

Chapter 405, WATER

[HISTORY: Adopted by the City Council of the City of Binghamton 10-5-1970 (Ch. 25 of the 1970 Code); amended in its entirety 12-19-1979 by Ord. No. 322-79. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

- Building construction -- See Ch. 200.
- Health and sanitation -- See Ch. 259.
- Housing and property maintenance -- See Ch. 265.
- Plumbing -- See Ch. 310.
- Sewer use -- See Ch. 342.

ARTICLE I, General Provisions

§ 405-1. Rules and regulations part of contract.

The rules and regulations set forth in this chapter are prescribed by the Superintendent of Water; and every person who shall be supplied or whose property shall be supplied with water by the Water Department of the City must agree to comply and must comply with these rules and regulations; and the same shall constitute a part of the contract existing between such person and the Water Department.

§ 405-2. Definitions. [Amended 6-2-08 by Ord. No. 28-2008]

When used in this chapter the following words, terms and phrases shall have the meanings ascribed to them in this section:

APPLICANT -- The owner of property or agent applying for water service.

COMMERCIAL SERVICE -- Provision of water to premises where the customer is engaged in trade.

CONSUMER -- The owner or owners of the premises to which water is furnished as provided in this chapter.

CUSTOMER -- The owner or agent of record receiving water service from the Water Department.

DATE OF PRESENTATION -- The date upon which a bill or notice is mailed or delivered personally to the customer.

DOMESTIC SERVICE -- Provision of water for household residential purposes, including water for sprinkling lawns, gardens, and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.

FIRE PROTECTION SERVICE -- Provision of water to premises for automatic fire protection.

FLAT RATE SERVICE -- Provision of water in unmeasured quantities.

INDUSTRIAL SERVICE -- Provision of water to a customer for use in manufacturing or processing activities.

IRRIGATION SERVICE -- Provision of water for commercial, agricultural, floricultural or horticultural use.

MAIN EXTENSIONS -- Extension of distribution pipelines, exclusive of service connections, beyond existing facilities.

MAINS -- Distribution pipelines located in streets, highways or public ways which are used to serve the general public.

METER RATE SERVICE -- Provision of water in measured quantities.

MUNICIPAL OR PUBLIC USE -- Provision of water to a municipality or other public body.

PREMISES -- The integral property or area, including improvements thereon, to which water service is or will be provided.

SERVICE AREA -- That area in which service is or will be furnished as prescribed and approved by the Water Resources Commission, Conservation Department, State of New York in Decision, Dated May 15, 1934.

SERVICE CONNECTION -- The pipe, valves and other facilities by means of which water is conducted from distribution mains to the curb or shutoff valve.

SUPERINTENDENT -- The Superintendent of Water of the City of Binghamton, who is the head of the Water Department.

TARIFF SCHEDULE -- The entire body of effective rates, rentals, charges and regulations.

TEMPORARY SERVICE -- A service for circuses, bazaars, fairs, construction work, irrigation of vacant property and similar uses which, because of their nature, consumption or use, will not be regular or permanent.

WATER BILL -- A bill that includes but is not limited to water and sewer charges, rents, and corresponding late fees and penalties.

WATER DEPARTMENT -- That division of the government of the City which is in the charge of the Superintendent of Water of the City.

§ 405-3. Responsibility for transactions.

All transactions which are in the rules and regulations set forth in this chapter shall be with the Water Department, and all matters herein prescribed to be done by the Water Department shall respectively be had with and done by the Superintendent of Water of the City.

§ 405-4. Description of service.

- A. Supply. The Superintendent of Water will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to a customer at a proper pressure and to avoid any shortage or interruption in delivery. The Superintendent has, however, the right to limit the amount of water furnished.
- B. Quality. The Superintendent of Water will endeavor to furnish a safe and potable supply of water for human consumption at all times.

§ 405-5. Classes of services.

All services installed by the utility will be classified as follows:

- A. Residential.
- B. Commercial.
- C. Industrial.
- D. Irrigation.
- E. Municipal or public use.
- F. Fire protection.

§ 405-6. Types of services.

The types of services available from the Water Department are:

- A. Flat rate.
- B. Metered rate.
- C. Temporary.

§ 405-7. Application for service. [Amended 6-2-08 by Ord. No. 28-2008]

- A. Generally. All applications for the use of water must be made in writing on forms provided by the Water Department. When acted on by the Superintendent of Water, the application shall constitute a contract between the City and the applicant, obligating the applicant to pay the City its established rates and comply with its rules and regulations. Applications will be accepted subject to there being an existing main in a street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the City to extend its mains to serve the premises except as hereinafter provided.
- B. Separate application for each premises. A separate application must be made for each premises. The word "premises" as used herein shall be defined as follows:
- (1) A building under one roof owned or leased by one customer and occupied as one residence or one place of business.
 - (2) A combination of buildings owned or leased by one customer in one common enclosure, occupied by one family or one corporation or firm as a residence or place of business.
 - (3) Each unit of a multiple house or building separated by a solid vertical partition wall, occupied by one family or one firm as a residence or place of business.
 - (4) A building owned or leased by one customer having a number of apartments, offices or lofts which are rented to tenants or using in common one hall and one or more means of entrance.
 - (5) A building one or more stories high under one roof owned or leased by one customer having an individual entrance for the ground floor occupants of the upper floors.
 - (6) Garden apartments owned by one individual or firm and located in one common enclosure.
- C. Temporary service. Application of contractors, builders and others for temporary water service will be accepted and temporary water service will be supplied, provided it does not interfere with use of water for general purposes. The quantity of water taken for such purposes shall be determined either by meter or by estimate and paid for in accordance with the rate schedule applicable to metered general purposes. Customers requiring temporary water service shall reimburse the Water Department for all its expenses in connection with the necessary temporary service connections, and a deposit, in an amount specified by the Bureau of Water, may be required in every instance.
- D. Plumbing plan required in certain instances. Where service is desired for multiple dwelling, commercial, or industrial use, a detailed plumbing plan showing service supply, fixtures and equipment and any other water use facilities must be submitted at the time of application.
- E. Effect of application. The application for water service is merely a written request for service and does not bind the applicant to take service for any particular length of time nor does it bind the Water Department to give service, except under reasonable conditions.

