable shall be ordered by the Director to be replaced.
- K. Meters shall be maintained by the Water Division.
- L. Meters may be removed or replaced by the Water Division in order to perform necessary maintenance.
- M. The Director may choose, however, to leave a meter in place until its accuracy has been tested.
- N. The City reserves the right to stipulate the size, type and make of meter to be used to record the consumption of water by any customer.
- O. An individual meter shall be required for each premises and for each separate service connection to a premises.
- P. An individual meter shall be required for each premises or part thereof whereat the consumption of water is to be billed to an occupant thereof.
- Q. Whenever possible, the meter shall be set in the basement of the premises, or part thereof to be served, at a convenient point

approved by the City, so as to protect the meter and to measure the entire supply of water through the connection.

- R. All water meters shall be placed inside the customers premises, as close to the entrance wall as possible, unless otherwise authorized by the Director.
- S. The space adjacent to the water meter shall be kept free of obstructions, and accessible for easy reading by the meter reader.
- T. Meters must be installed in a horizontal position not more than three (3) feet from where the service enters the building, with the meter dial facing upward for easy reading.
- U. The top of the meter shall not be more than five (5) feet above the floor.
- V. The City will maintain the meter or meters, but the customer shall install on the customer's premises the meter, necessary piping, fittings, valves and pipe couplings to receive the meter.
- W. The City may require the installation of suitable equipment, properly located and installed, to prevent backflow which may cause damage to the meter or other damage to the plumbing or the City's system.
- X. All meters will be maintained by, and at the expense of, the City, insofar 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.
- Y. In case of damage, the City will repair the meter, if possible, and may, in the sole discretion of the City, replace it with another meter, and the cost will be paid by the customer.
- Z. Where more than one meter is required to record the total consumption of water by a customer, additional meters for such purposes will be furnished by the City, at the fee set forth in §77-37B, but shall be set on the customer's premises in such manner and at such location as the City may prescribe.
- AA. When the customer requests that a meter be set, or read at a time other than during the normal working hours of 8:00 a.m. to 3:00 p.m., Monday through Friday, excluding holidays, a service charge of Fifty Dollars (\$50.00) shall be made, in addition to any other applicable charges under §77-37F, infra.

- BB. If the customer makes arrangements to have a meter set, read or replaced during the normal working hours specified above and fails to keep the appointment, thus necessitating another installation trip, an additional service charge of Twenty Dollars (\$20.00) shall be made.
- CC. If it is necessary for the City to pump water out of a meter pit in order to read or maintain a meter, the customer will be required to pay a service charge of Fifty Dollars (\$50.00).

**§ 77-10. Meter Vaults.**

- A. Where a building is located more than one hundred feet (100') from the street, the Director may require the meter to be housed in a vault outside the building but inside the property line, instead of inside the building.
- B. Where the Director deems that a meter will not be safe and secure if it is located within the building, or that access by a meter reader will be difficult, the Director may require the meter to be installed in a meter vault, or other location as may be determined by the Director.
- C. Plans for meter vault construction shall be submitted to the Director for the Director's approval prior to construction.
- D. Vaults shall be constructed and maintained by, and at the expense of, the property owner.

**§ 77-11. Meter Bypass.**

- A. A bypass around the meter shall be installed by the property owner if required by the Director.
- B. The design of the bypass shall be submitted to the Director for the Director's approval, prior to installation.
- C. The Director may require a meter to be installed in the bypass by, and at the expense of, the property owner.
- D. Every unmetered bypass shall have a valve which shall be sealed closed, and opened only by the Water Division.
- E. No connections shall be made to the bypass.

**§ 77-12. Broken Seals.**

- A. If a seal on a valve, meter or other fitting is broken, it shall be presumptive evidence that the water consumption has not been properly registered on the meter.
- B. If a seal is broken, it shall be resealed by the Water Division.

**§ 77-13. Meter Tests.**

- A. Upon request of a property owner, or at the Water Division's initiative, meters may be tested by the Water Division.
- B. The property owner may, if desired, witness the test.
- C. The test results shall be presumptive evidence of whether the meter is, and has been, functioning properly.
- D. If the test results indicate accuracy within 4%, the owner shall be charged for the test, pursuant to §77-37F(1), if the test was done at the owner's request.
- E. If the test results do not meet the 4% accuracy limits, the meter shall be replaced, repaired or recalibrated, at no charge to the property owner; there shall be no charge for the test and the most current water bill shall be adjusted as necessary, either up or down, to compensate for the meter error.

