

ARTICLE I. WATER AND SEWER POLICY IN GENERAL

§ 27-1. Rules and Regulations, Generally.

1. *SUPERVISION OF SYSTEM: The Water and Sewer System and all structures or properties connected to the City of Olean Water and Sewer system shall be under the supervision of the Department of Public Works. All work performed in connection with the system shall conform with the New York State Uniform Fire Prevention and Building Code and shall be subject to inspection by the Code Enforcement Office. The Department of Public Works may establish such other and further regulations as may be necessary or appropriate to assure implementation and standardization of the policy matters contained in this article.*
2. *POLICY CREATES A CONTRACT Each and every person who shall be supplied or whose property shall be supplied with water by the City of Olean 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 City. Any owner and or consumer of water service supplied under Article II below shall as condition of such service be obligated to adhere to each and every other Article of this Chapter as applicable.*
3. *PROPERTIES OUTSIDE CITY LIMITS No water or sewer service shall be provided to any person or property residing outside the City of Olean, unless such property is located in a municipality with an established water and sewer district and such district is has entered into an inter-municipal agreement with the City.*
4. *CONNECTIONS. Any owner of a structure or property who is connected to the Water and Sewer system shall be responsible for maintaining at their expense the supply and connecting lines of the property to the water and sewer mains. Any owner seeking to connect their property to the water and sewer mains shall be required to obtain a permit from the Department and the connection shall be completed in the manner approved by the Office of Code Enforcement. Any work contracted by the owner under this section shall be performed by a contractor and plumber licensed by the City. The owner at their option may request that the City undertake the work necessary to perform the connections and the City shall bill the owner the actual cost incurred by the City plus an additional service fee of \$100.00.*
5. *DISCONNECTIONS UPON DEMOLITION. Any owner of a structure or property which is connected to the City Water and Sewer System who applies for a permit authorizing the demolition or removal of the connected structure shall at their own expense, be required to disconnect any water or sewer line servicing the structure at the City mains. The disconnect shall be completed in the manner approved by the Office of Code Enforcement prior to the demolition of the structure unless otherwise agreed to by the City. Any work contracted by the owner under this section shall be performed by a contractor and plumber licensed by the City. The owner at their option may request that the City undertake the work necessary to perform the disconnect and the City shall bill the owner the actual cost incurred by the City plus an additional service fee of \$100.00, all of which is to be paid in advance by the owner. If any owner shall fail to disconnect the lines from the mains, the City may undertake the necessary work and shall be entitle to file a lien against the property for the actual cost incurred plus a \$500.00 penalty.*
6. *WATER DIVISION. All transactions under this Chapter 27 shall be with the Department of Public Works, and all matters herein prescribed to be done by the Water Division or Sewer Division shall respectively be had with and done by the Department of Public Works for the City.*
7. *VIOLATIONS. It shall be unlawful to violate any provision of this Chapter.*
8. *MONTHLY MINIMUM .All premises, whether vacant or not, which is serviced by a lateral, whether or not said premises is occupied will be charged a minimum monthly fee plus any water consumption.*
9. *REGULATORY AUTHORITY. Those rules and regulations not specifically enumerated in this Chapter which are necessary to the safe and efficient management of the water system shall be prescribed by the Director of Public works and described in the Water and Sewer Policy as amended from time to time.*

§27-2 through §27-5. (Reserved)

BE IT FURTHER RESOLVED, that Chapter 27, Article II, Division I is hereby amended as follows:

ARTICLE II: WATER

Division I. Water, Sewer, and Sewage Disposal

§27 -6. Definitions.

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

APPLICANT

The owner or occupant of property, or their authorized agent applying for water service from the City.

CONSUMER

The owner or occupant of premises to which water service is furnished as provided in this chapter.

CUSTOMER

The consumer of record receiving water service from the City.