§ 405-8. Notification of discontinuance; rebates.

Any consumer desiring to discontinue the use of water must notify the Water Department, and an employee of the Department will shut the water off at the curb. No rebate will be made for any period of discontinuance of such use unless the service is to be abandoned. The fact that different portions of premises can be shut off inside of the building shall not entitle the owner to rebate.

§ 405-9. Failure to give notice of discontinuance.

No rebate from any water bill shall be made when the owner or consumer has not complied with the requirements of these rules and regulations in making application at the Office of the Water Department for the discontinuance of the use of water, in making application to have the water turned off from the service, or in giving the notice required, or where the claimed overcharge in the bill is a result of failure on his or her part, to perform any act required by these rules and regulations.

§ 405-10. License required for plumbers; filing, contents of petition; only master plumbers to be licensed.

Any plumber wishing to do business in connection with the Water Department must receive a license from the Water Department; and before receiving such license he or she shall file in the Office of the Water Department his or her petition in writing, giving his or her name or the name of the firm and his or her or its place of business. No license shall be issued by the Water Department to any plumber or firm of plumbers unless he or she or they are fully registered master plumbers and hold a certificate of competency from the Examining Board of Plumbers of the City.

§ 405-11. License nontransferable.

No plumber licensed hereunder shall allow his or her name to be used by any other person or party, either for the purpose of obtaining permits or doing work under his or her license. A license cannot be transferred.

§ 405-12. Renewal of license.

Plumbers will be required to make written application to have their license renewed on or before the first day of February of each year; otherwise their license will become inoperative.

§ 405-13. Inoperative licenses.

A license issued under the provisions of this chapter to a firm becomes inoperative on a dissolution of said firm and a separate license must be secured for either party continuing the business. A license becomes inoperative whenever the party or parties to whom it is issued have no longer a recognized shop or place of business.

§ 405-14. Forfeiture of license; hearing.

Any licensed plumber who by his or her own act, or by that of any of his or her employees, shall be guilty of a violation of the rules, regulations and ordinances prescribed by the Superintendent of Water and adopted by the City Council shall forfeit his or her license and be subject to penalty. If after a hearing he or she is found guilty of violation, a forfeiture or suspension of the license of any plumber for violation of rules, regulations or ordinances shall operate as a suspension of the license of any copartner; a separate license will not be granted to any person interested in or employed by such firm. In case a license is forfeited, a new license shall not be granted by the Water Department within one year from the date of the forfeiture of the license.

§ 405-15. Plumber as agent of owner.

The plumber designated and employed by the owner of the premises will be considered the agent of such owner while employed in the prosecution of the work of introducing water into said premises and in no sense as the agent of the Water Department; neither will said Water Department nor the City be responsible for the acts of such plumber.

§ 405-16. Right to limit water furnished.

The Water Department reserves the right to limit the amount of water furnished to any consumer should circumstances seem to warrant such action; although no limit may be stated in the application or permit for use; or said Water Department may entirely shut off the water supply used for any manufacturing purpose, or for furnishing power or for lawn sprinkling at any time by giving reasonable notice to the consumer of such intended action. In the case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

§ 405-17. Lawn sprinkling restrictions.

Lawn sprinkling may be forbidden at any time by the Superintendent of Water, in case he or she should deem it necessary to conserve the water supply of the City.

§ 405-18. Street sprinkling, street flushing and street construction. [Amended 4-15-1996 by Ord. No. 64-96]

Any person who shall, under contract with the City or with private individuals, engage in the work of sprinkling, flushing, constructing or repairing any street or highway of the City shall do so subject to the following rules and regulations:

- A. Permit required, application. Such person shall first make application for a permit to the Water Department, which application shall state the name of the street or streets where such sprinkling, flushing or construction shall be done.
- B. Charges. Before receiving a permit the applicant shall pay to the Water Department an application fee in an amount as set from time to time, the charges as determined by the Superintendent of Water for the use of the water by the applicant to the satisfaction of the Water Department (See Exhibit J).
- C. Special hydrants. Water shall be taken only from hydrants that have been designated by the Water Department.
- D. Use of water for other purposes. A permit to sprinkle, flush, or for street construction does not authorize anyone to take water from a hydrant except for said purposes; and anyone who takes water from a hydrant for any other use without a special permit from the Water Department will be subject to the penalties as provided in § 405-20.
- E. Backflow prevention. No permit shall be issued unless applicant has established to the satisfaction of the Water Department sufficient proof that the container receiving water is constructed to prevent backflow or cross-contamination.

§ 405-19. Shut-off for failure to comply. [Amended 6-2-08 by Ord. No. 28-2008]

In case any provision of this chapter is not complied with at any premises, or the owner of any premises fails to do any matter required to be done by him or her in accordance with the rules and regulations set forth herein, or such owner fails to make any payments of money payable to the City under or in accordance with such rules and regulations or any payment of water rents or rates due to the City for the supply of water, or otherwise with reference to such premises; the Water Department may shut off the water supply from such premises until such provision of this chapter is complied with, such matter is done and such payments made; and when any water supply is so shut off, no advance payment made to the City for the supply of water at such premises, or any part of such payment need be refunded by reason of such shutting off of such water supply. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-20. Penalties for offenses. [Amended 4-15-1996 by Ord. No. 64-96]

The violation of any provision of this chapter, except where a specific penalty or punishment is provided herein, shall be punishable by a fine not exceeding \$250 for each violation each day; by imprisonment not exceeding 15 days, or by both such fine and imprisonment; forfeiture of said special water permit; and/or the loss of the right to apply for said special water permit.