**§ 77-14. Metered Consumption Charges.**

- A. All bills are payable in accordance with the applicable rate schedule.
- B. If a new service is installed at any time during the billing period, the minimum charge and the amount of water allowed thereunder will be prorated according to the number of days remaining to complete the billing period after the service has been made available.
- C. Meters will be read and customers will be billed quarterly or monthly, at the option of the City.
- D. 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 City, except as hereinafter provided.
- E. In cases where it is found that the meter has ceased to register or has registered inaccurately, the quantity may be determined by the average registration of the meter in a corresponding past period when

in order, except where it appears that there has been a change of occupancy of the premises or in the use of water, in which case an equitable adjustment shall be made.

- F. In cases where it is found that a reading cannot be obtained, an estimated bill may be rendered to the consumer; the quantity may be determined by the average registration of the meter in a corresponding past period.
- G. In such cases, when a reading is obtained, the bill will be adjusted to reflect the actual consumption with full credit for minimum charges for the periods involved.
- H. In all cases where a meter is found to be defective, the City shall replace the same by a meter that has been tested and properly adjusted, or may repair the defective meter, at the City's option.
- I. Final meter readings shall be paid at the rate set forth in §77-37F, infra.
- J. If a customer requests that a final meter reading be made at a time other than the normal working hours of 8:00 a.m. to 3:00 p.m., Monday through Friday, an additional service charge of Twenty Dollars (\$20.00) will be made.
- K. If a customer makes arrangements to have a final reading made during the normal working hours specified above and fails to keep the appointment, thus necessitating an additional trip, an additional service charge of Twenty Dollars (\$20.00) will be made.
- L. A meter set after 3:00 p.m. will be done for an additional Twenty Dollar (\$20.00) charge, which charge is in addition to the service resumption charge under §77-37F, infra.
- M. All bills are to be payable net cash when rendered.
- N. In case any water bill or charges provided for in and by these rules shall not be paid within thirty (30) days following the rendering of the bill, the Director or the Director's agent, may discontinue water service to the customer and service will not be re-established until such unpaid charges, together with the charge for restoration of service as elsewhere provided herein, are fully paid.
- O. Where the interior piping in any existing premises cannot be changed without undue or excessive cost to the consumer, or where more accurate registration would be obtained by two or more meters, the

installation and use of more than one meter may be permitted by the City.

- P. The occupant has sole control of the water delivered beyond the City's meter, and the City is not responsible for maintenance and repair of the pipe and fixtures beyond the curb stop.
- Q. Any bill for water supplied or service rendered will be considered a proper charge unless protest is made to the City within fifteen (15) days after the mailing of a bill.
- R. In case of dispute as to payment of a bill, the customer will be required to present the receipted bill, canceled check or other evidence of payment.
- S. The City will, upon request of the customer, or for other reasons, make an inspection of the premises on account of apparently excessive bills.
- T. After the City has made a complete inspection, no further inspection will be made for a period of six (6) months, provided, however, the City may order an inspection at any time if conditions warrant. If the owner requests a further inspection within the six (6) month period, then there shall be a charge for each additional inspection within that six (6) month period at the rate set forth in §77-37F(12).

**§ 77-15. Calculated Consumption Charges.**

- A. Where any of the following conditions are discovered to exist in an active water service, water consumption charges may, at the discretion of the Director, be calculated in accordance with this section, instead of §77-14:
  - (1) There is no meter.
  - (2) The meter is stopped.
  - (3) The meter is illegally bypassed.
  - (4) A bypass valve is open.
  - (5) A bypass seal is broken.
  - (6) The meter is installed in reverse direction to flow.

- (7) Any other condition which, in the judgment of the Director, indicates that the meter may not have been functioning properly or that the consumption may not have been accurately registered on the meter.
- B. The metered consumption on the premises for either a prior or subsequent period of time, at the discretion of the Director, shall be used as the basis on which to calculate consumption for the period of time for which the above-listed condition existed.
- C. A calculated bill shall be issued, covering the period of time for which the above-listed condition existed, or as permitted by state law, whichever is the shorter period of time.

**§ 77-16. Ownership Transfer Charge.**

When the ownership of any parcel of property changes, an ownership transfer charge, pursuant to §77-37F(6), shall be billed to cover the administrative costs of changing the account billing information.

**§ 77-17. Responsibility for Water Charges; Lien on Property.**

- A. All water charges imposed pursuant to this chapter of the City Code shall be a debt and personal obligation of the owner of the parcel of property to which the water was supplied, and also of the consumer of the water.
- B. Water charges shall be a lien upon the parcel of property to which water was supplied as of the due date of the charges.

**§ 77-18. Delinquent Water Charges.**

- A. Any water charge not paid by its due date shall be considered delinquent and shall be rebilled periodically until paid or added to taxes.
- B. A late-payment charge shall accrue each billing period against such delinquent charges and shall be added to, and thereafter considered part of, the delinquent balance.
- C. Each late-payment charge shall be a lien against the parcel of property against which it accrued as of the accrual date.
- D. The amount of the late-payment charge shall be equal to 1.5% per month of the unpaid principal balance.

