

# **Rules and Regulations of the Board of Water Commissioners of the City of Kingston, New York**

## **Article I: Contract**

### **1: Rules and regulations as part of contract with user**

All the succeeding rules, regulations and restrictions relating to the use of city water and the Water Department of the City of Kingston, made and adopted by the Board of Water Commissioners, shall be considered a part of the contract with and between any person who applies for and obtains a supply of water from said Department, and every person receiving the water so supplies shall be considered as having expressed his consent to be bound thereby

## **Article II: Introduction of Water**

### **2: Making Application**

All applications for the use of city water from the city mains or distribution pipes or from any supply pipes must be made at the office of the Water Department, where a copy of the rules and regulations will be furnished, together with instructions as to the form prescribed for that purpose. The application shall state truly and fully each particular purpose and manner in which the water is to be used, and the name of a plumber duly licensed by the City of Kingston selected to do the work, and shall be signed by the owner of the premises or his authorized legal representative.

### **3: Permit granted to named plumber for particular use.**

The permit granted thereupon by the Superintendent of the Water Department to the plumber designated, who will be recognized as the agent of the owner or applicant, shall be for the particular use applied for and no other, and when thereafter any further use of water or additional service is desired, a further application as directed in Article 1-1 must be made and a permit obtained.

### **4: Expenses to be paid by owner; exception**

All expenses for introducing water to any premises, excavating for and laying service pipes, and all fixtures connected therewith, except the connection on the main which belongs to the Water Department, must be paid for by the owner of the premises.

The owner/project sponsor shall pay the expense of any review associated with the project/introduction of water to the premises. However, beginning in the year in which the gross revenue from the project equals the total cost to the Department for review of the project, the Department will reimburse the owner. These payments will equal 50% of the gross revenue in excess of the total cost of the review and will continue for 2 years or until 50% of the

total cost of the review has been reimbursed to the owner/sponsor, depending which condition occurs first.

**5: Work to be done under supervision; location of mains; mark outs**

All work attendant upon the introduction of water to any premises, laying supply pipes thereto and fixtures connected therewith shall be done under the supervision of the Superintendent of the Water Department and subject to his/her approval. Responsibility for the location of water mains to which supply lines are to be connected or repaired rests solely with the Water Department. All persons desiring such location shall give 3 business days' notice to the Water Department previous to the time of starting the work. Failure to give such notice shall relieve the Water Department of all responsibility for the location of said main.

**Article III: Tapping Mains**

**6: Tapping and furnishing of equipment; cost**

The tapping of water mains or distribution pipes, and the furnishing of approved connections, curb stops, curb stop boxes, patent taps, gate valves, gate valve boxes, shall be done by the Water Department, to be paid for in advance by the person making the application for a supply of water. No tap for work within the City of Kingston will be made unless an excavation permit for such work is issued by the Department of Public Works.

**7: Size of tap**

No single tap smaller than three-fourths (3/4) inch will be allowed. Taps larger than one (1) inch must have the approval of the Superintendent.

**8: Charge for tapping and material furnished**

The charge for tapping and material furnished shall be established by the Board of Water Commissioners, copies of which may be obtained at the office of the Water Department.

**9: Notice required prior to tapping**

A plumber receiving a permit to lay service or supply pipes for the introduction of water to any premises shall give the Superintendent of the Water Department 3 business days' notice previous to the time for tapping the main. Taps 1 ½ inches and larger shall require up to 60 days' notice.

**Article IV: Service lines**

**10: Size and material of service pipes**

All service pipes three-fourths (3/4) inch to and including two (2) inches between the main and the premises shall be Type K soft-copper tubing. The minimum size of service from the main to the premises shall be three-fourths (3/4) inch. All services three (3) inches and above shall be

cement-lined ductile iron pipe, and such pipe shall conform to the standards of the Kingston Water Department for its mains.

**11: Laying of service pipes**

All service pipes to any premises shall be laid at least four (4) feet below the surface of the grade lines of the street and shall extend at right angles from the street main to the inside of the curb line, where a curb stop shall be attached and a curb box placed.