§ 405-21. Superintendent to impose and collect penalties.

Whenever there is a provision herein for a penalty, the Superintendent of Water shall have the power and authority to impose and collect such penalty.

§ 405-22. Liability, indemnification and insurance for damages. [Added 4-15-1996 by Ord. No. 64-96]

- A. An applicant shall agree to be liable for all damages caused by its use of City hydrant(s). Said liability shall include any and all damages caused by the applicant's use of the hydrant(s) to the City's or third

party's real and/or personal properties, including, but not limited to, pipes, conduits and appliances found thereon.

- B. An applicant shall be required to indemnify and hold harmless the City from all causes of actions, costs and fees, including, but not limited to, attorney fees. Said indemnification must be in a form approved by the Corporation Counsel.
- C. An applicant shall supply the City with an insurance certificate naming the City as an additional insured on a general liability policy in an amount not less than \$1,000,000.

ARTICLE II, Services and Connections

§ 405-23. Work to be performed by Department of Water.

No person other than the Superintendent of Water or persons authorized and employed by him or her shall be permitted to take or make any connection with any street main or distribution pipe.

§ 405-24. City's right of entry for purpose of inspection and service of water meters. [Amended 6-2-08 by Ord. No. 28-2008]

- A. Employees of the Water Department, upon presentation of a badge, may enter and must be permitted to enter upon any premises where City water is being supplied, or upon any premises when application is made for a permit to connect plumbing with the water pipes for the purpose of inspecting the plumbing and fixtures of the water service and all work in connection with such service.
- B. The Superintendent of the Water Department and employees of the Water Department shall have authority, within the limits of the law, at all times to enter into any building or place where water is used from service pipes to make examination as to the manner, use and quantity of water used and to maintain, service, replace and update the water meter installed therein.
- C. The Water Department may shut off the water for failure to comply with this section. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-25. Waste of water prohibited. [Amended 6-2-08 by Ord. No. 28-2008]

Water must not be allowed to run for the purpose of flushing soil or sewers, or for any other purpose on the premises than those paid for or indicated in the application for the same and which are allowed by the rules and regulations set forth in this chapter. Faucets must be kept properly backed and all other fixtures in repair, so as to prevent leaks. The Water Department may shut off the water for failure to comply with this section. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-26. Possession of curb cock or valve keys.

No plumber shall part with the possession of a key for turning off or on water except to an employee of the Water Department; and no person, unless specially authorized by the Water Department, shall have or hold such a key in his or her possession.

§ 405-27. Character and workmanship of service and fixtures.

All of the parts of the water service inside the building and the fixtures and appurtenances connected therewith shall be of such form, character and workmanship as is described in this chapter or may be approved by the Water Department.

§ 405-28. Opening of curb cocks.

The curb cock controlling any service shall not be opened or left open by the plumber or any other person after connecting said service at the curb or elsewhere; or after making any new extension or attachment in unoccupied premises so that water may be supplied to said premises by said service without a formal permit from the Water Department; but in cases where the work is a simple extension or additional attachment in premises where the water is then in use and where a permit has been duly obtained to make the same, then the plumber may leave the water on the premises.

§ 405-29. Water to remain off until meter set.

When the plumbing work in any building has been completed and tested, it shall be the duty of the plumber to shut off the water and leave it turned off until a meter has been set. The water will then be turned on by the Water Department.

§ 405-30. Expenses for injury or damage to fixtures.

An injury to service pipes, street mains, hydrants, valve boxes, or other fixtures and any damage that may be caused by leakage or flow of water occasioned by such injury caused by putting in any sewer, drain, or other pipe, or by any excavation, embankment, track laying, paving or other construction, shall be paid by the contractor doing the work, or by the owner of the premises, or the person or corporation for whom such work is being done.

§ 405-31. Size of tap.

The Water Department will determine the size of the tap to be inserted in any water main under any application and permit.

§ 405-32. Connection of two services to one tap.

- A. Plumbers shall not connect two services to one tap; but each house must have one distinct and separate tap and service pipe and each service must be provided with a stop cock and metal extension box outside of the premises connected with the same. Where a larger tap or a branch is required to replace a tap or taps previously made, the tap or taps which are abandoned shall be shut off at the corporation cock, and any branch abandoned shall be capped, at the owner's expense.
- B. Supply pipes shall not be laid across adjoining premises. In no case, except in that of mills and factories, shall permission be granted to supply two or more service supply pipes to any premises without special permission in writing from the Superintendent of Water.

§ 405-33. Pipe specifications. [Amended 6-2-08 by Ord. No. 28-2008]

No service pipe, except those pipes that are approved by the Plumbing Code of New York State, shall be laid in any trench or under any cellar floor, or be covered by earth except beyond the point where the water passes through the meter. The quality, strength and weight of the pipe shall be equal to that used by the Water Department. In case this section is not complied with, water will not be turned on the service by the Water Department until the pipe or fittings shall have been made to comply with this section.

§ 405-34. Laying of service pipe.

- A. Service pipes will be required to be laid so as to be no less than five feet below the surface of the ground at any point outside of the foundation wall of the building into which the service is to be introduced; and in case final grade of the street or sidewalk has been officially determined and established, then the service shall be laid at a depth of not less than five feet below said established grade at all points so that when the street and walk are graded there shall be not less than a five-foot covering of earth over it at every point; and in no case shall a service be permitted to be laid in the same trench with a sewer, gas, steam, electrical or other conduit.

- B. Whenever the service pipe is extended into the premises from a main passing said premises along any front thereof, it shall be extended at right angles with said main to the inside of the curb line, at which point will be placed a curb cock and curb box. The water mains shall be laid at least 10 feet from a sewage line, and a service connection shall be laid at least four feet from a sewer line.

§ 405-35. Temporary service pipes.

