

# DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY

## RULES AND REGULATIONS

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(Adopted December 19, 2012)

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## **DUTCHESS COUNTY WATER AND WASTEWATER AUTHORITY**

### **Water Rules and Regulations**

#### **1. Scope.**

The following are the rules and regulations established in the manner prescribed by Section 1124 of the "Dutchess County Water and Wastewater Authority Act" (under NYS Public Authorities Law) governing the treatment and delivery of potable water furnished and supplied by the Dutchess County Water and Wastewater Authority (DCWWA) to all Zones of Assessment, other approved service areas, and/or to those contract customers of the DCWWA whose respective property is located physically within the boundaries of the Dutchess County Water District.

## **2. Definitions.**

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

**AUTHORITY** – The “Authority”, as in the Dutchess County Water and Wastewater Authority, its employees, agents and representatives, having its office at 27 High Street, Poughkeepsie, New York, the agency designated by the NYS or Dutchess County Legislature to administer the sale of water within the Dutchess County Water District, or any successor administrative agency.

**COUNTY** – The County of Dutchess, NY.

**COUNTY WATER DISTRICT** - The Dutchess County Water District as established by NYS Public Authorities Law §1142.

**CROSS CONNECTION CONTROL** – The prevention of an actual or potential connection between the public water supply and a source of contamination or pollution as regulated by New York State under 10 NYCRR Part 5-1.31 of NYS Sanitary Code.

**DCWWA** – The Dutchess County Water and Wastewater Authority, its employees, agents and representatives, having its office at 27 High Street, Poughkeepsie, New York, the agency designated by the NYS or Dutchess County Legislature to administer the sale of water within the Dutchess County Water District, or any successor administrative agency.

**DCWWA STANDARDS** – Standardized technical specifications, materials and/or drawing details developed and updated from time to time by the DCWWA to establish minimum levels of requirements for the installation of water facilities and services.

**FIRE HYDRANT** – A valved connection on a water main for the purpose of supplying water to fire hose or other fire protection apparatus.

**METER STRUCTURE** – An above or below ground structure designed to house the required meter and cross connection control device for a domestic or fire water service.

**NYS** – New York State.

**OWNER** - The Entity which owns the property supplied or furnished with water service by the DCWWA.

**PRIVATE FIRE SERVICE MAIN** – The pipe and its appurtenances located on private property between a source of water and the base of the riser (i.e., the flange, the flange and spigot piece, or the base tee) for automatic sprinkler systems, open sprinkler systems, water spray fixed systems, standpipe systems, inlets to foam-making systems, or the base elbow of private hydrants or

monitor nozzles. Where connected to a public water system, the private service main begins at a point designated by the public water utility (DCWWA), usually at a manually operated valve near the property line. Where connected to fire pumps, the main begins at the fire-protection-system side of the pump discharge valve. Where connected to a gravity or pressure tank, the main begins at the inlet side of the tank's check valve. Private fire service mains can include supply and distribution piping installed above ground, in trenches, and inside or outside of buildings. The provisions of this definition also apply to pipeline strainers.

**SERVICE PIPE, SERVICE LINE or SERVICE MAIN** - The pipe and attachments of every kind and nature thereto connecting the street main with the Owner's property, structure, house or building domestic water piping.

**WATER MAIN or STREET MAIN** - The pipe and attachments of every kind and nature conveying water along the streets or right of ways of the DCWWA of the water service area.

**WATER RENTS** - Charges imposed by the Dutchess County Water Authority for use of or access to its service main within areas so designated by the rate schedules adopted by the governing Board of the DCWWA.

**YARD HYDRANT** – A device for providing a source of water exterior to a structure for the purposes other than fire protection.

### **3. Administration of Water Service Area.**

The DCWWA shall administer the sale and distribution of water to all Zones of Assessment, other approved service areas, and/or to those contract customers of the DCWWA whose respective property is located physically within the boundaries of the Dutchess County Water District as permitted by Public Authorities Law Title 6-C.

### **4. Application and Contract for Service.**

The property owner must apply to and receive approval from the DCWWA for service, on a form supplied by DCWWA. By accepting DCWWA water service, the Owner agrees to be bound by the terms of these Rules and Regulations. Service will not be turned on until a meter is installed and the correct name and address of the customer is provided for billing.