**12: Valve required**

There shall be a valve placed on every supply pipe just inside the building or cellar prior to the meter connection and a second valve shall be placed immediately after the meter.

**13: Required slack in pipes**

Every copper connection or service pipe must be laid with not less than six (6) inches of slack; such slack shall not be more than two (2) feet from the main, and in such a manner as to prevent rupture or settlement.

**14: Safety valves; where required; purpose.**

In all cases where water is supplied to storage tanks, or boilers for domestic, commercial, or manufacturing purposes, the supply pipe must be provided with a suitable valve or other sufficient device to prevent any damage from collapse or explosion when the water is shut off from the street mains or other causes.

**15: Approved sanitary facilities required**

No service application will be granted for any premises or property which is not served by approved type of sanitary facilities.

**16: Independent Service to each building; private lines prohibited**

A water service line is the piping and related appurtenances which are installed from the City water main and connected to the meter in the customer's premises. Installation is to be made upon approval of application to the Water Department and in accordance with the Plumbing Code and the rules and regulations of the Kingston Water Department. Connection for water service is defined as and restricted to one (1) tap for only one (1) house or building and is intended for the sole use of the applicant's premises to be used for domestic and/or commercial water supply. Unauthorized extensions such as branch lines or lines which are extended to serve more than one building, and/or premises are deemed "Private Water Lines" and are prohibited without prior approval of the Superintendent. In such cases where permitted, a master meter shall be installed or compliance with Accessory Dwelling Unit Policy. No application for water service will be granted for any premises or property which cannot comply with the foregoing provisions.

## **Article V: Meters**

### **17: Right to attach water meter**

The Board of Water Commissioners reserves the right to attach a water meter to any supply or service pipe, at any time, whenever it shall deem it expedient to do so and thereafter charge for the quantity of water passing through the meter. All meters shall be the property of the Kingston Water Department.

### **18: Meter required**

No plumber or other person shall open any curb cock or turn on the supply of water through any service pipe unless the Department has installed a meter to measure the flow of water in the premises

### **19: Attachment or setting of meter, charges; notice.**

All meters shall be attached or set by employees of the Water Department only, and no meter shall be interfered with, removed, disconnected or repaired by any person other than an employee of the Water Department. The plumber making the service installation shall provide all necessary supports for the meter, as directed by the Superintendent. The Superintendent shall be given not less than 2 business days' notice of the setting of the meter. On installations requiring meters of two (2) inches in size and over, the owner of the premises shall be required to give not less than sixty (60) days' notice to the Department.

### **20: Protection of meters; installation**

Owners of premises where meters are attached to the supply pipes will be required to protect the meter from frost or other injury at their own expense and to pay the cost of replacement resulting from said lack of protection. Whenever it should become necessary to attach a meter outside of the building, the owner shall pay the expense incurred in excavating for and boxing the same. The type of installation shall be as required by the Superintendent with a shut off valve installed on both sides of the meter.

### **21: Replacement or repair of defective meters**

When, in the opinion of the Superintendent, the meter becomes unsuitable for use, it shall be replaced by another meter by the Water Department.

### **22: Sizing of meters**

The sizing of meters on all service lines shall be determined by the Superintendent and shall be subject to his/her approval.

### **23: Bypass required for certain meters**

Bypass piping may be installed around meters in certain situations with the prior approval of the Superintendent. Bypass piping must be provided with the appropriate cross connection control device, valves, and must be metered. Each bypass installation shall be considered a separate account and billed quarterly.

### **24: Fire Protection**

Commercial properties and multi-family dwellings (three or more units) shall be required to either:

- A. Split existing service outside of building and install separate shutoff for fire and domestic line or,
- B. Have dedicated fire protection line tapped at water main.

Residential properties installing fire protection systems may be installed after the residential meter. The Department must be notified of installation to ensure compliance with the Cross-Connection Control Policy.

Service lines dedicated for fire protection, and approved for that use by the Superintendent, shall not be required to have a meter installed and shall be charged at the fixture rates established for this purpose. All other services require that a meter be installed on the service line before any water is used from that line. Except for fire protection lines, a meter must be installed within a year of the installation of the service line. Failure to have the meter set within that time period will result in a quarterly minimum charge being assessed to the account.