- A. Owners desiring to introduce water into premises along any front on which water mains have not yet been laid must make application therefor at the Office of the Water Department. In case a permit is granted, the Superintendent of Water will furnish a map or other explicit directions in detail in regard to the point of attachments to the City main, the method of attachment, and the position and depth which said service must occupy in the street; the service must in all other respects comply with the rules and regulations governing service pipes.
- B. In general, when a temporary pipe is laid on a street, alley or highway, it shall be laid in a line corresponding to the contemplated permanent water main. When opposite the premises to be supplied, the service from said pipe shall be laid at right angles to said line of pipe and in a manner as directed. The owner or owners of premises supplied by means of a temporary service of any description shall, whenever a permanent water main is laid in the street, alley or highway upon which said premises abut, cause said temporary service to be discontinued and connection to be made with the permanent main. The expense of making such connection must be borne by the owner of the premises.
- C. Premises on streets on which there is a permanent main and which are now supplied by temporary service lines shall, upon the direction of the Superintendent of Water, abandon such private service lines and make application for connection to the permanent water main as provided in § 405-7.
- D. Should the owner or owners of premises who are so temporarily supplied refuse to make direct connections as specified in this section, the Superintendent of Water will cause said temporary supply to be discontinued.

§ 405-36. Maintenance of service pipes. [Amended 6-2-08 by Ord. No. 28-2008]

- A. Maintenance by owner; failure to maintain. The owner of property into which water is introduced by a service pipe will be required to maintain in perfect order, at his or her own cost and expense, the service pipe from the curb cock to his or her own premises, including all fixtures therein provided for delivering or supplying water for any purpose. The curb box must be kept in view and the top thereof even with the sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are not so kept in repair, the Superintendent of Water shall notify the owner, as shown on the latest assessment roll of the City, of the property in writing by certified mail. Such written notice shall contain the date for completion, at the discretion of the Superintendent of Water, up to but no longer than 12 months from the date the written notice is issued. Failure to comply with such written notice may result in shut off of the water service on the premises until compliance is reached; or the Water Department may make the necessary repairs to conform to this rule and charge the cost thereof to the owner of the property at which this section is violated, and collect such cost from the owner of such property and shut off the water from such property until such charges are paid. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.
- B. Maintenance by Water Department. The Water Department will maintain and repair each service pipe between the water main and the curb cock controlling the service, provided the same is in the

roadway of the street; provided also that said service has been installed in full compliance with the rules covering the introduction of the water, and provided that failure of said service or the injury thereof, rendering repairs necessary, does not result from some improper act or omission on the part of the owner to keep or protect the service inward from the curb from injury or from frost; or otherwise from which act or omission injury results to that part of the service in the roadway of the street, in which latter case the owner shall pay the whole cost of the necessary repairs thereto.

§ 405-37. Location of stop and waste cock; waste cock to be kept open when service not in use.

Just inside the basement or foundation wall of the building into which the service pipe extends, a stop and waste cock shall be conveniently located and arranged so that water may be drawn back and all of the pipes within the building can be emptied to such stop and waste cock. Said waste cock must be kept open at all times when the service is not in use.

§ 405-38. Protection of service pipes from freezing. [Amended 6-2-08 by Ord. No. 28-2008]

Service pipes in buildings shall be located in the parts thereof best protected from frost. In buildings where there is no cellar, the pipes shall be carried to the center of the building or to unexposed parts previous to being carried upward. In all cases where the service pipe passes through areas or basements having windows, grating, or traps open to the weather, the openings shall be closely covered and the windows and doors closed to the outside area during the cold weather. In all exposed situations, the service pipes and fixtures shall be properly wrapped with felt or other nonconducting substances and surrounded with a box, packed also with nonconducting substances if necessary to protect such service from frosting. Said protection shall be at the expense of the owner, and in case such owner neglects to protect his or her service as aforesaid, the Water Department may shut off the water therefrom. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-39. Defective services. [Amended 6-2-08 by Ord. No. 28-2008]

In all premises where water from the City mains is now supplied by a system of pipes and fixtures for water service, and where the service pipes and fixtures are not of the standard or pattern prescribed in the rules and regulations of the Water Department; or where such fixtures and devices for the prevention of damage to the service or of waste of water as are prescribed in said rules and regulations are lacking from said system, the owner of said premises shall at any time when so required by order of the Superintendent of Water make such changes in and additions to said system or fixtures for such water service as shall be necessary in order to comply with such rules and regulations, and at their own cost and expense. In case such service and devices are not so kept in accordance with this section, the Superintendent of Water shall notify the owner, as shown on the latest assessment roll of the City, of the property in writing by certified mail. Such written notice shall contain the date for completion, at the discretion of the Superintendent of Water, up to but no longer than 12 months from the date the written notice is issued. In case of failure to comply with this section at any premises, the water may be shut off from such premises until this section is complied with. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-40. Large cut-in connections. [Amended 12-4-2006 by L.L. No. 2-2006]

If a connection larger than two inches is required, a cast-iron pipe service not less than four inches in diameter shall be used and connection to the street main shall be made with patented or standard fittings. All material shall be furnished by the Water Department. All such services shall have a gate valve placed in the service pipe near the street main, which gate shall be controlled exclusively by the Water Department. Any fees, labor, material and pavement must be paid before work is begun.

§ 405-41. Installation of fire service; penalty for use of water for other than fire service; temporarily shutting off service.