### **5. Property Transfer.**

The owner must notify the DCWWA five business days prior to a change in property ownership. There will be a transfer charge (as set forth in the approved Schedule of Water Rates for the respective DCWWA water system) billed to the new property owner at the time of the next regular billing. The transfer charge shall cover the cost of the meter reading, account transfer administration, and the preparation of the status report to both property buyer and seller at the time of transfer.

**6. Permit for Excavation.**

Permits for excavation must be obtained from any authority having jurisdiction, New York State Department of Transportation and/or highway department or other governmental entity (municipal, County or State) with jurisdiction prior to any road, sidewalk or public area being excavated. Further, the Owner and his/her employee, representative and/or contractor shall adhere to all the requirements set forth in NYS Industrial Code Rule 753, applicable sections of NYS Public Service Law and General Business Law, and follow all rules and procedures promulgated and administered by Dig Safely NY or its successor organization. The Owner shall be responsible for any resulting damages, and shall indemnify the County, Water District and DCWWA for the same.

**7. Easements**

DCWWA shall have access to any parcel on which its water mains are constructed.

The issuance of a DCWWA permit for Owner to connect a service main or pipe grants DCWWA an easement upon Owner's property for DCWWA to access the service main or pipe, as well as to access any meter, meter structure, or cross connection control device for inspection or other lawful purpose.

**8. Connection to Water Mains.**

Only DCWWA authorized personnel, or contractors under the supervision of DCWWA personnel, may make connections to (tap) street mains. Service connections (taps) greater than one-inch must be made under DCWWA observation.

Under normal circumstances, main connection (tapping) will generally cease on November 15 and not resume until April 1 for non-emergency work. Main connection (tapping) may be allowed at other times, weather permitting, at the discretion of the DCWWA.

**9. Service Connection.**

No more than one (1) domestic and one (1) fire service connection per property parcel is allowed without prior, written approval of the DCWWA.

No connections (taps) are allowed on service mains or lines between street main and the meter.

When the typical placement of a meter within the Owner's structure would be located more than one hundred feet (100 ft.) from the property line adjacent to the street main, the Owner may be required to construct at his/her cost, a meter structure as close as possible to property line unless otherwise directed by the DCWWA. Any cross connection control required on the service main or pipe must be located at the meter structure, which said structure shall be approved in advance by the DCWWA.

Only contractors acceptable to the DCWWA may install, alter or repair service mains.

As a condition of service, DCWWA personnel must inspect the service installation prior to turning on the water service.

DCWWA may order a correction of any service not meeting the regulations by ordering modifications up to and including a new service installed per the regulations.

Domestic water services must be connected only to potable water uses at the Owner's property and must be provided with cross-connection control devices (see §11. Cross Connection Control). Any domestic connections to potential sources of cross connections after the service backflow preventions must be protected in accordance with the Plumbing Code of the State of New York.

Private Fire Water Service Mains must be connected only to fire protection/suppression uses at the Owner's property and must be protected with cross-connection control devices (see §11. Cross Connection Control).

The Owner is responsible for the installation of the water service from the main up through and including the meter, whether in the public right of way or on the Owner's property. Except as may be provided elsewhere in a separate schedule of fees adopted by the Agency's governing Board for water service connections of one-inch diameter or less, the Owner is responsible for all costs of excavation, tapping, piping, valves and valve boxes, pipe bedding materials, backfill, paved and non paved restoration associated with the installation of the service.

For service connections greater than one-inch, the applicant must submit installation drawings (which have already been reviewed and approved by the applicant's engineer) of the layout and material specifications to be incorporated into the project for DCWWA review before any construction begins. Owner will be advised of acceptability of proposed installation by DCWWA.

#### **10. Service Connection Charges.**

The cost of service connection is determined by DCWWA and paid in advance by the Owner. The cost of ¾-inch and one-inch service connection fees shall be in accordance with the approved DCWWA Schedule of Service Connection Charges for the same and shall be non-refundable once the DCWWA begins its review of the service connection request.

Service connection fees for connections greater than one-inch will be determined on a case-by-case basis, in accordance with the following:

- a. The connection fee will be estimated at the time the initial service request is made and shall be remitted to the DCWWA before any review proceeds. The connection fee shall be subsequently recorded in an escrow-type account held by the DCWWA and will be drawn down as DCWWA undergoes its review of the service connection request.

