



RULES AND REGULATIONS

CHAPTER ONE - GENERAL INFORMATION

Definitions:

1.1 OFFICIAL NAME

The Water Department of the City of Youngstown shall be officially known as Division of Water of the Department of Water and other Public Utilities of the City of Youngstown, Ohio.

1.2 WATER DEPARTMENT

The Division of Water of the Department of Water and other Public Utilities shall be referred to herein as the "Water Department."

1.3 CHIEF ENGINEER

The Chief Engineer of the Water Department shall be referred to herein as the "Chief Engineer."

1.4 WATER COMMISSIONER

The Deputy Director of the Department of Water and other Public Utilities and the Director of the Water Department shall be referred to herein as the "Water Commissioner."

1.5 WATER UTILITY SERVICES

Water Utility Services shall include all utility services provided by the Department of Water and/or other public utilities of the City of Youngstown, Ohio and shall be referred to herein as "Services."

1.6 PROPERTY

The parcel of land, building or premises to which services are delivered shall be referred to herein as "Property."

1.7 CONSUMER

A "Consumer" is any person or entity who is the actual user of services provided by the Water Department and/or other Public Utilities of the City of Youngstown, Ohio.

1.8 CUSTOMER

A "Customer" is any of the following:

- A. Any person or entity who is owner of property at which services are consumed, and
- B. Any person or entity who enters into a contract wherein he, she or it agrees to pay for services consumed at any property.

1.9 BILLING ADDRESS

The "Billing Address" is the address at which the customer who is liable for service furnished to a service address receives billings from the Water Department. Billing addresses may, but need not be, the address at which service is delivered.

1.10 SERVICE ADDRESS

The "Service Address" is any property at which services are furnished to a Consumer or Customer.

CHAPTER TWO - RIGHTS OF THE WATER DEPARTMENT AND CONDITIONS OF SERVICE

2.1 QUALITY OF SERVICE NOT A GUARANTEE

The supply of water to all parties for any purpose whatever is subject to the following conditions: The Water Department does not guarantee to the Consumer a fixed or continuous pressure, nor does it guarantee the water delivered as to quality, purity or temperature, these all being subject to the variable conditions which may arise in the operation and maintenance of the Water Department subject to State and Federal Water Quality Standards.

2.2 WATER MAINS MAY BE SHUT OFF WITHOUT NOTICE

In case of breaks in mains, services, pumping machinery, reservoirs or other Water Department equipment, and for the purpose of tapping, extending, repairing, replacing or cleaning mains, the water may be discontinued without giving notice, and no claims will be considered for damage of any nature whatsoever arising from such action. Best efforts shall be made to provide reasonable notice when proposed discontinuation of service pursuant to this paragraph is known in advance.

2.3 TANKS FOR RESERVE SUPPLY SHOULD BE PROVIDED

Consumers whose operations require a constant and steady supply of water should provide against interruptions in the service by installation of tanks, reservoirs or other auxiliary supplies sufficient to carry them over the period of interruption in service. Prior to installation of a reserve tank pursuant to this paragraph, Customers and Consumers must obtain the written approval of the Chief Engineer of the Water Department.

2.4 RIGHT TO ENTER PREMISES

The Water Department reserves the right, through its authorized agents, to enter at all reasonable times, upon reasonable notice, the property to which its service extends, for the purpose of reading, repairing, installing, removing or inspecting meters, or for any other purpose which it may deem necessary in properly safeguarding the interest of the Water Department and the Consumer and public safety.

CHAPTER THREE - METERED CONSUMERS

3.1 METERS, WHEN READ

Meters will be read according to a schedule determined by the Water Commissioner. When readings are impossible, or when readings cannot be completed, the Water Department shall estimate consumption and bill accordingly.