### **25: Meter installation cost.**

All meters shall be installed at the expense of the owner, said charge to be the actual cost of the meter and installation. Where specific permission has been granted by the Superintendent, additional meters may be installed within a building that is served by a single service line. The cost of the additional meters and installation shall be borne by the owner. Meter costs are available upon request at the offices of the Department. Where an outside installation in a meter pit is necessary, the expense of such meter pit is to be borne by the owner.

### **26: Estimated meter readings.**

It shall be the responsibility of the customer to permit access to the premises by Water Department personnel for reading and/or servicing of water meters. In the event that the Water Department is unable to obtain access to the premises, the customer is required to forward to the Water Department, prior to the end of the billing period, a reading from the water meter pursuant to a form and/or card left by the water meter reader at the premises or obtainable from the Kingston Water Department at its office. In the event that the water meter is not read by Department personnel or the customer within the quarter, the Department shall bill the customer at the estimated rate applicable for such premises based on the consumption

history for the account. After three consecutive quarterly billings, such estimated rate will be deemed to be the bill for such usage unless, upon ultimately obtaining access to the meter, it is shown that the usage was actually higher than the estimated charges in which event such extra or additional amount shall be added to the bill.

## **Article VI: Cross Connection Control**

### **27: Cross Connection Control**

As per the requirements of the New York State Sanitary Code, the Board of Water Commissioners has adopted Cross Connection Control Regulations. A copy of these regulations may be obtained at the offices of the Kingston Water Department.

## **Article VII: Maintenance and Repair**

### **28: Responsibility of Owners**

The maintenance and repair of all service pipe from the main to the premises, including but not limited to the curb stop, shall be the responsibility of the owner. If for any reason a leak develops on the service line, the owner shall take immediate steps to repair the same. In the event of unreasonable delay in the completion of the repair work, due notice will be given by the Superintendent to the owner or the tenant of the premises to start the necessary repairs immediately, but no later than 24 hours. Upon failure of the owner to start repairs within this period, the Water Department shall hire a licensed plumber to make the repairs and the cost of the repairs, including administrative fees, fines, and other costs shall be levied against the owner. If, in the opinion of the Superintendent, it is not practical or in the interest of public health or safety to wait until repairs can be completed, the service may be shut off until repairs can be made. The determination of the responsibility involved, whether Water Department or owner, shall rest with the Superintendent, and his/her decision shall be final. In an emergency involving a service lateral, repairs can be made without notice to the owner.

### **29: Maintenance of pipes and curb boxes**

All persons having or using city water on their premises must keep their supply pipes and all fixtures connected therewith in good repair and protected from frost or other injury at their own expense. They shall keep the curb boxes connected with their supply pipes in plain sight, at all times, and on a level with the top of the curbstone.

### **30: Right of entry: notice to repair**

The Board of Water Commissioners, its agents, officers and employees, may enter the premises of any water consumer, at any reasonable time, to examine the pipes and fixtures to ascertain the quantity of water used and the manner of its use, and whether there is any unnecessary waste of water. If any waste or irregular use of water is found, a written or printed notice shall be left with the owner or consumer occupying the premises, and within twenty-four (24) hours

after leaving such notice all necessary repairs must be made and waste of water stopped or the water will be shut off and shall not be let on again until such repairs are made and a fee established by the Board for turning on the water is paid at the office of the Water Department.

## **Article VIII: Payment of Water Rents**

### **31: Responsibility for payment**

All water rents, accounts or other charges shall be made against the owner or owners of the premises which is connected with the city water main, and such owners shall be held responsible for all accounts and charges. A schedule of water rates and all fees may be obtained from the Business Office of the Water Department

### **32: Quarterly payments**

Water rents for all service, both metered service and fixture service, shall be payable quarterly at the end of each quarter in the office of the Kingston Water Department. The Superintendent shall establish the quarterly due dates for each billing zone by January 1 of each year. A schedule of due dates may be obtained at the office of the Water Department.