- A. Standpipes or pipes for automatic suppression of fire in buildings, which fixtures are only intended for such use, may be attached to the water supply. All material for such connection shall be approved

by the Superintendent of Water, and all labor in carrying such services to the curb shall be done by employees of the Water Department. No charge will be made for use of water for this purpose; but all such pipes must be provided with suitable valves outside of the building and under the exclusive control of the Water Department; also in case of standpipes, a valve must be provided and placed at the bottom of the standpipe. No standpipe or other fixture for fire protection will be allowed in premises where water is not taken for other than fire purposes. The Water Department reserves the right to refuse any or all applications for water for merely fire protection uses at its discretion. The entire cost and expense of installing the fire service shall be borne by the owner of the premises. Under no condition shall connection be made with such fire protection fixtures for the supply of water for any other purpose. All persons making such a connection or any owner using water from fire service fixture's for other than purposes intended, shall be liable to a fine of not more than \$150 and, in default of payment thereof, to imprisonment of one day for each dollar of such fine remaining unpaid.

- B. In case of an emergency, if the fire service is to be shut off temporarily, a letter from the owner of the property is required in order that the Water Department will assume no responsibility in the shutting off of a fire service.

§ 405-42. Repairs to fire service.

The owner of the premises on which fire service is located may, upon application to the Water Department, have repairs made to such fire service by the Water Department. All costs for repairs will be assumed by the owner of the premises.

§ 405-43. Maintenance of fire service.

The owners of the premises where pipes are in service for fire protection only shall maintain such service pipes their entire length from the street main into the premises; and they shall be responsible for any damage that may be caused by a leak in such pipe, or the breaking or busting of such pipes, unless such damage has been caused through some fault of the Water Department.

§ 405-44. Supplying water to neighboring premises.

No person shall supply water in any manner or through any fixture or device whatever to the occupants of neighborhood premises of any description except by special written permit from the Superintendent of Water.

§ 405-45. Supplying water to detached buildings. [Amended 6-2-08 by Ord. No. 28-2008]

- A. Permit required. In cases where it becomes advisable and necessary to supply water to a number of detached buildings upon a single undivided City lot from an attachment affixed or properly belonging to only one of said buildings, a special permit for the use of the City water may be granted by the Superintendent of Water.
- B. Unauthorized use of water. The owner of the premises will be held responsible for all unauthorized use or waste of water; and in case such unauthorized use or waste is discovered, the permit will be at once revoked and the water shut off without notice; and the same will not be turned on again until all charges for unauthorized use or waste shall have been paid together with the charge as established from time to time by the Superintendent of Water, for turning on the water.

§ 405-46. Supply of water to services outside City. [Amended 6-2-08 by Ord. No. 28-2008]

- A. All municipalities, water districts, persons, firms or corporations outside the City limits desiring a supply of water in a private main must comply with the rules and regulations of the Water Department and must make application therefore to the Superintendent on forms prepared for that purpose, whereupon the Superintendent shall make report thereof to the City Council; and upon the

execution of a contract therefore between the applicant and the City when authorized by ordinance of the City Council and approved by the Board of Estimate and Apportionment, the Superintendent may arrange for furnishing water to such applicant at rates established by him or her and approved by the Board of Estimate and Apportionment.

- B. Any addition to or connection with such private mains or supply pipes for the purpose of supplying water to other premises shall not be made until a written permit is granted by the owner of said pipes to the party or parties desiring such connection, and a copy thereof filed with the Water Department, and said party or parties agree to comply with the rules and regulations of the Water Department. The Water Department reserves the right to refuse to permit such outside connections and to discontinue the supply of water from same at any time.
- C. All municipalities or outside water districts who have entered into an agreement with the City of Binghamton for the purpose of receiving water shall annually provide the City of Binghamton with detailed service area maps providing all mains and connections that connect to the City mains and served by said agreement. This information must be submitted to the City in electronic format of ArcView or mutually agreed upon GIS compatible formatting. If electronic format is not available, then this information must be submitted on paper. Plans for any proposed changes which may influence water distribution and needs, must be submitted as well. If there is no change from previous submission, a letter stating this will be acceptable. All required information in this section should be submitted to the Superintendent of Water.

§ 405-47. Supply of water to contractors. [Amended 4-15-1996 by Ord. No. 64-96]

- A. Permit required. Water will be furnished to builders or contractors as such for construction purposes only upon application to the Water Department for and receipt of a permit for each use in writing and personally signed by the Superintendent of Water.
- B. Charges; estimated amount of work; advance payment. Before receiving a permit the applicant shall pay to the Water Department an application fee as set from time to time (See Exhibit J). The estimated amount and payment for such water will be required by the Water Department to be made in advance before permit is granted.
- C. Hydrant wrenches and connection to hydrants. Where necessary to make temporary connections with fire hydrants, standard hydrant wrenches and reducing caps must be used. All wrenches, reducing caps, fittings, valves, etc., shall be approved by the Water Department and provided by the permittee. An approved backflow preventer must be installed. The type of device shall be determined by the degree of hazard presented. Final determination will be by the Water Superintendent.
- D. Termination, revocation of permit. Permits under this section shall terminate on November 1 of each year, and may be revoked at any time by the Superintendent of Water. Any person who shall be found guilty of using water or making connections with hydrants contrary to the provision of this section shall be punishable as provided in § 405-20.
- E. Supply of water by consumer. No consumer of water will be allowed to furnish City water for building purposes on his or her own or other premises without first paying for the same for said purposes and receiving a permit for such use from the Water Department. In case the builder is required to insert a special service pipe or fixture to enable him or her to procure said water for building purposes, the application for such service must be made by the owner or agent of the property, after which the permit for such use may be issued to the builder on his or her application;

and he or she must file an application to have the water turned off at the curb as soon as he or she has finished his or her work.

F. Issuance of permits. Permits shall be given at the discretion of the Superintendent of Water.

G. Penalty for violation. Any person who shall be found guilty of using water or making connections with hydrants contrary to the provisions of this section shall be punished as provided in § 405-20.