- E. Any delinquent water charges remaining unpaid on January 31 may be added to the upcoming year's tax bill for the parcel of property against which they are a lien.
- F. The amount added to taxes shall include late-payment charges accrued through January 31.

**§ 77-19. Short-term Water Shutoff.**

Upon request of the property owner, the Water Division will shut off the supply of water to a property at the curb valve for a period not to exceed ten (10) days for the purpose of allowing short-term repairs or improvements to be made and pay the appropriate fee set forth in §77-37F(7); a service resumption charge will not be made.

**§ 77-20. Temporary Discontinuance of Water.**

- A. The owner of a parcel of property may request that water service be discontinued.
- B. Upon such request and with the cooperation and assistance of the owner, the Water Division shall turn off the water at the curb valve, shall remove and retain the meter or meters from the service and shall take such further steps as may be necessary to assure that no water is supplied to the premises; the appropriate fee shall be paid pursuant to §77-37F(8).
- C. During the period of discontinuance, no water bills will be issued.
- D. Upon request of the owner, the meter will be reinstalled and the water turned on by the Water Division; the fee to be paid is set forth in §77-37-F(3).

**§ 77-21. Conditions Warranting Water Shutoff.**

- A. **Conditions.** The water supply to a property may be shut off by the Director when any of the following conditions have not been corrected after notification by the Director:
  - (1) For use of water other than as represented in the customer's application or through branch connections on the street side of the meter or the place reserved therefor.
  - (2) Willful waste by use of water through improper and imperfect pipes, or by other means.

- (3) For molesting or tampering with any service pipes, seal, meter or other appliance.
  - (4) For non-payment of bills for water or services rendered by the City in accordance with these Rules and Regulations.
  - (5) For cross-connecting pipes carrying water supplied by the City with any other source of supply or with any apparatus which may endanger the quality of the City's water supply.
  - (6) For refusal of reasonable access to the property for the purpose of reading, repairing, replacing, testing, or removing meters or backflow preventers or observing water pipes and other fixtures.
  - (7) For the furnishing or receiving of a supply of water from another premises.
  - (8) No safe access to the water meter.
  - (9) Refusal to allow access to meter for reading at least once a year.
  - (10) For violation of any of the Rules and Regulations of the City.
- B. **Immediate shutoff.** Where a leaky or defective service pipe is causing damage or a hazardous condition, the water may be shut off as soon as the leak is discovered.

**§ 77-22. Water Shutoff Upon Nonpayment of Bills.**

- A. If directed by the Director, water service may be shut off, as provided in this section, to any parcel for which water bills have remained delinquent and unpaid for a period of at least thirty (30) days.
- B. A notice shall be mailed to the owner of the premises, at the owner's last known address, and shall be mailed or delivered to each tenant of the premises.
- C. Such notice shall state that water service will be shut off unless all delinquent water bills are paid and shall state that a hearing may be had by the owner or any tenant to contest the validity of the water charges in question or to show an error in the statement of the delinquency.

- D. Such notice shall also give the name, job title, address and telephone number of a Water Division employee who may be contacted to arrange a hearing.
- E. The notice shall state a deadline, at least ten (10) days after the mailing of the notice, by which the hearing must be requested or shall be deemed waived.
- F. If no hearing is requested by the deadline date stated in the notice, then the Director may proceed to cause the water service to be terminated.
- G. If a hearing is requested on or before the deadline date by an owner or tenant of the premises then a hearing shall be scheduled before a hearing officer appointed by the Director.
- H. The applicant may be accompanied by any other persons and may present at the hearing any information, testimony and documentation by which to support the claim.
- I. Minutes shall be kept of the hearing.
- J. The hearing officer shall make a report to the Director, and the Director shall decide whether any error was made in the water billing and whether water service shall be discontinued.
- K. The decision of the Director and the report of the hearing officer shall be mailed to the applicant.
- L. If the final decision of the Director is to terminate water service, the Director's decision shall state when termination will occur, and such termination date shall not be less than ten (10) days after the mailing of the decision.
- M. If water service is terminated hereunder and the meter is not returned to the City, then the owner and occupant shall still be billed the minimum consumption charge set forth in §77-37A, infra.
- N. If and when all delinquent bills are paid, the water shall be turned back on by the Water Division.

**§ 77-23. Resumption of Water Service.**

When the supply of water to a parcel is turned back on by the Water Division after being turned off under §77-20, 77-21 or 77-22, a service resumption fee pursuant to §77-37F(3) shall be charged.