3.2 METERED WATER BILL

Bills for metered water will be rendered no more than thirty (30) days after each meter is read. A five percent (5%) penalty will be applied to the bill for payments not received by the due date indicated on the bill. Penalties pursuant to this section may not be waived unless as a result of an error on the part of the Water Department. All waivers must be in writing and be approved by the Water Commissioner or his designee. The Water Commissioner may delegate the authority to approve such waivers to the Office Manager/Controller or Secretary (Administrative Assistant.)

3.3 ORDER OF APPLICATION OF FUNDS

Payments will be applied to various Water Department accounts as follows:

1. Funds will first be applied to past due sanitation fees;
2. Funds will next be applied to current sanitation fees;
3. Funds will next be applied on a pro-rated basis to past due water and sewer charges;
4. Remaining funds will be applied on a pro-rated basis to current water and sewer.

3.4 ALL WATER MUST BE METERED; EXCEPTIONS

Water will be furnished through metered service only, except at construction sites where no permanent service will be required.

3.5 WATER FOR CONSTRUCTION MAY BE FURNISHED ON FLAT RATE

Water supplied for construction purposes, where no metered supply is required, will be furnished on an assessment basis. In order to receive such service, application must be made to the Chief Engineer. Upon approval, the assessment amount shall be set and a written permit issued.

3.6 APPLICATION FOR WATER MUST BE MADE

The Water Department may require that the owner of the property sign the application and contract for services to the property. Applications for the use of services shall only be made in person at the Water Department offices by the customer or consumer. The applicant must be of legal age who provides state issued picture identification and provides either (a) fully signed lease agreement or (b) notarized written authorization from the owner of the property to apply for services. Application must be made on Water Department Form 1.

3.7 APPLICANTS MUST AGREE TO CONFORM TO CODIFIED ORDINANCES, RULES AND REGULATIONS

Applicants for water shall make such deposits or assessments as may be required, and shall agree to abide by Codified Ordinances of the City of Youngstown and the Water Department Rules and Regulations pertaining to the use of water. Applicant shall sign Water Department Form 1. Copies of Rules and Regulations and Deposits and Assessments and Rates shall be available from the Water Department.

3.8 LIABILITY FOR CHARGES FOR SERVICES. COLLECTION OF DELINQUENT CHARGES.

Customers and Consumers are subject to all laws of the State of Ohio and Codified Ordinances of the City of Youngstown now in effect or hereinafter enacted as applied to the Water Department. The Water Department may utilize all statutory procedures and remedies to collect delinquent services, charges and fees. It shall be the duty of persons purchasing property to ascertain if there are any unpaid bills for service to the property prior to application for service and to make sure that provision is made for payment of outstanding service bills. Any person who purchases property assumes the liability for payment of outstanding charges for services against the property.

3.9 CUSTOMER MAY HAVE CONSUMER PAY FOR WATER UTILITY SERVICES

In all accounts, the owner of the property, as customer, shall be primarily liable for all charges for services provided to the property. If any Customer elects to have the Consumer pay the charges for service as they accrue, the Customer shall not thereby be relieved from payment of any delinquencies that might occur. Discharge of a Consumer's obligation to pay charges for service in any bankruptcy proceeding shall not extinguish the obligation of the Customer to pay for charges for services to the property.

3.10 BILLS TO BE DELIVERED TO CUSTOMERS OR CONSUMER

Failure to receive bills for service shall not relieve any person or entity responsible for payment from their obligation to pay such bills. Upon application, the Customer shall advise the Water Department whether to mail bills to Customer or Consumer. Property owners may make a public records request by mail or telephone of the payments and billing on any property, subject to City charges for public records requests. To the extent possible, the Water Department shall make arrangements to provide duplicates of bills or summaries of billings for multiple properties to customers who do not occupy particular service addresses. The person requesting such bills shall reimburse the actual cost to the Water Department of providing such additional reports to the extent provided by the public records policy of the City of Youngstown and the Ohio Revised Code.