§ 405-48. Shutting off service; expense to be borne by owner. [Amended 6-2-08 by Ord. No. 28-2008]

When for any reason the use of a service is discontinued, such service shall be shut off at the corporation cock at the main and any branch abandoned shall be capped, and in case this section has not been complied with, such service may be so shut off and any such branch capped by the Water Department; and all expense connected therewith shall be borne by the owner and chargeable against the property at which such service was discontinued regardless of whether or not such owner owned such property at the time that such service was discontinued. If the owner refuses to reimburse the City for service so rendered, the water may be shut off until payment is made. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52. Any plumber violating this section will be subject to punishment under § 405-20 of this chapter.

§ 405-49. Yard hydrants prohibited. [Amended 4-15-1996 by Ord. No. 64-96]

No yard hydrant or standpipe will be allowed in any yard or lot with the exception of providing additional fire protection as required by building and fire codes. An aboveground service, adequately protected from frost and with adequate backflow protection, may be permitted at the Superintendent's discretion, based on special circumstances. Any such existing yard hydrant must be abandoned upon notification of the Water Department.

§ 405-50. Steam boilers.

The City or the Water Department will not be responsible for any accidents or damages that may result through supplying steam boilers directly from the service pipe, and depending upon the pressure from the distributing pipes of the waterworks to fill such boilers under working pressure; nor will the City be responsible for any accidents or damages that may result in consequence of house boilers being unprotected by vacuum or other valves, or the imperfect action of the same, nor for any lack of strength in the boilers or in their appurtenances to withstand the pressure in the distributing mains; neither will the City be responsible for any damage occasioned by reason of the breaking of any cock, valve or of service pipe or appurtenance thereto, nor for any accidents or damages arising from shutting off the water for the repairs of mains, for new work or for any purpose whatever.

§ 405-51. City not liable for change of pressure.

The City or the Water Department shall not be liable for any damage or loss of any kind to property or persons which may arise from or be caused by any change in or increase of water pressure from any cause whatever.

§ 405-52. Shutting off water. [Amended 6-2-08 by Ord. No. 28-2008; Amended 4-6-11 by Ord. No. 11-10]

A. Right of City. Water may be shut off by the Water Department from any service or main for the purpose of making or constructing new work or making repairs in the water system, or for enforcement of payment of moneys or charges due to the City for water supply and for other matters in accordance with the rules and regulations set forth in this chapter in order to enforce compliance with such rules and regulations, IN Case of making or constructing new work or in making repairs, the rift is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

- B. Notice. In the event of shut off for nonpayment or violation of these rules and regulations, written notice shall be sent, prior to shutoff, by certified mail to the owners of the premises as shown by the latest assessment rolls of said City. Notice shall also be conspicuously posted on the front door of the building. Each notice shall be postmarked and posted not less than fifteen days prior to shut off. The notice shall include the anticipated date the water will be shut off, the reason for the shut off, and it shall notify the property owners and tenants of their right to request a hearing. The City may in its discretion provide additional notice, but failure to do so does not preclude shut off. It is understood and agreed, however, the City is not liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatever, ever in cases where not notice is given.
- C. Right to Hearing. Upon receiving a shutoff notice either through the mail or posted on the front door of the building, a property owner or tenant of the premises may request a hearing in writing and sent by certified mail to the City Treasurer not less than five days prior to the shutoff date listed on the notice.
- D. Hearing. The Mayor shall designate a hearing officer who will conduct the hearing and make a decision as to whether the shut off of water at the premises should go forward. The hearing shall be scheduled by the hearing officer within thirty (30) days of the date the City receives the hearing request. Written notice of the hearing date shall be provided to the party requesting the hearing and shall also be provided to the property owner. The hearing officer shall not be bound by the technical rules of evidence. The parties shall have the right to submit relevant evidence, which shall be afforded the appropriate weight by the hearing officer. The hearing officer shall have discretion to make decisions on a case by case basis. The hearing officer shall issue a written decision that must be sent regular class mail within fifteen days from the date of the hearing to the property owner and tenants who appeared at the hearing. In the event that the decision is to move forward with the water shut off, the decision shall provide a date when the Department of Water will shut off the water at the property, and a new shut off date will be posted at the property.
- E. Charge for turning on water; compliance with rules required before service restored. A charge as established from time to time by the Superintendent of Water will be incurred for turning on water. Whenever the water supply has been shut off for a failure to comply with these rules and regulations, it shall not again be turned on, except by the Water Department, until compliance is made with these rules and regulations in the matter and/or payment made by the property owner to the City Treasurer.

§ 405-53. Opening fire hydrants. [Amended 4-15-1996 by Ord. No. 64-96]

All street hydrants are under control of the Water Department. No person shall use a wrench for opening hydrants except a wrench approved by the Bureau of Water for the purpose. No person, except an authorized agent or employee of the Water Department, or of the Fire Department, or street cleaning employees of the City, or a person holding a written permit signed by the Superintendent of Water, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatever; and any person found guilty of violating any provision of this section shall be punished as provided in § 405-20 hereof, and in addition thereto such person shall pay to the City a penalty equal to the amount of damage done to said hydrant or the cost of restoring the same to its proper condition.

§ 405-54. Damage to hydrants or other water appurtenances.

In case any damage to a street hydrant, or any other water appurtenance, is done by any person having a permit and taking water from said hydrant for construction or other uses, the holder of the permit shall pay such damages and all cost and expenses that may be incurred by reason thereof, on demand, to the City or to the Water Department and in addition thereto his or her permit may be revoked.

§ 405-55. Obstructions to hydrants.

No person shall place any obstruction that would prevent free access to any fire hydrant or leave any vehicle standing within 15 feet of any hydrant. A violation of this section will be punished as provided in § 405-20.

§ 405-56. Change in size, type or location of hydrants.

If a property owner desires a change in the size, type or location of a hydrant, he or she shall bear the costs without refund.

§ 405-57. Use of hydrants by volunteer fire companies from districts outside City.

No hydrants shall be used by volunteer fire companies from districts outside of the City unless arrangements have been made by the Water Department, except in case of emergencies. The water used by such individuals must be paid for at the current rate or by special application to the Superintendent of Water.