- b. The applicant will be instructed in writing as to any additional amount they are required to remit, which shall then be placed in escrow by the DCWWA.
- c. At the end of the connection process, the balance remaining, if any, of the applicant's escrow deposit will be returned to the applicant.

The connection fee will cover the following costs:

- a. Engineering Review - time spent by the DCWWA's staff and/or system engineer and Director of Operations for determining the service requirements and communicating the same to Owner/Owner's engineer.
- b. Water Meter - the actual cost of the water meter (if provided by DCWWA) to the applicant (to be installed by the applicant's approved contractor).
- c. Installation Drawing and Material Specifications Review - the cost of reviewing the applicant's material specifications, installation drawings and other required submittals.
- d. Inspection/Observation Cost - during the construction, the DCWWA's representative will inspect the installation of the connection.

No labor and material other than the previously mentioned are included.

#### **11. Cross Connection Control.**

DCWWA is required by New York State Law and applicable regulations to protect the public water supply from contamination, including controlling connections between its and other water sources, both potable and non-potable. It is a condition of service that:

- a. Cross connection control must be provided by the Owner on all water services as may be required by the regulations of both the New York State and Dutchess County Departments of Health.
- b. Owner shall install any other cross connection control devices subsequent to the service as may be further required by the Plumbing Code of the State of New York.
- c. Owner shall: obtain DCWWA approval of Owner's proposed cross connection control installation prior to installation; allow DCWWA to inspect and observe the initial installation; and submit copies of any required annual test and inspection of the cross connection control device(s) to DCWWA within 15 days of completion of such test and inspection.
- d. Failure to conform with Cross Connection Control requirements, including annual testing and reporting requirements, may be cause for service termination.

Unless otherwise preempted by a more stringent requirement of the local Plumbing Code, or regulation of the local or NYS Department of Health, for cross connection control, all single-family and two-family residences shall have a double check valve equivalent to Watts Model 7 for domestic water service and Watts Model 07S or equivalent for residential Sprinkler Service located immediately after the service meter as a minimum level of cross-connection control on the respective water service.

The Owner may have no connection with any other water supply. Prior to connecting to the system, all connections to other sources shall be disconnected.

The Owner owns all cross connection control devices and shall bear the full expense for compliance with the Cross Connection Control requirements. It is a condition of service that the Owner test initially, and at frequencies required by authorities having jurisdiction and/or as recommended by the manufacturer of the cross connection control device, but not less than annually, and provide reports of the tests to DCWWA.

The DCWWA may terminate water service to the respective property where non-compliance with the Cross Connection Control requirements is occurring. Further, the Owner of said property shall also be subject to all penalties and remedies set forth herein under Section titled, "Enforcement: Penalties, Additional Remedies" for non-compliance with the Cross Connection Control requirements.

## **12. Service Connection Technical Requirements.**

DCWWA has developed technical standards, specifications and details and material requirements to ensure a minimum level of quality for services. DCWWA STANDARDS must be complied with unless approved otherwise by DCWWA. Standards are available at the DCWWA office. Deviations from DCWWA Standards must receive prior DCWWA approval.

## **13. Maintenance and Repair of Service Connection.**

Only authorized personnel of the DCWWA may operate main valves, service valves or service curb valves.

Service repairs between the street main and first service valve (curb stop) or the street line (in absence of a service valve) are the responsibility of DCWWA and will be made at its expense.

The Owner is responsible for maintenance and repair of the water service pipe after the first service valve off the water main, whether in the public right of way or on the Owner's property. The Owner is responsible for all costs of excavation, piping, fittings, valves, pipe bedding materials, backfill, and paved and non paved restoration as may be required to maintain or repair the service pipe. The Owner is responsible to make any repairs to the water service pipe within seven calendar days of being directed verbally to do so by the DCWWA. The DCWWA Director of Operations or Engineer shall concurrently provide a written notice of the same to the affected party pursuant to Section 30 (Notice of Violation and Compliance Orders), herein. The DCWWA further reserves the right, but not the obligation, to effect the required repairs when the Owner is unwilling or unable to do so in a timely manner, and then to bill the Owner for the cost of said repairs.

Service pipe repairs deemed by DCWWA to be a public health risk or a threat to property or public safety will result in DCWWA immediately turning off the service valve until required repairs are made. The Owner is responsible to make any repairs directed verbally by DCWWA prior to water service being restored. The DCWWA Director of Operations or Engineer shall concurrently provide a written notice of the same to the affected party pursuant to Section 30 (Notice of Violation and Compliance Orders), herein.