**§ 77-24. Frozen Services.**

- A. A frozen water service is the responsibility of the property owner. All associated costs shall be borne by the property owner.
- B. If there is a frozen water service due to the placement of a shallow service from the City main to the curb valve, then the City will compensate for encouraging the occupant of the premises to maintain a constant flow of water through the service to prevent refreezing. To compensate for the additional water consumed thereby, the metered consumption on the next succeeding water bill for the premises shall be reduced by a maximum of thirty thousand (30,000) gallons per quarter. In any event, the bill reduction shall not exceed the average consumption for a corresponding billing period.
- C. The City shall bear no liability for defects in the water service prior to, or resulting from, its freezing or thawing, unless the defects were caused directly by the actions of the City.
- D. The property owner shall notify the City prior to commencement of thawing and shall pay to the City the fees set forth in §77-37F.

**§ 77-25. Permanent Disconnection of Services.**

- A. When any person obtains a permit from the City Building Inspector for the demolition of a building, that person shall be required to pay, in addition to any other fee charged by the City Building Inspector's office, a water service disconnection fee, pursuant to §77-37F(5), covering the Water Division cost of permanently disconnecting the water service from the street main.
- B. A property owner may be required by the Director to pay a water service disconnection fee for any unused service to the property and to permit the Water Division to disconnect such service.

**§ 77-26. Separately Owned or Separately Occupied Residential Units.**

- A. A group of separately owned or separately occupied residential units may be served by a single water service pipe, provided that the Director determines that installation of separate services is not feasible and provided that the owners of all units serviced by such pipe, either individually or by an association representing them, agree to guarantee payment of all water charges which accrue against all units.

- B. If the service has a single meter, then a single water bill shall be issued. If a single service serves more than one residential metered unit, then multiple water bills may be issued. Any delinquent charges shall be a lien on all units.
- C. If the service has multiple meters serving each of the separately owned or separately occupied units, then a separate bill shall be issued for each unit. Delinquent charges shall be a lien only on the unit to which they were billed.
- D. All unit owners, either individually or by an association representing them, shall be responsible for the obligation placed on property owners by this chapter.
- E. Whether owned by the City or by the unit owners, the service pipe shall be installed and maintained at the expense of the unit owners, except for maintenance between the connection with the main and the curb valve, inclusive, which shall be provided by the City at the City's cost to the owner.
- F. The water service and meters shall be installed in accordance with any special requirements imposed by the Director.
- G. The owner of a building containing separately occupied residential units is responsible for payment of all water and water service bills.
- H. Where two or more premises have been supplied with water prior to June, 1992, through one service pipe under the control of one curb stop, such service shall continue; however, if any of the parties so supplied shall violate any of the Rules and Regulations provided for herein, the City reserves the right to apply the foregoing shut-off regulations to the joint service line, excepting that such action shall not be taken until the innocent customer who is not in violation of the City's Rules and Regulations has been given reasonable opportunity to attach the service pipe leading to the innocent customer's premises to a separately controlled service connection at the main.

**§ 77-27. Cross-connections.**

**A. Definitions.**

As used in this section, the following terms shall have the following meanings:

- 1) Cross Connections** - Any unprotected connection between any part of a water system used or intended to be used as a

supply of water for drinking purposes in a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.

- 2) **Approved Water Supply** - Any water supply approved by the New York State Department of Health.
- 3) **Auxiliary Supply** - Any water supply on or available to the premises other than the approved public water supply.
- 4) **Vacuum Breaker - Pressure type and non-pressure type** - A vacuum breaker which can only be used for internal plumbing control, and, therefore, not acceptable as a containment device.
- 5) **Approved Check Valve** - A check valve that seals readily and completely. It must be carefully machined to have free moving parts and assured water tightness. The face of the closure element and valve seal must be bronze, composition, or other non-corrodible material, which will seal tightly under all prevailing conditions of field use. Pins and bushings shall be of bronze and other non-corrodible, non-sticking material, machined for easy dependable operation. The closure element shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.
- 6) **Approved Double Check Valve Assembly** - Two single independently acting check valves, including lightly closing shut-off valves located at each end of the assembly and suitable test connections. This device must be approved as a complete assembly.
- 7) **Approved Reduced Pressure Zone Device** - A minimum of two independently acting check valves together with automatically operated pressure differential relief valve located between the two check valves. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located cocks. This device must also be approved as a complete assembly.

- 8) **Air Gap Separation** - A physical break between a supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel, in no case less than one inch.
  - 9) **Water Supervisor** - The consumer or a person on the premises charged with the responsibility of complete knowledge and understanding of the water supply piping within the premises and for maintaining the consumer's water system free from cross connections and other sanitary defects, as required by this section and all other required regulations and laws.
  - 10) **Certified Back Flow Prevention Device Tester** - An individual who has successfully completed a New York State Department of Health approved course in the testing of back flow prevention devices and has been issued a certificate by the New York State Department of Health.
- B. (1) **Where Protection is Required.**  
The water system shall be required to maintain a degree of protection commensurate with the degree of hazard regardless of whether the hazard is immediate or potential. To that extent, the Cross Connection Control Manual published by NYSDOH shall be used, as a guide, to determine where protection is required. It shall be the responsibility of the water user to provide and maintain such required protection devices and such devices shall be of a type acceptable to the New York State Department of Health.
- (2) **Type of Protection.**  
The protective device required shall depend on the degree of hazard as tabulated below:
- (i) At the service connection to any premises where there is an auxiliary water supply handled in a separate piping system with no known cross connection, the public water supply shall be protected by an approved reduced pressure zone device.
  - (ii) At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health if introduced into the public water supply) is handled so as to constitute a cross connection, the public water supply shall be

protected by an approved double check valve assembly.