DATE OF PRESENTATION

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

DEPARTMENT OR DEPARTMENT OF PUBLIC WORKS

The City of Olean Department of Public Works.

FIRE PROTECTION SERVICE

Delivery of water to premises for automatic fire protection.

BUILDER, CONTRACTOR or REAL ESTATE DEVELOPER

Any person owning or having an interest in a plot or tract of land who applies for a supply of water to such premises which are intended to be sold, conveyed or leased by said person to an owner or occupant.

CITY

The City of Olean.

CROSS CONNECTION

Any unprotected connection between any part of a water system used or intended to supply water for drinking purposes and any source or system containing water or any substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.

DEPARTMENT

The City of Olean Water Division of the Department of Public Works of the City of Olean.

INDUSTRIAL SERVICE

Delivery of water to a customer for use in manufacturing or processing activities.

MAIN EXTENSIONS

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

OWNER

The person who has legal or equitable title to the premises and who is ultimately responsible for unpaid water charges which are levied against the property.

OWNER'S SERVICE PIPE

The pipe or tubing leading from the curb stop and curb box across the customer's or other person's property to the building, structure or premises.

PERSON

An individual, firm, association, lessee or corporation, either public or private.

METERED PREMISES

The integral property or area, including improvements thereon, to which water service is or will be provided. The word "premises" as used herein shall mean any structure, or component thereof serviced by its own individual meter.

PRIVATE STREET

Any street, avenue, road or way that is not for any highway purpose under the jurisdiction of the legislative body of a village, town, city, county or the State of New York.

PUBLIC STREET

Any street, avenue, road or way that is for any highway purpose under the jurisdiction of the legislative body of any village, town, city, county or State of New York.

RESIDENTIAL SERVICE

Delivery of water to 1-4 family residential dwellings for household residential purposes, including water for sprinkling lawns, gardens, and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.

SERVICE CONNECTION

The tap or connection to the main, corporation stop, curb box, curb stop, and sufficient tubing or pipe to connect the corporation stop to the curb box.

SPECIFICATIONS

The written requirements adopted by the Department and published for general reference concerning requirements for work and materials related to the water system.

WATER BILL

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

WATER SYSTEM, WATER SUPPLY SYSTEM or PUBLIC WATER SUPPLY

The entire system of pipes, valves, buildings, reservoirs, plants, wells, and other facilities owned by the City and used for the supply, treatment, storage and transmission of water.

§ 27-7 Required Water Connections.

- A. **GENERALLY** *The owner of any house, building, or property used for human occupancy, employment, recreation, or other purpose, situated within the City and abutting on any street, alley, or right-of-way in which there is now located, or may in the future be located, a public potable water main of the City, is hereby required, at his expense, to connect such facilities directly with the proper public potable water main in accordance with the provision of this article, within 90 days after the date of official notice to do so, provided that potable water is required by the New York State Uniform Fire Prevention and Building Code.*
- B. **PRIVATE WATER WELLS; USE.** *The installation of private water wells in the City is prohibited unless permission is obtained through a resolution of the Common Council. Any private water well authorized by the Common Council shall be for nonhuman consumption purposes only and in no way shall such well be connected to the Water System, nor shall it discharge into the sanitary sewer system.*

§ 27-8. Description of Service

1. *SUPPLY. The Department 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 Department has, however, the right to limit the amount of water furnished.*
2. *QUALITY. The Department 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 Department has, however, the right to limit the amount of water furnished.*
3. *SERVICE AREA. The City will supply water to the City of Olean and may supply the same to other Water Districts and other potential users based upon an inter-municipal agreement. The Department reserves the right to refuse or limit service to any consumer located outside the City if the supply of water for the City or its inhabitants becomes insufficient because of such outside service.*

§ 27-9. Classes of Service

- A. *Residential*
- B. *Commercial*
- C. *Industrial*
- D. *Fire Protection*

§27 -10. Application for service.