Failure to make directed repairs within seven calendar days may result in a Restoration of Water Service fee and/or other applicable fees (as may be set forth in the approved Schedule of Water Rates for the respective DCWWA water system) being applied to the Owner during the next water usage billing cycle. The DCWWA further reserves the right, but not the obligation, to effect the required repairs when the Owner is unwilling or unable to do so in a timely manner, and then to bill the Owner for the cost of said repairs.

The DCWWA shall notify the County Department of Health whenever water service is turned off due to a public health risk, a threat to property or to public safety.

As a condition of service and as may be provided herein, DCWWA personnel may enter any property, premise or building from 8:00 AM to 4:00 PM (local time), Monday through Friday, and with reasonable notice to examine service pipes, meters and other appurtenances. In an emergency situation, Owner waives the right of reasonable notice and time.

#### **14. Meters.**

Every water service shall have a meter unless specifically exempted from such by resolution of the Authority's governing Board. Private Fire Service Mains that do not supply private Fire Hydrants shall not require a service meter but shall have a meter on the cross connection control device associated specifically with the property's fire protection system(s). Private Fire Service Mains that supply private fire hydrants shall have a service meter.

Yard hydrants not commercially-designed for, or capable of fire protection/suppression purposes, shall be metered.

DCWWA will supply, own and maintain all meters for up to and including a three-inch service size. It is a condition of service that the Owner will supply and own all meters larger than a three-inch service size and shall be responsible for the full maintenance, testing/calibration and replacement of the meter per the following schedule:

- a. four-inch meters - Every 2 years, test and calibrate meter; replace meter when accuracy is below 95% of published accuracy.
- b. six-inch and larger meters – Every year, test and calibrate meter; replace meter when accuracy is below 95% of published accuracy.



Owners of meters (larger than a three-inch service size) shall provide to the DCWWA upon request such certifications and/or documentation evidencing meter calibration and/or replacement.

The Owner's engineer and/or representative or contractor is responsible to select the applicable manufacturer's brand and type of meter as designated by the DCWWA, subject to DCWWA review and approval, for all services greater than one-inch. All meters shall record and display water usage in US gallons. For any installed water meters presently measuring flow and displaying usage in cubic feet, such meters shall be replaced at the Owner's expense when their respective accuracy is below 95% of published accuracy; and shall at that time, be replaced with a new meter which shall record and display water usage in US gallons.

Meter installations must be approved by the DCWWA prior to commencement of water service. All meter and cross connection control structures must be constructed to DCWWA Standards. Owner is responsible to ensure that the respective internal plumbing is of satisfactory condition and in good working order to allow for the installation of a water meter and its appurtenances. Water service to the respective property may be denied, and/or an "Inaccessible Meter Charge" may be assessed the Owner until the internal plumbing conditions are remedied to the satisfaction of the DCWWA to facilitate a meter installation.

Existing water meter installations shall not be relocated or altered without the DCWWA's consent.

As a condition of service, non-registering, inaccurate or leaking meters must be reported by the Owner to DCWWA at once. If Owner fails to report non-registering or leaking meter in a reasonable time, Owner will be responsible for any cost of water lost.

DCWWA will affix an appropriate tamper-evident seal on all installed meters prior to activation of water service. Tampering with meters and meter appurtenances is prohibited. For tampering with meters and/or meter appurtenances, a fine plus a surcharge for labor and materials for replacing and/or repairing the tampered meter and/or meter appurtenances shall be imposed on the next water usage bill and will be assessed to the property owner where the affected meter is located. Within 15 calendar days of the issue date of such bill, the property owner may appeal in writing said fine for tampering to the DCWWA Board of Directors, which shall then rule on said appeal in a timely manner. Said property owner may be further liable for the payment to the DCWWA for water service provided, but not paid for up to 6 years, as a result of the tampered meter and/or meter appurtenances. Additionally, DCWWA may take criminal legal action where instances of intentional and/or repeated tampering with the meter and/or meter appurtenances, have occurred.

Owner agrees as a condition of service to allow access to the meter location between 8:00 AM and 4:00 PM (local time), Monday through Friday, for the purpose of inspecting and/or reading of the meter. An "inaccessible meter charge" shall be imposed on the next water usage bill and may be assessed to customers who refuse to allow access to their property for meter installation, replacement, inspection or indoor meter reading. This charge will be in addition to the monthly service charge.