- (iii) At the service connection to any premises on which a substance of unusual toxic concentration or danger to health is or may be handled; but not under pressure, the public water supply shall be protected by an air gap separation or an approved reduced pressure zone back flow prevention device. If an air gap is installed, it shall be located as close as practical to the water meter, and all piping between the water meter and receiving tanks shall be entirely visible. A reduced pressure zone device, when installed, shall be located as close as possible to the property line.
  - (iv) At the service connection to any premises on which any material dangerous to health, or toxic substance and toxic concentration, is or may be handled under pressure, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practical to the water meter, and any piping between the water meter and the receiving tanks shall be entirely visible. If these conditions cannot reasonably be met, the public water supply shall be protected with an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.
  - (v) At the service connection to any sewage treatment plant or sewage pumping station, the public water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tanks shall be entirely visible. If these conditions cannot be reasonably met, the public water supply shall be protected by an approved reduced pressure zone back flow prevention device and it shall be located as close as possible to the property line.
  - (vi) All backflow preventing devices shall be installed on the downstream side of the meter.
- (3) **Frequency of Inspection of Protective Devices.**  
It shall be the duty of the water user on any premises on account of which back flow protective devices are installed, to have competent inspections made at least once a year, or more often in instances where successive inspections indicate

repeated failure. Devices shall be repaired, overhauled or replaced at the expense of the water user whenever they are found to be defective. These tests shall be performed by a qualified back flow prevention device tester and all test results will be provided to the water user within 72 hours after the test is made. Records of such tests, repairs and overhaul shall also be kept and made available to the water user and the local health department upon request.

**C. Penalties and Recourse for Non-Compliance.**

- (1) No water service connection to any premises shall be installed or maintained by the water user unless the water supply is protected as required by this section and such other applicable local, state and federal laws, rules and regulations.
  - (2) If any facility served by a water system denies a Water Division person access to their premises for the purposes of determining if protection to the public water system is necessary, then the maximum protection condition shall be imposed with the requirement that the number of devices shall equal the number of service lines.
  - (3) The following penalties shall be applicable for a violation of this section:
    - (i) Failure to install the appropriate back flow prevention device within a prescribed time frame after first notice:  
\$250.00
    - (ii) Failure to install the appropriate back flow prevention device within prescribed time frame after second notice:  
Termination of service
    - (iii) Failure to at least annually test the back flow prevention device:  
\$300.00 and/or termination of water service
    - (iv) Failure to replace or repair a back flow prevention device as required:  
\$1,000.00 and/or termination of water service.
- D. New York State Sanitary Code, Part 5, Section 5-131 and the latest edition of the New York State Department of Health Cross Connection Control Manual are hereby incorporated by reference in this section.

**§ 77-28. Street Abandonments.**

- A. Whenever a street containing a water main is abandoned by the City, the owner of the former street bed must submit to the Director for the Director's approval, plans for either abandoning the main or converting it to a private water service.
- B. If the Director finds that such plans are adequate, the Director shall approve them.
- C. All necessary work shall be done by, and at the expense of, the property owner.

**§ 77-29. Fire Hydrant Use Permits; Charges.**

- A. An application may be made to the Director for a permit to take water through a fire hydrant of the City. No hydrant permit will be issued for the purpose of filling swimming pools or for any other use which the Director deems to be a potential hazard or nuisance.
- B. A hydrant use permit fee shall be charged for each hydrant permit, as set forth in §77-37E.
- C. In addition, the applicant shall pay either the minimum hydrant water consumption charge, pursuant to §77-37E(3), or an estimated water consumption charge at the metered consumption rates set forth in §77-37A, or a metered water consumption charge at the regular metered consumption rates set forth in §77-37A, in the discretion of the Director.
- D. If the Director requires the payment of metered consumption charges, a meter will be supplied to the applicant by the Water Division, and the applicant shall make a refundable deposit for the meter, at the rates set forth in §77-37B.
- E. The applicant will also be charged the cost of any repairs necessitated by such use of the hydrant or the meter.
- F. The applicant is responsible for any loss or damage to the meter, hydrant or backflow preventer, at either cost of repair or replacement, in the sole discretion of the Director.