3.11 METERED BILLS BECOME DELINQUENT

Bills become delinquent when not paid by the date indicated on the bill.

3.12 SERVICE DISCONTINUED

Service may be discontinued thirty (30) days after the previous bill was mailed and remains unpaid and delinquent.

3.13 PARTIAL PAYMENTS

Partial payments may be accepted upon approval of the Water Commissioner or his designee. However, this provision in no way limits the Water Department's right to terminate service pursuant to Section 3.14.

3.14 SERVICE MAY DISCONTINUED DUE TO DELINQUENCY

Whenever a Customer or Consumer becomes delinquent in the payment for services, the supply of water may be discontinued to any property of such Customer or Consumer. Notice of such action shall have previously been given as provided in Section 3.12 regardless of whether such indebtedness was incurred at the property where service is discontinued or for any other service provided to such Customer or Consumer at notice address. In the event of a proposed discontinuation of service, Consumers and Customers shall be entitled to notice and hearing pursuant to Chapter 13 of these Rules.

3.15 LANDLORD MAY NOT REQUEST TENANT'S WATER TO BE DISCONTINUED

When services have been established by a Tenant, a Landlord may not request that service be discontinued. Ohio Revised Code, Section 5321.04(A) (6) titled "Obligations of Landlord" states that a landlord who is a party to a rental agreement shall "Supply running water, reasonable amounts of hot water, and reasonable heat at all times." This statute prevents a Landlord from discontinuing service for such purposes as eviction, enforcing collection of rents, or as a result of differences between Landlord and Tenant. The Water Department will not be liable for damages as a result of the enforcement of this regulation in any case. Any decision to discontinue service will be made solely by the Water Department. The Water Department shall discontinue service to a Consumer after proper notice and opportunity for hearing pursuant to Section 3.12 and Chapter 13 of these Rules and Regulations.

3.16 SERVICE TO BE TURNED OFF AT MAIN FOR PROTECTION AND CHARGE THEREFORE

When the service has been discontinued for non-payment of the bill and it is found turned on again, or when, in the opinion of the Chief Engineer, the turning off of the water at the curb stop is not sufficient technical protection against illegal use, then the service may be discontinued at the corporation stop (with proper notice and right to hearing pursuant to Chapter 13). No notice shall be required if a discontinuance pursuant to this paragraph takes place within seven (7) days of a prior discontinuance notice issued pursuant to Section 3.12. Upon a reapplication for service when a corporation stop has been so turned off, a charge for restoring service will be made, together with a charge for all expenses incurred in opening and closing the street.

3.17 SERVICE MAY BE REFUSED TO DELINQUENT PERSONS

No service shall be supplied to any person or entity that is delinquent in the payment of charges for services, or who is indebted to the Water Department for material, supplies or work done, or in any other manner, until such indebtedness has been paid, whether indebtedness was incurred at the property for which service is applied, or at any other place within or outside the City. The Water Department reserves the right to discontinue the service to any property owned by any delinquent person or entity upon giving notice to do so to both Customer and Consumer pursuant to Section 3.12. The delivery of such notice to the property where the service is used, or by regular U.S. mail will be considered sufficient notification. When service is discontinued for delinquencies or other indebtedness incurred by a Consumer, said service will not be restored until all delinquencies incurred by that Consumer have been paid, together with ancillary charges. Upon receipt of notice pursuant to this paragraph, Customers or Consumers may request a hearing pursuant to Chapter 13 hereof.

3.18 WATER FOR PUBLIC IMPROVEMENTS

Water may be used for public improvements for governmental bodies from fire hydrants if such use will not otherwise disrupt the operation of the Water Department and if a permit for the use of such hydrant is obtained from the Chief Engineer.

3.19 NO ALLOWANCE OR REBATE ON ACCOUNT OF LEAKS

No deduction shall be made or rebate permitted to any Consumer or Customer of water under meter control, by or on account of leakage or alleged leakage in any water pipe, tank or other apparatus or device. The amount of water consumption registered by any meter shall be charged and paid for in full, whether or not such water, after having been registered, was lost by leakage, accident or otherwise.