Owner shall further be subject to all penalties and additional remedies as set forth herein under the Section titled, "Enforcement: Penalties, Additional Remedies".

**15. Meter Service Charge.**

For each metered service connection and/or customer account, a monthly service charge shall be paid to the DCWWA as per the applicable DCWWA Schedule of Water Rates.

**16. Remote Meter Readout Device.**

Meter remote readout/display devices (a/k/a "OR" or "Outside Remotes") and/or meter appurtenances will be installed depending upon meter location and accessibility. The meter remote readout/display devices (and/or meter appurtenances) will be installed on the exterior of the Owner's structure in a location and at a height that is readily accessible, convenient and safe for DCWWA personnel to read. It is a condition of water service that the Owner maintain a safe access to the meter remote readout/display device (and/or meter appurtenance) and not obscure its location by plantings or other items.

DCWWA will affix an appropriate tamper-evident seal on all installed meter remote read/display devices (and/or meter appurtenances) prior to activation of water service. Tampering with meter remote read/display devices (and/or meter appurtenances) is prohibited. For tampering with meter remote read/display devices (and/or meter appurtenances), a fine plus a surcharge for labor and materials for replacing and/or repairing the tampered remote read/display device (and/or meter appurtenance) shall be imposed on the next water usage bill and will be assessed to the property owner where the affected remote read/display device (and/or meter appurtenance) is located. Said property owner may be further liable for the payment to the DCWWA for water service provided, but not paid for, as a result of the tampered remote read/display device (and/or meter appurtenance). Additionally, DCWWA may take criminal legal action where instances of intentional and repeated tampering with the meter, remote read/display device, and/or meter appurtenances have occurred.

All water meters, meter remote read/display devices, wires and meter appurtenances are under control of DCWWA, and are subject to DCWWA inspection. When a meter, remote read and/or meter appurtenance has been damaged by the Owner's action or negligence, a fine plus a surcharge for labor and materials for replacing and/or repairing the damaged meter, remote read/display device and/or meter appurtenance shall be imposed on the next water usage bill and will be assessed to the property owner where the damaged meter, remote read/display device and/or meter appurtenance is located.

Within 15 calendar days of the issue date of such bill, the property owner may appeal in writing said fine, for when a meter, remote read and/or meter appurtenance is tampered with and/or damaged by the Owner's action or negligence, to the DCWWA Board of Directors, which shall then rule on said appeal in a timely manner.

If there is a discrepancy between the meter and the meter remote read/display device (and/or meter appurtenance), it is the meter that takes precedence. Wires to the meter remote read/display device and/or meter appurtenance must be protected by the Owner.

**17. Master Metering.**

A master meter is required for any service that provides service to more than a single or two-family residence, more than one structure upon a property, or any other property having multiple tenants.

**18. Meter Testing.**

Meters owned by DCWWA will be tested at Owner's request. However, the costs of tests for meters found to be within 95% of published accuracy range will be borne by Owner. The DCWWA may inspect, repair, replace and adjust any meter it owns, as needed.

DCWWA may direct the Owner at Owner's cost to test, repair, replace and/or adjust any meter of the Owner which DCWWA believes is inaccurate, damaged or in need of repair.

**19. Water Rents, Charges.**

Water charges shall be as established annually by action of the Board of Directors and Schedule of Water Rates published for each service area and/or County Water District Zone of Assessment.

All water passing through a meter shall be charged to the Owner. If the meter fails to register, the customer will be charged the average daily consumption when their meter was registering. If a meter is inaccessible for reading, there will be an inaccessible meter charge applied to the Owner, as set forth in the approved DCWWA Schedule of Water Rates for the respective water system. A customer will be billed for the average daily consumption based on most recent meter reading.

**20. Payment.**

Fees and charges shall be due on Schedules established for the same by the DCWWA. All payments received will be first applied to the oldest charges due. There will be a returned check charge as set forth in the approved DCWWA Schedule of Water Rates for the respective water system. The DCWWA reserves the right not to accept checks in the future.

**21. Interest.**

All arrears after 30 days are subject to interest at an annual rate (and/or monthly rate equivalent) as set forth in the approved DCWWA Schedule of Water Rates for the respective water system.