1. *GENERALLY. All applications for the use of water must be made in writing on forms provided by the Department and signed by the owner of the property where service is to be provided.*
 - a. *No agreement will be entered into by the City with any applicant for service until all charges due from the applicant for water services at any premises now or heretofore owned or occupied by him which are in arrears shall have been paid.*
 - b. *When acted upon by the Department, the application shall constitute a contract between the City and the owner obligating the owner to be responsible for the payment to the City of the established rates and charges and further obligates the owner and any consumer at the property to comply with the Departments rules and regulations. The City shall have all remedies at law and at equity available for the enforcement of the contract, including the collection of rates and charges, and the contract may be terminated by the City without recourse of the applicant, its successors and or assigns.*
 - c. *Applications will be accepted subject to there being an existing main owned by or under the management and operation of the City and or a municipal system in a street, right-of-way or easement abutting the premises to be served. Acceptance shall in no way obligate the City to extend its mains to service the premises except as hereinafter provided.*
2. *SEPARATE APPLICATION FOR EACH PREMISES. A separate application must be made for each metered premises as defined in §27 -2. Sub metering may be permitted subject to the approval of the Department; unless so approved, sub metering is prohibited.*
3. *NOTIFICATION OF DISCONTINUANCE. 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.*
4. *TEMPORARY SERVICE. Application of builders, contractors, real estate developers and others for temporary water service may be accepted and temporary water service may be supplied, providing it does not interfere with use of water for other customers. The quantity of water taken for such purposes shall be determined either by meter or by estimate, and shall be paid for in accordance with the rate schedule applicable to metered commercial purposes and any premium levied by the City. Customers requiring temporary water service shall reimburse the City for all its expense in connection with providing necessary temporary service connections. A deposit specified by the Department may be required.*
5. *EXTENSION OF PUBLIC MAINS. Applications for the extension of public mains may be initiated by the Department or by a petition by abutting property owners, as well as owners of the property to be served by the extension. Applications for the extension of public mains may be denied by the Department for failure to fully comply with the laws of the City or the rules, regulations and specifications adopted under those laws, or if approval of the application is not in the best interest of the City. The Department reserves the right to refuse all petitions for extensions of mains where the estimated water rents will not warrant the cost of installation or for other bonafide reasons.*

6. *COSTS AND EXPENSES OF SERVICE.* All costs and expenses incidental to the installation and connection of the service connection shall be borne by the customer. The customer shall indemnify and hold harmless the City from any and all loss, liability, damage, injury or expense directly or indirectly resulting from or arising out of the work done under or in connection the approved application and/or installation.
7. *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.
8. *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.

§27 -11. Landlord Tenant Agreement

1. *GENERALLY.* Notwithstanding the application requirements as set forth in §27 – 5, water and sewer accounts may be established in the name of a non-owner occupant (consumer) of property supplied service provided the additional requirements of this section have been met.
2. *ACCOMODATION ONLY.* This section is an accommodation to the owner and occupant of a supplied property. The property owner remains liable for all water and sewer charges incurred for service to the property and the City reserves all its rights to the collection of fees and enforcement of the policies in this Chapter.
3. *ELIGIBILITY.*
 - a. *The property owner must be a registered landlord as defined in §6-80 and must be in good standing with all obligations to City for the property subject to the agreement.*
 - b. *The consumer must be in good standing with the Water division and is current in all obligations to the City.*
4. *DISCONNECTION OF SERVICE FOR NON-PAYMENT.*
 - a. *Generally.* A property owner is prohibited from terminating service for nonpayment of by a consumer on their own, however a property owner may request termination of the water service for nonpayment provided they sign a written authorization attesting that the request for disconnection is for nonpayment of the water bill by the consumer and for no other purpose. The written authorization must be accompanied with non-refundable \$75.00 disconnect fee.
 - b. *Procedure.* Upon receipt of the authorization and fee the Water Division will post a 10 day termination Procedure for nonpayment notice at the property. Upon the expiration of the 10 day notice, the property owner (or their representative) shall contact the Water Division to check the status of the bill and schedule an appointment to be present at the property in order to allow the Division access to the meter being disconnected or verify the water is off at the curb stop.
 - c. *Restoration of Service.* Water service will not be restored to the property until the past due amount is paid in full or the service is placed into the property owners name.
 - d. *Effect of Non-Payment.* Nonpayment of charges by the first day of the month following the disconnection will terminate the landlord tenant agreement and the service will automatically revert in the property owners name, restoration of service to the property will not occur until the past due amount is paid in full, and the minimum monthly fee shall continue to accrue.
5. *VOLUNTARY TERMINATION of AGREEMENT.* The tenant and landlord may terminate the agreement at any time by written authorization signed by both parties.
6. *RESERVATION OF RIGHTS.* The City reserves the right to reject any landlord tenant application for any reason without recourse.
7. *HOLD HARMLESS.* The property owner and consumer agree defend, indemnify and hold the City, its officers, officials, employees harmless from any and all claims, injuries, damages, losses or suits including attorney fees, arising out of or in connection with the administration of the Landlord Tenant Water Agreement.