3.20 OWNER'S (CUSTOMER'S) LIABILITY FOR SERVICE BILLS NOT PAID BY CONSUMER

The Water Department will make every possible effort to collect water bills and assessments as promptly as the nature and volume of its business permits, but no Customer or Consumer shall be relieved from an obligation for assessments that may be unpaid through failure of the Water Department to make collections as provided by its Rules.

3.21 EXCESSIVE BILLS SHOULD BE REPORTED

The Water Department deplores waste and excessive consumption, and will lend its assistance in preventing such. Accordingly, Consumers should immediately report cases where the bills seem to be excessive and the Water Department will then lend its assistance in attempting to discover and correct the waste.

3.22 FINAL READING

Upon the request of a Consumer or a Customer, the Water Department shall make a final meter reading for a particular account and render a final bill. Unless otherwise requested by a Customer or Consumer, service shall be discontinued upon final reading until a new application for service is accepted. If service remains available, the payment shall be the responsibility of the customer requesting the continued service until new service is established. Individuals providing false information pursuant to this section shall be prosecuted pursuant to the City of Youngstown Codified Ordinances.

3.23 CIVIL PENALTY FOR TAMPERING WITH EQUIPMENT

A Civil penalty of Five Hundred Dollars (\$500.00) shall be assessed against any person or entity who modifies, reconfigures, circumvents or otherwise tampers with any equipment of the Department of Water or other public utilities of the City of Youngstown plus all costs of repairs of the damaged equipment as well as the existing rates for consumed services.

CHAPTER FOUR - SERVICE CONNECTIONS

4.1 TAPPING WATER MAIN

No person except an authorized employee of the Water Department will be permitted to tap or make any connections with the mains or distribution pipes of the Water Department.

4.2 PROPERTY OWNER TO PAY COSTS OF SERVICE CONNECTIONS

All service connections or pipes for supplying water from city mains must be installed at the expense of the property owner or person making application.

4.3 SERVICE CONNECTION IN STREET BY WATER DEPARTMENT ONLY

All service connections between the city main and a point approximately one foot inside the curb line, including the curb stop and curb box, will be installed only by authorized employees of the Water Department.

4.4 TARIFF FOR CONNECTIONS ON FILE IN OFFICE

Charges for service connections between the city main and a point approximately one foot inside the curb line shall be in accordance with the Tariff on file in the Water Department.

4.5 SIZE OF SERVICE CONNECTIONS PERMITTED

Service connections will be permitted in any size from 3/4 inch to 2 inch at the option of the applicant and must be paid for at the time of making application. The consent of the Chief Engineer must be obtained in all cases where a service connection larger than two (2) inches in diameter is desired.

4.6 COST OF CONNECTION TO BE COMPUTED FROM CENTER OF STREET

No property owner shall be entitled to any benefit in the cost of service connections by reason of his location being on the near side of the main. Accordingly, all charges for service connections shall be based on the distance from the center of the street to the curb, regardless of the side of the street on which the main is located.

4.7 DIFFERENT PRESSURE ZONES MUST NOT BE CONNECTED

No arrangement of pipes or services will be permitted whereby the different pressure zones will be connected.

4.8 SHUTTING OFF ABANDONED SERVICES

When a request is made for a service branch to a property which is already served, the applicant must, at the time of making application, pay the cost of shutting off the corporation stop on the old line.

4.9 OWNER RESPONSIBLE FOR SHUTTING OFF ABANDONED SERVICES

Upon the discovery of abandoned services which had not been shut off at the main, the property owner will be held responsible for the cost of shutting off such service by the Water Department, together with the cost of damage sustained by leaks and water charges to the property.