**22. Levy of Delinquent Water Rents.**

All charges unpaid at the time the annual real property tax roll is made, shall be included therein and levied against the real property; including additional fees, charges and penalties incident to the collection of such taxes, as set forth in the in the approved DCWWA Schedule of Water Rates for the respective Water System.

**23. Disconnection/Restoration.**

Water service is turned on or off at the curb or the main by the DCWWA. Unauthorized persons are not permitted to turn water on or off at the curb valve or corporation stop and the owner of the affected property may be subject to a service tampering charge for each offense with such charge set forth in the fee schedule applicable to that Water System. The Owner may request that their water service be discontinued upon five days written notice to the DCWWA.

Water service can be terminated in the event of an emergency, but will be restored when the emergency is corrected.

Water service can be terminated for failure to timely comply with a compliance order issued pursuant to Section 30 (Notice of Violation and Compliance Orders).

For unpaid charges, the DCWWA reserves the right to discontinue service in accordance with the provisions of the NYS Public Service Law (sect. 116 and sect. 89b subdiv. 3a, 3b and 3c) as may be applicable.

Water Service that has been shut off for delinquency, will not be restored until the full amount due, plus the applicable service reactivation fee, have been paid.

When water service is switched off by the DCWWA or its representative for any reason, there may continue to be a minimum water service charge in effect for the affected property in accordance with the fee schedule set forth for the respective Water System.

When water service is shut off at the request of customer, there may continue to be a minimum water service charge and an applicable restoration of service fee may be charged upon reactivation of service, in accordance with the fee schedule set forth for the respective Water System.

In all cases, any applicable capital surcharges will remain in effect.

**24. Service Interruptions.**

DCWWA has the right to discontinue water service when it is necessary for the public interest to do so.

**25. Disclaimer of Liability**

Neither the County of Dutchess, the County Water District nor DCWWA or any of its Board members, officers, agents, contractors or employees shall be held responsible or be responsible to Owners or their tenants for any damages which may result from or be caused by shutting off the water, even when no notice is given, and no deduction from water bills will be in consequence thereof. No claim shall be made against the County of Dutchess, the County Water District, DCWWA or its Board members, officers, agents, contractors or employees or the improvement area for any damages arising from the bursting or breaking of any street main or service pipe or any fixture or attachment thereto, wherever situated, or from the failure or diminution of the water supply, whatever the cause thereof may be.

**26. Fire Hydrants**

No person other than DCWWA authorized personnel and authorized fire district personnel shall operate fire hydrants.

Owners are not allowed to install plantings or structures that will obstruct the use of fire hydrants. Owners are responsible to remove snow from around fire hydrants on or in front of their property. No person can obstruct fire hydrants.

Fire hydrants are not to be used as points of temporary water service unless specifically approved in writing by the DCWWA. Further, if the respective fire hydrant is maintained pursuant to a hydrant rental agreement between DCWWA and the local fire district, then written approval from said fire district shall also be required to use such hydrant as a temporary water service.

Not all DCWWA fire hydrants can be used as a source of water for fire suppression. Only fire hydrants designated by the DCWWA as capable of providing sufficient delivery pressure and volume, and connected to a water system which has been duly evaluated and rated by the Insurance Services Office, Inc. (ISO) as part of a Public Protection Classification Survey or the equivalent, may be considered for use as a water source for fire suppression purposes.

**27. Construction and Improvements.**

Water used for construction and improvements shall be metered and charged to Owner.

**28. Service Outside Service Area.**

DCWWA is not obligated to provide water service outside established zones of assessment within the County Water District. Such requests will be considered on a case by case basis.

**29. Enforcement: Penalties, Additional Remedies.**

Non-adherence to these ordinances, rules and regulations is hereby declared to be a violation, punishable by a fine not to exceed fifty dollars (\$50) for each violation; or imprisonment for a period not to exceed fifteen (15) days; or both; and each day said violation continues shall constitute a separate violation.

Criminal prosecution of these rules and regulations shall be pursuant to the New York Criminal Procedure Law and via appearance ticket issued by the Dutchess County Sheriff or other police agency returnable in the Justice Court for the jurisdiction in which the violation occurs. Such tickets shall be supported by an "Information". Prosecution of the violation in the Justice Court shall be within the discretion of the Dutchess County District Attorney, who may fulfill his or her prosecutorial duties by making arrangements with local officers or attorneys to do so.