§ 405-58. Purchase of wholesale water in tank facilities. [Amended 4-15-1996 by Ord. No. 64-96]

Any purchase of wholesale water in tank facilities shall be taken from hydrants designated by the Water Department and operated by personnel of the Water Department. A wholesale is required. A fee as set from time to time shall be paid prior to issuance of a permit (See Exhibit J). The permit shall expire November 1 of each year. The permit must be signed by the Water Superintendent. The Water Superintendent must be notified of each load of water taken. Payment will be made for all loads on a weekly basis. Failure to pay weekly charges will prohibit future use. All water will be billed at the current residential rate per 100 cubic feet. All tank facilities shall be equipped with an approved backflow preventer or a permanent air gap to prevent backflow and contamination.

§ 405-59. Street gates to be operated by employees only.

No person except an employee of the Water Department shall open, close, or in any way interfere with any street valve or gate in any water main, conduit or street pipe.

§ 405-60. Displacing or covering valve box; penalty.

Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or who has covered a valve box or manhole cover of a valve chamber with dirt, paving, plank or other material, shall immediately replace the valve box and remove the obstruction and shall be subject to a fine of not less than \$10 nor more than \$25, or to imprisonment for not less than 10 nor more than 30 days for each offense.

§ 405-61. Use of water for filling swimming pools and other purposes. [Amended 4-15-1996 by Ord. No. 64-96]

- A. The use of a fire hydrant for filling swimming pools or other purposes not defined in other sections is prohibited.
- B. Penalty for violation. Anyone found guilty of violating this section shall be punished as provided in § 405-20.

ARTICLE III, Meters

§ 405-62. Services to be metered; size of meters; installation and costs. [Amended 4-21-1997 by Ord. No. 35-97; Amended 6-2-08 by Ord. No. 28-2008]

- A. The Superintendent of Water shall, in granting applications for new connections, whether said connections are to replace old connections desired to be abandoned or are for the purpose of supplying new buildings, require that the connected services therewith be metered. Meters 3/4 inch or less in size shall be furnished and installed free by the Water Department. When the meter required is larger than the size specified in this section, the meter will be furnished and installed by

the Water Department; but the cost of any necessary asbestos remediation, required services of a licensed plumber, and the cost of the meter shall be borne by the owner. If the owner fails to make such payment, the water may be shut off until such payment is made. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

- B. In case it is necessary to install a meter in an outside setting, the extra expense of this setting must be borne by the owner and paid to the Water Department; and in default of such payment, the water supply may be shut off until such payment is made. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-63. Additional meters for submetering [Amended 6-2-08 by Ord. No. 28-2008]

Additional meters, for submetering, must be furnished, installed and maintained by the owner at his or her own cost and expense; and must be placed so as not to divert any water in passing through the meter belonging to the City.

§ 405-64. Space for meters.

- A. Plumbers installing new services or house plumbing shall leave sufficient horizontal space next to the stop and waste cock for the installation of meters as follows:

<u>Size of Meter (inches)</u>	<u>Space to be Left for Installation (inches)</u>
5/8	13 1/2
3/4	14 1/2
1	16
1 1/2	30
2	36

- B. The Water Department may refuse to install a meter or allow the water to be turned on to such services until this section is complied with.

§ 405-65. Condition of services prior to meter installation. [Amended 6-2-08 by Ord. No. 28-2008]

No meter shall be installed by the Water Department unless the service, service fixtures and plumbing adjacent to the proposed location of the meter are in good and serviceable condition. The curb box must be readily accessible; the curb cock, stop and waste cock in good working order; and any rusty or unsafe pipes next to the proposed locations of meters must be replaced. The Superintendent of Water shall notify the owner, as shown on the latest assessment roll of the City, of the property in writing by certified mail. Such written notice shall contain the date for completion, at the discretion of the Superintendent of Water, up to but not longer than 12 months from the date the written notice is issued. If repairs are not made before such date for completion, the water may be shut off until the necessary repairs are made. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-66. Installation of check valves and bypasses.

All meters installed by the Water Department shall, where it is deemed necessary, have check valves placed next to outlets, at the owner's expense, to prevent hot water from backing through the meter. If the owner of premises so desires, meters two inches or larger in size may be installed with bypasses, so that meters may be removed for testing or repairs without hindering the supply of water. The expense of such bypasses and additional work shall be borne by the owner. All such bypasses shall be locked and sealed and shall be under the exclusive control of the Water Department.

§ 405-67. Ownership and care of meters. [Amended 12-4-2006 by L.L. No. 2-2006; Amended 6-2-08 by Ord. No. 28-2008]

All meters installed by the Water Department shall remain the property of the City, and property owners in whose premises such meters are installed will be held responsible for their safekeeping. The property owner

shall be liable for any damage which said meters may sustain, resulting from the carelessness of the owner or his or her agent or tenant or from neglect of either of them to properly secure and protect the same, including any damage that may result from allowing said meters to become frozen, or to be injured by hot water or steam setting back through the boilers, and the amount of any such damage and labor shall be paid to the City by the owner. In default of such payment, the water supply may be shut off until such payment is made. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-68. Charge for resetting meter. [Amended 6-2-08 by Ord. No. 28-2008]

In the event a meter is frozen or damaged, a service charge as established from time to time by the Superintendent of Water will be incurred by the owner of the premises. Failure to pay such service charge may result in shut off of the water supply at the premises until all service charges are paid. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-69. Repairs to meters. [Amended 6-2-08 by Ord. No. 28-2008]

All repairs to meters, whether owned by the City or the consumer, shall be made by regular employees of the Water Department only. Repairs due to ordinary wear will be made free of charge, but repairs due to hot water, freezing or other internal sources must be paid for by the owner of the premises. If a meter is damaged beyond repair, such owner must pay the service charges incurred as established from time to time by the Superintendent of Water. Upon refusal of owner to pay for any such repairs, the water may be shut off and will not be turned on again until all charges are paid. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-70. Meters to be sealed; breaking seals.