4.10 APPLICATION FOR SERVICE MUST BE MADE

No person or entity shall extend a service from the curb stop to any property unless the owner thereof, or his authorized agent, has first secured the necessary permit from the Water Department to do so.

4.11 WATER SUPPLY FROM OTHER SOURCES NOT TO BE CONNECTED TO CITY SOURCES

No arrangement shall be allowed whereby there may be any possibility of rain, river or any well or cistern water flowing into the city mains. No service pipes connected with the city mains shall be connected with pipes supplied with water from any other source.

4.12 OHIO EPA APPROVED BACKFLOW PREVENTERS TO BE PROVIDED WHEN TWO SERVICES ARE USED

When any property is supplied with water from two or more standard services, such services will be subject to the cross connection and backflow Rules and Regulations contained in Chapter 13 hereof.

4.13 CURB AND CORPORATION STOPS UNDER EXCLUSIVE CONTROL OF WATER DEPARTMENT

The curb stop and corporation stop shall be under the exclusive control of the Water Department and must not be tampered or interfered with or operated by unauthorized persons. Service may only be turned on to property to be supplied by an authorized employee of the Water Department.

4.14 LOCATION AND MATERIAL OF SERVICE CONNECTIONS

Service mains to properties must be run on a direct line with the service branch in the street, at right angle with the street, and at no less depth than four and one-half (4 1/2) feet, and must be of a quality at least equal to copper or water service plastic (160 PSI minimum) for sizes two (2) inches in diameter or less, and ductile iron in sizes over two (2) inches in diameter.

4.15 PROHIBITED SERVICE CONNECTIONS

Service connections made from one property to another property with a garden hose or any other apparatus is strictly prohibited. Property may not supply water to another property unless preapproved in writing by the Water Department.

4.16 WHEN SERVICE CONNECTIONS MAY BE PLACED IN SEWER TRENCHES

Such service mains shall not be placed in the same trench with sewer connections, except by special permission, and must otherwise be approved by the Chief Engineer. Where permission is granted to place service mains in sewer trenches, they must be put on a shelf at least twelve (12) inches wide cut into the side of the trench, and such trenches shall not be back filled until the work has been inspected and approved by an authorized representative of the Water Department. Request for such inspection must be made at the Water Department Office before noon of the day before such inspection is desired.

4.17 STREET LEAKS REPAIRED BY WATER DEPARTMENT

All ordinary leaks developing in domestic service connections between the main and curb stop will be repaired by the Water Department without cost to the Customer or Consumer.

4.18 LEAKS IN FIRE LINES AND INACTIVE SERVICES AT COST TO OWNER

The cost of repairing inactive services or services supplying fire lines must be paid by the owner.

4.19 WHEN SERVICE CONNECTIONS WILL NOT BE REPAIRED

When a service connection is found to have deteriorated to the extent that permanent repairs cannot be made, a new service will be required to be installed at the expense of the owner. The failure of the owner, upon notification, to authorize such new service to be installed will be deemed sufficient cause for discontinuing the services to the property without further notice.

4.20 WHAT SERVICES MUST BE MAINTAINED AT EXPENSE OF OWNER

That portion of the service main between the curb stop and meter must be maintained at the expense of the property owner. Accordingly, the property owner will be held responsible for any leakage which may occur in such service main. The Water Department reserves the right to discontinue the service in cases where such leakage is not corrected after proper notice to do so. If the owner does not occupy the property, three (3) days notice must be given to whoever is occupying the property.

CHAPTER FIVE - SERVICE CONNECTIONS FOR FIRE PROTECTION

5.1 WHEN CONNECTIONS FOR FIRE PROTECTION WILL BE PERMITTED

The installation of the fire protection service connections to supply water to stand pipes and sprinkler systems for FIRE PROTECTION ONLY shall be permitted when applications and plans for such services have been submitted to the Chief Engineer and written approval obtained.