The DCWWA, in addition to other remedies, may institute any appropriate action or proceeding to prevent unlawful violation of these ordinances, rules and regulations and to retain, correct, and abate such violation or to prevent any illegal action, conduct or use in or about said water improvement area, and shall be entitled to recover the costs of such action, including attorneys fees, and other consultant fees.

**30. Notices of Violation and Compliance Orders**

The DCWWA Executive Director, Director of Operations or Engineer is authorized to order, in writing, the remedying of any condition or activity in violation of this article and/or order any cross connection control measures and maintenance or repairs pursuant to sections 11 (Cross Connection Control) and 13 (Maintenance and Repair of Service Connection) of this article. Upon finding that such condition or activity exists or such measures, maintenance or repairs are required, the DCWWA Executive Director, Director of Operations or Engineer shall issue a notice of violation and compliance order.

The DCWWA Executive Director, Director of Operations or Engineer shall send such notice by both first class US Mail and certified, return receipt US Mail to the last known mailing address of the offending party, as well as to the physical address (if different from the mailing address) where the violation has been declared to have occurred.

The notice of violation and compliance order shall:

- (1) be in writing;
- (2) be dated and signed by the DCWWA Executive Director, Director of Operations or Engineer;
- (3) specify the condition or activity that violates this article or the necessary measures, maintenance or repairs;
- (4) specify the provision or provisions of this article which is/are violated by the specified condition or activity;
- (5) specify the time frame within which such violation must be corrected or abated; and
- (6) state the appropriate consequence(s) for failure to correct or abate the condition of activity within the specified period of time as set forth below.

The date of service of a notice of violation and compliance order issued pursuant to this section shall be the date of mailing.

The offender shall, within the period of time stated in such notice, permanently cease all violations and/or cure, abate, correct or remove such violation and/or shall effectuate such measures, maintenance or repairs as specified in the notice of violation and compliance order.

If the violation is not timely ceased, corrected or removed or such measures, maintenance and repairs are not timely carried out pursuant to the notice of violation and compliance order, the DCWWA may cause the removal, correction, measures, maintenance or repairs. Said correction, removal, measures, maintenance or repairs may be performed by the DCWWA or by its designee, or agent, including a private contractor.

The owner shall be responsible to reimburse the DCWWA for the costs of removal, abatement or correction of the violation or the measures, maintenance or repairs. Such costs shall include the necessary and reasonable attorneys' fees and other consultant fees incurred by the DCWWA in prosecuting the violation. In the event of a failure to reimburse the DCWWA for such costs, such sums shall be charged against the real property which is the subject of the violation by adding that charge to, and making it a part of, the next water usage bill for the property.

The DCWWA Board of Directors shall hear and decide appeals from any notice of violation and compliance order. An appeal shall be taken in writing within 15 days of the service of the notice of violation and compliance order. The DCWWA Board of Directors shall fix a reasonable time for hearing such appeal and shall rule on such appeal in a timely manner. An appeal shall stay all proceedings in furtherance of the notice of violation and compliance order, unless the DCWWA Executive Director, Director of Operations or Engineer certifies to the Board of Directors, after receipt of the notice of appeal, that by reason of the facts stated in the certificate a stay would, in his or her opinion, cause imminent peril to the public health, safety or welfare, in which case proceedings shall not be stayed otherwise than by a restraining order which may be granted by the DCWWA Board of Directors or by court of record on application, on notice to the DCWWA Executive Director, Director of Operations or Engineer and for due cause shown.

### **31. Applicability of Rules and Regulations.**

Any person requesting the purchase of water from the DCWWA or its agents shall be deemed to have accepted the rules and regulations associated with such service and any amendment thereof, said acceptance being a precondition to the obtaining of water service from the DCWWA.

### **32. Amendments.**

The DCWWA reserves the right to change, modify, supplement or amend these rules, regulations and ordinances and the rates and charges for the use of water from time to time. The right is also reserved to make such additional rules and regulations, which seem best, to regulate the water supply and the proper and efficient administration of the DCWWA and to make rates and/or contracts for the use of water in special cases or circumstances.

### **33. Severability and Effective Date**

All DCWWA rules and regulations, or parts thereof, in conflict herewith are hereby repealed. The invalidity of any section, clause, sentence or provision of this article shall not affect the validity of any other part of this article which can be given effect without such invalid part or parts.

This article shall be in full force and effect from and after its passage and approval as provided by law.

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