**§ 77-30. Temporary or Occasional Service of Water.**

- A. The service of water to a premises prior to occupancy by a consumer, and prior to the time a meter is installed, will be provided to builders, contractors, developers and owners for water during construction or for the service of water in display houses prior to sale, upon the payment of the applicable charges as prescribed in §77-3, and upon payment of Fifty Dollars (\$50.00), in advance, and thereafter for each subsequent quarter, until such time as an owner or occupant of the premises is served therefrom.
- B. A backflow preventer may be required at the applicant's cost.
- C. Tank truck sales:
  - (1) Bulk water tankers will only be allowed to fill their tankers at the Water Treatment Plant, 110 Lake Shore Drive, West, Dunkirk, N.Y. 14048, between the hours of 8:00 A.M. and 10:00 P.M.
  - (2) Each individual hauler will be required to deposit One Hundred Dollars (\$100.00) at the Water Division Business Office in City Hall between the hours of 9:00 A.M. and 5:00 P.M., Monday through Friday.
  - (3) A receipt will be issued to each individual hauler and this must be presented at the Water Treatment Plant in order for the tanker to be loaded.
  - (4) Each delivery will be covered by a sales slip.
  - (5) This slip will have the date and time of delivery, the gallons of water delivered, the name, address and the city/town of the hauler.
  - (6) The slip must also contain the signature of both the driver and the plant operator.
  - (7) A copy of this sales slip will be given to the driver.
  - (8) Each sales slip will contain the words, "Not for drinking or culinary purposes".
  - (9) The City does not guarantee the cleanliness of the tanker.

- (10) Each water hauler will be billed monthly at the rate of Five Dollars (\$5.00) per thousand gallons.
  - (11) The hauler will have 15 days from date of receipt of monthly bill to pay or this service will be terminated and deposit retained.
  - (12) Service can be reinstated by payment of all past bills and the redepositing of Two Hundred Fifty Dollars (\$250.00).
  - (13) Deposit will be returned to hauler at the end of the year or upon written request from the hauler.
  - (14) This return of deposit is dependent upon all past bills having been paid.
  - (15) Any damage to City property or equipment, including, but not limited to, driveways, fences, hoses, couplings, valves, etc., caused by hauler will be charged to the hauler's account.
- D.
- (1) The temporary or occasional service of water will be provided for construction jobs, fairs, circuses, military installations, emergency inter-system connections and the temporary service of water to a premises or property on which no permanent structure is or has been erected, upon payment by the applicant, in advance, of the estimated cost of the labor and materials for the installation of the water service connection with a meter and backflow protection, if one is required.
  - (2) In the event that the estimated cost thereof shall exceed the actual cost, upon the determination of the actual cost, the difference between the estimated cost for such installation, if any, shall be refunded to the applicant without any interest.
  - (3) In the event that the actual cost of the installation shall exceed the estimated cost of the installation, then the applicant will be required to pay the difference between the sums before the service of water is commenced or continued.
  - (4) The applicant shall also make a deposit as provided in Paragraph 5, infra.
  - (5) (i) A payment, as security for the return of meter and backflow preventer, in the amount hereinafter set forth, will be collected for the temporary service of water and

the setting of a meter therefore, such as, but not limited to, construction jobs, fairs, circuses, military installations, emergency inter-system connections, and for the service of water to the premises or property upon which no permanent structure is, or has been, erected:

<u>SIZE</u>	<u>DEPOSIT REQUIRED</u>
5/8 inch	\$ 364.00
3/4 inch	\$ 364.00
1 inch	\$ 500.00
1/2 inch	\$ 875.00
2 Inch	\$1,077.00
over 2 inches	Cost of meter and backflow preventer

- (ii) The amount of the deposit hereinabove provided for will be refunded by the City without interest when the meter and backflow preventer is returned, and provided that the same is found to be in proper condition for re-use after inspection and test.
- (iii) Any cost of repairs found to be necessary will be deducted from the deposit made at the time the meter and backflow preventer was originally issued or set.

- E. Temporary services not intended to become permanent shall be disconnected from the City main by the City; all necessary disconnection costs shall be paid for by the applicant as set forth in §77-37(5).
- F. Whenever application is made for any service or facility of the City not herein specifically provided for, the same may be provided in the discretion of the City but subject to such terms and conditions as the City may, in each circumstance, prescribe by resolution.

**§ 77-31. Unauthorized Actions; Penalties for Offenses.**

**A. Taking water:**

- (1) No person shall take water or permit water to be taken from the City's water distribution system other than through a metered service or by permit through a hydrant.
- (2) No person shall open a hydrant or valve or use an unsealed meter to obtain water in an unauthorized manner.