5.2 WATER FOR FIRE PROTECTION SUPPLIED BY METER OR ASSESSMENT

Water for such fire protection purposes will be furnished either on an assessment basis or by meter, as may be determined by the Chief Engineer in each particular situation.

5.3 TAP-IN FIRE PROTECTION TO BE MADE BY WATER DEPARTMENT

Property owners will furnish all material and do all work necessary for the installation of such fire protection services from the main to the curb. The Water Department will only provide tapping service at the owner's expense for sizes 4" and above.

5.4 OHIO EPA APPROVED BACKFLOW PREVENTERS TO BE USED

When any property has two or more fire service connections, each service shall be equipped with an Ohio EPA approved backflow preventer, easily accessible and so set that water can flow in to the premises but cannot flow out.

5.5 MUST NOT BE USED FOR DOMESTIC SUPPLY

Pipes intended for fire protection must not be tapped or used for the general water supply of any property. Violation of this provision shall result in discontinuation of service to property and payment of a civil penalty of Five Hundred Dollars (\$500).

5.6 OUTLET VALVES TO BE SEALED

All outlet valves on the fire protection line shall be sealed by the Water Department and only opened in the case of fire.

5.7 NOTICE OF BREAKING OF SEAL TO BE GIVEN

When a seal has been broken immediate notice must be given to the Water Department.

5.8 PENALTY FOR UNLAWFULLY BREAKING SEAL

When, upon inspection, any seal or service connection for fire protection has been found broken from any cause whatsoever other than fire protection, the water will be turned off, the Fire Department, Insurance Underwriters and the appropriate prosecutor notified, and the service not restored again until a fine in the amount of Five Hundred Dollars (\$500.00) is assessed and paid to the Water Department as liquidated damages and expenses involved.

5.9 EFFECTIVE FIRE SERVICE NOT GUARANTEED

The Water Department does not assure the applicant full volume, the required pressure or continuous service necessary to effectively operate the branch fire equipment, all being subject to all the variable conditions which may take place in connection with operation of the Water Department system.

CHAPTER SIX - METERS

6.1 USE OF METER TO BE PAID FOR BY OWNER

Only meters obtained from the Water Department shall be used on the distribution system. The usage charge for all meters and meter reading equipment must be paid at the time of the service application. The usage charge is for the use of a Water Department meter only at the service location. If an increase in meter size is required at a later time, the difference in cost between the meter sizes must be paid by the customer at the time of upgrade. No credit will be given for a decrease in meter size.

6.2 PRICES FOR METERS TO BE KEPT ON FILE

The tariff on charges for meters of various sizes and capacities shall be kept on file in the office of the Water Department.

6.3 METERS TO BE PROPERTY OF WATER DEPARTMENT

Such meters and meter reading equipment will be the personal property of the Water Department subject to the provisions of these rules and regulations and become a permanent fixture of the property. When a structure is going to be razed or demolished, the owner of the property may request in writing to move the meter to another location. The meter will be rebuilt and tested to ensure accuracy according to AWWA specifications. The owner is responsible for all charges resulting from removal of the meter from the old property, rebuilding the meter and installation of the meter at the new property.

6.4 METER LOOPS AND VALVES TO BE PROVIDED

In piping a building for water, a meter space of the proper length to accept the meter must be provided. The owner must provide a valve on each end of the meter space on all water meters.

6.5 REPURCHASE OF METERS

The water meter is the property of the Water Department. No rebate of the usage charge will be issued under any circumstance once the meter has been installed.

6.6 METERS TO BE UNDER CONTROL OF WATER DEPARTMENT

All meters shall be under the absolute control of the Water Department and will be maintained against ordinary wear without charge to the Consumer.

6.7 METERS AND METER READING EQUIPMENT TO BE REPAIRED AT OWNER'S EXPENSE

Meters and meter reading equipment damaged by intentional or unintentional abuse, misuse, accident or any act of carelessness will be repaired by the Water Department at the expense of the owner.