All meters installed by the Water Department and all bypasses shall be sealed. Seals must not be broken by persons other than regular employees of the Water Department.

§ 405-71. Removal of meters.

No meter shall be removed or disturbed by persons other than regular employees of the Water Department without express permission being given by the Superintendent of Water.

§ 405-72. Testing of meters; correction of charges due to meter fault or incorrect reading. [Amended 6-2-08 by Ord. No. 28-2008]

Persons making complaint as to the correctness of meter bills and claiming to be overcharged can, by applying in writing to Water Billing Office within ten days after meter bills have been issued and paying a deposit at the Water Billing Office in an amount as established from time to time by the Superintendent of Water, request to have the meter taken out and tested. If the meter is found to be correct or to under-register, the deposit will be retained by the City as payment for testing the meter. Should the meter be found to over-register, the account will be credited in an amount equal to the deposit and the appropriate overcharge. The Superintendent of Water is authorized to correct any charge due to a fault in the meter.

§ 405-73. Reading of meters; identification of meter readers. [Amended 6-2-08 by Ord. No. 28-2008]

Meters will be read three times each year as specified by the Superintendent of Water, or so often as deemed necessary by the Superintendent of Water. Meters will be read only by regular authorized agents of the Department of Water wearing picture identification badges of the City. Only parties wearing such badges should be recognized.

ARTICLE IV, Bills and Billing

§ 405-74. Rendering of water bills. [Amended 6-2-08 by Ord. No. 28-2008]

- A. Water bills for metered or estimated water consumption for all consumers will be issued three times each year.

- B. Effective September 1, 2008, partial payments for water bills will be accepted at the Treasurer's Office and via mail. Water bills paid on-line must be paid in full.
- C. Water bills based on estimated consumption, as approved by the Superintendent of Water, may be required. Corrections of errors in any estimate will be corrected at the next scheduled meter reading and on the subsequent water bill.
- D. The Superintendent of Water is authorized to correct any charge due to a fault in the meter or to incorrect reading of the dial, but shall have no power to reduce water bills based on meter readings for any other reason whatsoever

§ 405-75. Meters to be billed separately.

In the event that more than one meter is furnished to a consumer, it shall be the policy of the Water Department to bill each meter individually.

§ 405-76. Owner responsible for payment of bills; failure to receive bill not waiver of payment.

The property owner shall be responsible for the payment of all bills rendered for water services. Failure to receive a bill shall not be considered an act or waiver of payment.

§ 405-77. Failure to pay water bill when due. [Amended 8-7-1989 by Ord. No. 88-89; Amended 6-2-08 by Ord. No. 08-28; Amended 4-6-11 by Ord. No. 11-10]

- A. Effective September 1, 2008, water bills will be issued on the first of the month.
 - 1. Water bills are due and payable without late fees by the 15th of the month following the month the water bill is issued.
 - 2. On the 16th of the month following the month the bill is issued, an 8% late fee (8% of the total outstanding water bill account balance) will be assessed and added to the account.
 - 3. On the 16th of the 2nd month following the month the bill is issued, a 4% late fee (4% of the total outstanding water bill account balance) will be assessed and added to the account.

Example:

Bill is issued January 1
 Due on February 15
 8% late fee added to outstanding account balance on February 16
 4% late fee added to outstanding account balance on March 16

- B. If a water bill account is delinquent with a balance that exceeds \$200.00 at any time, then water service shut off may occur in accordance with the provisions set forth in Section 405-52.
- C. A fee shall be required to turn the water back on after being shut off, which shall be established from time to time (See Exhibit J) by the Superintendent of Water. Service shall remain shut off until such time that the owner has paid the full amount owed to the City, including any late fees or penalties assessed. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.
- D. In the event the City should amend the water bill due dates, the Superintendent of Water may extend the time to pay during such transitional period.
- E. All outstanding water bill account balances on November 15th for bills issued through August 1st will be added to the real estate taxes for the following year. Water bill accounts that have outstanding

balances of less than \$50.00 will not be added to real estate taxes for the following year, but remain as an outstanding balance on the water bill account.

§ 405-78. Fee for closing statement. [Added 4-20-1981 by Ord. No. 55-81]

All closing statements of unpaid water rents and sewer rents shall be rendered by the Water Department in writing on a form prescribed by the Superintendent of Water. The Superintendent shall collect a fee in an amount as set from time to time for each certificate prepared by the Water Department (See Exhibit J).

§ 405-79. Special bills. [Amended 6-2-08 by Ord. No. 28-2008]

- A. When due and payable. All special bills and charges for services rendered, materials sold or expense incurred by the Water Department in connection with the rules and regulations set forth herein must be paid at the office of the City Treasurer within 45 days after the bill is rendered.
- B. Failure to pay. The supply of water may be shut off from the premises with reference to which such charges become due, in default of payment of such bills or charges and until such bills and charges are paid. Water service shut off shall occur in accordance with the provisions set forth in Section 405-52.

§ 405-80. Payment of delinquent water charges prior to restoration of service.

Whenever the owners of any premises which are supplied with water shall be charged for water supplied, for services rendered, water furnished or expense incurred by the Water Department pursuant to the rules and regulations set forth in this chapter, and if the charges are not paid and the water was turned off on account of such nonpayment, no application for water service for such premises need be granted by the Water Department (notwithstanding the premises may have changed ownership) until such charges shall have been paid in full to the City Treasurer.

§ 405-81. Application for rebate.

No application for rebate on any charge pertaining to water will be entertained unless such application be made on or within 30 days from date of the payment of such charge.

§ 405-82. Failure to make repairs.

No rebate from any water bill will be made in cases where the charges result from the failure on the part of the owner or consumer to promptly repair any broken, frozen or defective fixture or service.