- (3) No person shall remove or tamper with the meter in a service or open the bypass valve in a service or otherwise cause water to be delivered to any premises which does not properly register on a meter.
  - (4) No person shall accept water knowing that the water consumption has not been properly registered on a meter.
  - (5) No person shall take or accept water without paying for it.
  - (6) No person shall injure any equipment or building belonging to the City's water system; divert water from mains; use water without permission, or cut or tap into any water pipe or main.
- B. If a bypass valve has been opened or if the meter has been removed or tampered with, or if some other condition is found to exist in a water service which would permit the delivery of water to the premises without the proper registry thereof on a meter, then it shall be presumptive evidence that the person or persons who accepted or received the use or benefit of the water did so with knowledge of the illegal condition.
- C. No person shall cause damage to any portion of the water distribution system, including, but not limited to, hydrants or meters.
- D. No person shall remove a meter from a service where it is installed without authorization.
- E. No person shall retain possession of a meter belonging to the City.
- F. Violation of any of the provisions of this section shall be a misdemeanor, punishable by a fine not exceeding One Hundred Fifty Dollars (\$150.00) or imprisonment not exceeding fifteen (15) days, or by both fine and imprisonment, or by a penalty not less than Twenty-five Dollars (\$25.00) nor more than Five Hundred Dollars (\$500.00) to be recovered by the City in a civil action. Penalties imposed by this section shall be in addition to any other penalties imposed by law.

**§ 77-32. Water Pressure and Quality.**

- A. The City makes no guaranty as to water pressure and may change pressures as necessary.
- B. In the event that the pressure in any individual service is inadequate and the installation of a pump is necessary, the pump shall be

installed, operated and maintained by, and at the expense of, the property owner.

- C. Such pumps must be approved by the Director prior to installation.
- D. The City makes no guaranty that its water will be free at all times of rust or other nontoxic impurities.
- E. Any property owner or occupant, either residential, commercial or industrial, who requires water of high purity, is responsible for the installation and expense of any necessary filters or treatment equipment.

**§ 77-33. Water Main Maintenance.**

- A. The City may shut off the water supply through the water mains of the City in cases of water main breaks, operational requirements or emergencies.
- B. When practicable, notice of a shutoff will be given in advance.
- C. However, even when notice is not given, neither the City nor its employees shall be liable for any damage that may occur as a result of such shutoff.

**§ 77-34. Water Shortages.**

- A. In the case of a drought or other water shortage, the Director shall have the authority to promulgate rules restricting the use of water by consumers in the City.
- B. Such rules may include provisions imposing penalties for violation of the rules, up to Five Hundred Dollars (\$500.00) per violation.

**§ 77-35. Service of Water to Municipal Corporations and Special Improvement Districts as the Sole Water Supply.**

- A. The City will furnish a supply of water to Municipal Corporations and Special Improvement Districts which do not own or are not connected to an independent source of water supply for the following purposes and subject to the terms and conditions hereinafter prescribed upon receipt of a proper application therefor:
  - (1) For a supply of water to be distributed and sold by such Municipal Corporations or Special Improvement District and

extensions thereof, through its own facilities to residents and inhabitants thereof.

- (2) For a supply of water to be delivered through its own facilities and sold by such Municipal Corporations or Special Improvement Districts to another person, public corporation or Special Improvement District.
- B. Where a supply of water is to be provided by the City for the purposes specified in Paragraph 77-35A, supra, the proper public officials of the applicant shall certify in writing to the City that the facilities of the applicant, installed or proposed to be installed, will be operated and maintained by the applicant; that the service of water to their residents and inhabitants within applicant's corporate limits will be performed by the applicant, and that such facilities will remain the property of the applicant.
- C. For the purposes specified in the Paragraph 77-35A, supra, the applicant shall warrant to the City that its mains, storage tanks, pumping stations, cross-connection control program, and other facilities for the distribution of water within its corporate limits are and will continue to be able to provide for an adequate and safe supply of water at proper pressures for domestic, commercial and industrial use as well as for public and private fire protection; and that additional sales of water to the applicant for resale to persons, Municipal Corporations and Special Improvement Districts outside of its corporate limits will not impair the supply or pressure of water when being served by the applicant to its residents and inhabitants.
- D. Acceptance of an application made by a Municipal Corporation or Special Improvement District shall depend upon:
- (1) The consent of the State of New York Department of Environmental Conservation, Office of Environmental Analysis, where required; and
  - (2) A determination in the sole discretion of the City that the conditions of the service requested are economically feasible and within the capacity of the City to render without prejudice to the demands imposed upon its system by its other customers.
- E. On and after the effective date hereof, the furnishing and delivering of water to a Municipal Corporation or Special Improvement District now or hereafter taking a supply of water from the City shall be made

pursuant to the terms of a contract between the City and the governing board thereof.