6.8 METERS TO BE REMOVED BY WATER DEPARTMENT EMPLOYEES ONLY

A meter shall only be removed by an authorized employee of the Water Department. Unauthorized persons removing or tampering with meters will be prosecuted to the fullest extent of the law pursuant to Ohio Revised Code, Section 4933.18. All meters installed are sealed by the Water Department. When, upon inspection, any seal that has been found broken from any cause whatsoever, other than fire damage, the service will be discontinued and not restored until the meter is re-sealed. Penalties will then be imposed as may be provided by law (Ohio Revised Code, Section 4933.18).

6.9 PENALTY FOR REMOVAL OF METERS BY UNAUTHORIZED PERSONS

When it is determined that a meter has been removed by any person other than an authorized employee of the Meter Department or without permission of the Chief Engineer, the service may be discontinued and a charge will be made to restore the service, together with such penalty as may be provided by law (Ohio Revised Code, Section 4933.19). If the owner does not occupy the property, three (3) days notice must be given to whoever is occupying the property.

6.10 METERS MAY BE REMOVED FOR REPAIRING OR TESTING

The Water Department reserves the right to remove a meter from any property and substitute another meter in its place for the purpose of making repairs or testing.

6.11 WHEN METERS WILL BE TESTED WITHOUT REQUEST

The Meter Department of the Water Department will, on its own initiative, undertake to test and correct any meter which, in its judgment, is registering incorrectly, without charge to the owner.

6.12 WHEN METERS WILL BE TESTED (UPON REQUEST) AND CHARGED

Upon written request from an owner or Consumer, and an agreement to pay the test charge, the Meter Department will remove any meter at the property for tests. The Tariffs for such tests are on file at the Water Department.

6.13 AMOUNT OF ERROR IN REGISTERING BY METERS TO BE ADJUSTED

If, upon test or otherwise, it is found that a meter does not register within the specified limits, there will be assessed or credited an estimated amount based upon the average consumption shown when the meter is properly registering.

6.14 OWNER MUST WITNESS TEST OF METER

The owner must witness the test of their meter.

6.15 EXPLANATION OF PERMISSIBLE ERRORS

If, however, upon examination and test, it is found that such meter does not register within the limits of the current American Water Works Association Water Meter Specifications, no charge will be assessed.

6.16 CHANGED CONDITION OF OCCUPANCY TO BE TAKEN INTO CONSIDERATION

Changed conditions of occupancy or use making for greater or lesser consumption during such incorrect or stopped registration shall be taken into consideration in the preparation of such estimate.

6.17 ASSESSED CHARGE FOR WATER TO BE MADE WHERE METER IS OUT FOR REPAIRS, ETC.

During such time as a meter is removed and out for repairs or other cause, and no substitute meter has replaced it, the owner will be assessed an estimate amount based upon the average consumption when the meter is in proper working order.

6.18 METERS MUST BE KEPT ACCESSIBLE

Meters must be kept freely accessible to meter readers and other authorized employees of the Water Department, and must not be permitted to become covered with or obstructed by rubbish or other material, regardless of whether such meters are located in meter vaults, area-ways or cellars. The meter reading touch pad must be kept free from obstructions and kept freely accessible to meter readers.

6.19 ONE METER ONLY ON A SERVICE BRANCH, BUT SUB-METERS PERMITTED

No service branch will be permitted to serve more than one master meter. Where more than one building, apartment or section is served through one master meter, and the owner desires to ascertain the amount of water used in such additional building, apartment or section, the installation of sub-meters to record such consumption will be permitted. The cost of installation and maintenance of such sub-meters must be borne by the owner, but the Water Department will undertake to read such meters and render statements of same on application at the office. Sub-meters must also be maintained at the expense of the property owner, and will be repaired only upon written request. The procedure for sub-meter statements is described in Section 7.1. Such statements are for the convenience of the owner to collect amounts due from the households served by the sub-meter(s) and will not be recognized by the Water Department in payment of bills. The main bill, recording entire usage, shall be paid in full by the owner. No partial payment shall be accepted.