§ 27-12. *Rendering of water bills.*

1. *Water bills for all consumers will be issued on the first day of the month following the preceding months reading for the prior months usage.*
2. *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.*

§ 27-13. *Failure to Pay Water Bill When Due.*

1. *Water bills are due and payable on the 17th day of the month in which the bill is issued.*
2. *On the 20th day of the month in which the bill is issued, a 10 % late fee (10% of the total monthly water account balance) will be assessed and added to the account. A monthly list of delinquent accounts will be made available in the City Clerk's office and will be posted on the City's web page.*
3. *No late notices will be mailed to property address however the property owner or consumer may have the option to be notified by electronic mail if so available.*

§ 27-14. *Partial Payments on Account*

1. *All electronic payments must be for the full monthly bill amount.*
2. *Partial payments on accounts will only be accepted for accounts that are maintained in the property owners' name.*
3. *The Department is not authorized to accept partial payments on accounts for those accounts which have been established under a landlord tenant agreement.*

§ 27-15. *Special bills.*

1. 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 Clerk within 45 days after the bill is rendered.

§ 27-16. *Shut-off for failure to comply.*

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 27-13.

§ 27-17. *Shutting off water.*

1. *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 right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.*
2. *Notice. In the event of shut off for r 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.*

§27-18. Disputed Bills and Adjustments

No City Official is authorized to make adjustments in the water or sewer bills after issuance. If a customer wishes to dispute their bill, it must be submitted in writing to the mayor within 90 days of the bill date as listed on the bill. A dispute committee consisting of the Mayor, DPW Director and a community member at large who reside within the City of Olean will hear the case and make a recommendation to the Common Council at which time the council will have the final say as to whether an adjustment can be made.

§27-19 through §27-20. Reserved.

BE IT FURTHER RESOLVED, that Section 27-22, Rates and Changes, is hereby amended as follows:

§27-22. Rates and Changes

The Common Council shall, from time to time, establish, by resolution, service fees for the provision of certain services by the city's Water Department, such fees to offset the reasonable costs for labor and materials of the city in connection with the following activities:

- 1. The current water and sewer rate schedule is attached hereto as "Schedule A"*
- 2. Water rates. In order for the Council to change water rates, it shall hold a public hearing prior to adoption of resolution.*

BE IT FURTHER RESOLVED, that Section 27-27, subparagraph (a) is hereby amended as follows:

- (a) An official water meter damaged by frost, negligence or misuse by the property owner or any other person shall be replaced and repaired at the property owners' expense as outlined in the water and sewer rate schedule.*

RESOLVED, that all other Sections of Chapter 27, Article II, Division I shall remain the same.

RESOLVED, that this Resolution is effectively immediately.