- F. The contract shall contain, but without limitations, the following provisions:
- (1) That the City will furnish a supply of water at designated metered connections but shall not be responsible for the water beyond such delivery point or points.
  - (2) That the purchaser will furnish and install at its own cost and expense a suitable meter, meter couplings, meter pit and necessary piping, fittings, valves and pipe couplings at each point or location whereat water is delivered by the City to the purchaser and at each location whereat water is sold by the purchaser to persons, Public Corporations or Special Improvement Districts. The City will, at its own cost and expense, maintain the meter or meters to record the quantity of water through each such metered connection, while the purchaser is responsible for maintaining all other items furnished or installed by the purchaser.
  - (3) All water delivered and sold shall be at the rates and charges as set by the City's Common Council.
  - (4) The bill for water sold and delivered to the purchaser shall be computed as follows:
    - (i) The quantity of water registered on each meter recording the delivery of water outside of the corporate limits of the purchaser will be separately billed at the aforesaid rates and charges.
  - (5) In the event the City, in periods of drought or emergencies, restricts, curtails, or prohibits the use of water for secondary purposes, i.e., sprinkling, car washing, filling swimming pools, etc., the Municipal Corporation or Special Improvement District will use its best efforts to secure the cooperation of its customers to comply with the City's regulations with respect to the use of water.
  - (6) Every Municipal Corporation and Special Improvement District applying for a supply of water from the City shall agree that it will not sell or supply water to any property located within its territorial limits which abuts, faces, or is numbered on a street in which there is an existing City-owned main through which

the service of water to such premises can be provided by direct connection thereto, or by means of a main extension therefrom.

- G. Every Municipal Corporation and Special Improvement District which is supplied by the City shall enact, enforce and maintain a cross-connection control program and warrant to the City that such program complies with the requirements of the County of Chautauqua, the State Health Department and the requirements of the Environmental Protection Agency. A cross-connection control program shall be acceptable to the City. A copy of the cross-connection control program and a list of installed backflow prevention devices shall be provided to the City.

**§ 77-36. Service of Water to Public Corporations and Special Improvement Districts as a Supplemental Water Supply**

- A. The City will furnish a supply of water to Municipal Corporations and Special Improvement Districts which own or are connected to an independent source of water supply. The water supply furnished by the City may be used to supplement the applicant's independent sources.
- B. The applicant for a supplemental source of water from the City must satisfy all requirements listed in §77-35, plus those listed in Paragraph 77-36C, infra.
- C. The applicant's independent water supply system which is connected to the City's system must satisfy all requirements of the County of Chautauqua, New York State Health Department, the New York State Department of Environmental Conservation and the U. S. Environmental Protection Agency.

**§ 77-37. Fees.**

- A. **Consumption Rates. (§ 77-14)**
- (1) The consumption charges shall be at the rates established by the City Common Council.
- (2) Any base charge shall be at the rates established by the City Common Council.
- B. **Water Meter Fees. (§ 77-9).**

- (1) The fee for water meters shall be based on the City's cost, plus 17%.
- (2) The fees for remote reading equipment will be based on the City's cost plus 17%.

**C. Fire Service Charges. (§ 77-8)**

<u>Size of Fire Service Connection</u> (inches)	<u>Charge Per Quarter</u>
2	\$50.00
4	\$60.00
6	\$80.00
8	\$160.00
10	\$236.00
12	\$340.00

**D. Service Connection Fees. (§ 77-3)**

<u>Size of Service</u> (inches)	<u>Fee</u>
3/4	\$40.00
1	\$60.00
1 1/2	\$90.00
2	\$125.00
3	\$175.00
4	\$250.00

over 4 \$400.00

**E. Hydrants. (§ 77-29)**

- (1) Hydrant use permit, one week or less: \$50.00
- (2) Hydrant use permit, each additional week: \$50.00
- (3) Minimum consumption charge: \$10.00
- (4) Hydrant-moving charge: actual cost

**F. Miscellaneous.**

- (1) Replacement of broken seal (§ 77-12): \$10.00
- (2) Thawing frozen services (§ 77-24)
  - (a) Per attempt: \$40.00
- (3) Service resumption charge (§ 77-27): \$20.00
- (4) Meter test charges (§ 77-13):
  - (a) Five-eighths inch through one inch: \$25.00
  - (b) One and one-half inch through two inch: \$35.00
  - (c) Three inch: \$150.00
  - (d) Four inch and over: actual cost
- (5) Service disconnection charge (§ 77-25): actual cost
- (6) Ownership transfer charge (§ 77-16): \$10.00
- (7) Short-term water shutoff (§ 77-19): \$20.00
- (8) Temporary discontinuance of water (§ 77-20): \$20.00
- (9) Motor trailer park (§ 77-4): minimum charge per trailer, plus consumption charge
- (10) Service pipe repair (§ 77-2): actual cost

- (11) Final meter readings (§ 77-14): \$20.00
- (12) Inspections (§ 77-14): \$20.00
- (13) Ready to serve charge, based on meter size: applicable rate schedule