### **33: Charge for late payment**

Ten percent (10%) will be added to bills not paid on or before the due date

### **34: Overdue rents become lien**

In the event that water rents are in arrears for more than three (3) months, the water rents and interest charges thereon shall become a lien upon the real estate against which the water rents shall have been laid, levied or charged.

## **Article IX: Shutting Off at Main**

### **35: Additional protection against further use of water**

In the cases where water is shut off for nonpayment of water rent or other causes, and when, in the opinion of the Superintendent, the shutting off at the curb is not sufficient to protect the public health and safety against the further use of water, he/she may order or cause the corporation valve to be shut off at the main and the supply line to be disconnected therefrom.

### **36: Reapplication for service**

In cases where the water service has been disconnected at the main, the owner must submit a new application for connection to the water supply in accordance with Article 1 of these regulations.

### **37: Right of Superintendent to shut off water for violations**

The payment of the regular water rents shall not conflict with the right of the Superintendent to shut off the supply of water from any premises for any violation of these rules and regulations

### **38: Right of the Superintendent to shut off water for repairs or additions**

Nothing in the above provisions shall conflict with the right of the Superintendent to shut off the supply of water from any premises in order to make repairs and additions.

### **39: Inactive Account.**

At the customer's request, water service to a property may be discontinued by shutting off the water at the curb stop and having the Kingston Water Department remove the meter. Upon the removal of the meter, an inactive account fee shall be assessed to the account quarterly. As long as the meter is out of the property, no water may be used at the premises. Charges in effect for removal and subsequent re-installation of the meter shall apply. If the curb stop is inoperable or cannot be located, the property owner must make repairs to the curb stop or disconnect the service line at the corporation stop before the Water Department can remove the meter.

### **40: Abandonment of Services**

When, for any reason, a service line to a property is to be abandoned, the property owner shall notify the Water Department and shall have such service line disconnected at the main and the corporation stop shut-off. The disconnection of the service line shall be done only under the supervision of the Water Department. When a building is demolished, the service line is considered abandoned and must be disconnected as described herein. The property owner is responsible for all charges attendant with the re-introduction of water to the premises and must comply with all rules and regulations in place at the time water is re-established to the property.

## **Article X: Damages, Additions, Repairs, and Claims**

### **41: Limitation of liability**

No person shall be entitled to damages nor to have any portion of a payment refunded for any stoppage of supply occasioned by accident to any portion of the works, nor for stoppage for purposes of additions or repairs. The Superintendent of the Water Department shall have the right to shut off water to make repairs or additions of new work.

#### **42: Irregular use, waste; notice, repair**

The use of water in all city or school buildings shall be subject to the same requirements and restrictions as in private buildings. When any irregular use or waste of water is found to exist, caused by defective pipes or fixtures, notice of such waste or defect shall be given to the Department having control of such buildings, and such Department shall immediately cause the same to be repaired.

#### **43: Claims**

In the event a user shall have an issue or dispute regarding billing, penalties, procedures or service, the same shall be submitted in writing to the City of Kingston Board of Water Commissioners. If the same is not resolved within 60 days after submission, judicial review shall be permitted. It is stipulated that by the contract, that any such unresolved claims relating to billing and service shall be brought in the City Court of the City of Kingston, New York which shall have exclusive jurisdiction. All claims other than billing and service shall be subject to and commenced in accordance with Article 50 of the General Municipal Law of the state of New York.

### **Article XI: Fire Hydrants; Valves**

#### **44: Unauthorized use**

No person or persons shall open any city fire hydrant or draw water therefrom except the Superintendent of the Water Department and persons under his/her direction or with his/her permission, except in case of fire, when the Chief of the Fire Department, his assistants, officers and members of the Fire Department shall have free and entire control of the hydrants for the purpose of extinguishing fires.

#### **45: Valves and gates**

No person or persons except the Superintendent and employees under his/her direction shall open or close any valve or gate in any water main or street pipe, or in any manner interfere with or obstruct the same.

### **Article XII: Building and Special Permits**

#### **46: Application and advance payment required**

Persons desiring the use of city water from a hydrant for building or other approved purpose will be required to make application at the office of the Water Department and to pay in advance for the same. Upon approval, a hydrant use permit shall be issued.

## **Article XIII: Right to Change Rules**

### **47: Modifications and additions**

The Board of Water Commissioners shall have the right to modify or change any of the foregoing rules or make such rules and regulations as may be found essential to a more perfect protection of the public interests in the management of the Water Department, and to impose such additional restrictions as may be deemed proper.

## **Article XIV: Violations and Penalties; Miscellaneous Provisions**

### **48: Penalties for offenses**

- (a) Any violation of these rules and regulations and provisions is hereby declared to be a Class A Misdemeanor punishable in accordance with Section 70.15 of the Penal Law of The State of New York.
- (b) The unauthorized use of water utility services is a “Theft of Services” as defined at Section 165.15 of the Penal Law of the State of New York and as any interference with, interruption of or otherwise tampering with water usage measurement devices including, but not limited to, the removal or by-passing of a measurement device or meter, or otherwise unauthorized use of services or hydrant without an approved meter. Upon violation, there shall be assessed an “attributed consumption charge” to the property owner or individual violator which shall be calculated as 30 units of water at the then current water rate. When a violation of any of the rules and regulations is continuous, each twenty-four (24) hours thereof shall constitute a separate and distinct violation thereof.

### **49: Enabling legislation.**

Laws of 1896: To revise and consolidate the several acts in relation to the City of Kingston, etc.

A. The Board may fix, make, determine and collect all water rates; publish and enforce all needful rules and regulations concerning said Water Department and the property and appliances thereof, and to the management and supply of water thereby, and alter and modify the same from time to time and fix the penalty, not exceeding fifty dollars (\$50), for the violation thereof, and prosecute in his/her own name or in the name of the city for all water rates and charges and violations of such rules and regulations. The Common Council may enforce such rules and regulations by ordinance and fix a like penalty for violation thereof.

B. Any willful act whereby said Water Department or any property, apparatus or appliance pertaining thereto shall be injured or the supply of water obstructed, impaired or made less pure shall be deemed a misdemeanor, and the person or persons convicted thereof shall be punished accordingly.

## **50: Schedule of rates**

A. A schedule of water rates and associated fees may be obtained at the offices of the Kingston Water Department, 111 Jansen Avenue, Kingston, New York 12401.

B. For purposes not named in the aforesaid rate schedule, and for all peculiar circumstances, special assessments or contracts for the use of measured or estimated water may be made by the Superintendent, upon approval by the Board of Water Commissioners.

C. The schedule of rates, both for fixture service and meter service, are subject to such alteration and amendments as may, from time to time, be adopted by the Board of Water Commissioners.

## **Article XV: Water Wells**

It is hereby declared to be the health policy of the Kingston Water Department to protect present and potential future sources of water supplies, and to work to ensure that all residents have access to water that is safe and sanitary for washing, bathing, drinking, culinary or food processing purposes. Furthermore, Part 5, Subpart 5-1 of the State Sanitary Code and included appendices (10 NYCRR Part 5) is adopted, in its application by reference, as now promulgated or as subsequently amended, with the same force and effect as though fully incorporated herein and set forth at length.

### **51: Installation and use of water wells within the City prohibited; exception.**

- A. No owner of any house, building or property used for human occupancy, employment, recreation, commercial or other purpose situated within the City shall construct, dig, install or use a water well on such property, and he or she shall not supply such property with water from a well of any type.
- B. This section shall not apply to properties within the City that are supplied with water from a well prior to the effective date of this article.

### **52: Registration of water wells.**

The owner of each water well within the City shall register with the Superintendent all operational and nonoperational water wells. The information shall be provided on a form approved and supplied by the Superintendent and shall include the name and address of the owner or person responsible for the well, the exact location of the well, the size and depth of the well, the amount of water pumped per day, the amount of pressure on the discharge of the pump. Pre-existing water wells shall not be interconnected to the public water supply in any way. Registration of pre-existing water wells to be completed by owner by January 1, 2024.

### **53: Out-of-City users.**

The provisions of this article shall apply to all current and future out-of-City users that are or will be connected to the City's water supply and distribution system.