6.20 CUSTOMER PLUMBING

Each Customer is responsible for maintaining the plumbing at the service address in a condition sufficient to allow the Water Department to access, remove or exchange the water meter. If it is necessary for the Water Department to access, remove or exchange the meter and the plumbing is in the opinion of the Superintendent of Meters of the Water Department not in good working condition, the Customer shall repair the plumbing within fourteen (14) days of written request by the Water Department or agree to hold the Water Department harmless for any damage to plumbing which might result from the access, removal or exchange.

CHAPTER SEVEN - RATES

7.1 RATES FOR SERVICE

The water rates for metered water and for water supplied on an assessment basis are on file at the offices of the Water Department and are available upon receipt of a self-addressed, stamped envelope or may be picked up in person. There shall be a minimum rate charged so long as service is available to the consumer and/or customer. Bills paid after the due date is subject to a one time five percent (5%) penalty on each month's current water consumption only.

7.2 RATES FOR FIRE SERVICE

When water for fire protection service is furnished on an assessment basis, in accordance with the rules pertaining to such service, the charge therefore shall be based on the size of the service main and shall be payable quarterly in advance. No assessment charge, however, shall be made when the fire service is metered at the expense of the Consumer or owner.

7.3 RATES FOR CONSTRUCTION PURPOSES [See Section 3.5]

7.4 WATER USED IN MUNICIPAL CONTRACTS TO BE PAID

Charges for service pursuant to contracts covering municipal work must be paid within ten days of receiving final estimate from the Chief Engineer. All other services must be paid for at the time of making application.

7.5 WHERE PROPERTY HAS ITS OWN WATER SUPPLY

Whenever any property has its own water supply but has connections with city mains for use only in case of failure or insufficiency of their own supply, the charge for such connection is on file at the office of the Water Department.

7.6 CHARGE FOR USE OF FIRE HYDRANTS

When the use of a fire hydrant has been authorized for the purpose of securing water for construction or other purposes, there will be a hydrant permit fee to cover the cost of inspection and repairs. The fee schedule is on file at the office of the Water Department.

7.7 WAIVERS, WRITE-OFFS AND EXCHANGES

The Water Commissioner or Chief Engineer are the only persons authorized to waive, write off or agree to an exchange of service for penalties and bills.

CHAPTER EIGHT - BUILDING PERMITS

8.1 WATER PERMITS TO BE SECURED BEFORE BUILDING PERMIT WILL BE ISSUED

Building permits will not be granted by the City Building Inspector until the owner first secures a water permit from the Water Department covering the work contemplated. Such water permits will be required in every case covering the erecting, construction, repairing or altering of any building, structure, street or sewer, or for any other purpose that requires the temporary use of water, whether such water is to be taken from a metered or non-metered city supply or from a private supply.

CHAPTER NINE - USE OF FIRE HYDRANTS

9.1 FIRE DEPARTMENT'S USE OF FIRE HYDRANTS NOT TO BE INTERFERED WITH

Fire hydrants are intended primarily for the use of the Fire Department, and such use must not in any way be interfered with. Permits for their use for other purposes are given reluctantly only in cases where their use cannot be avoided; and penalties for their unauthorized use are provided by City Ordinance, as well as by these Rules and Regulations.

9.2 PENALTY FOR OPERATING FIRE HYDRANTS UNLAWFULLY

Operation of fire hydrants and the drawing of water therefrom by unauthorized persons are strictly prohibited. Violators of this rule shall be assessed a Five Hundred Dollar (\$500) fine and an assessed fee pursuant to the schedule of expenses on file at the Water Department to cover expense and damages incurred, as well as being subject to such other penalties as may be provided by law.

9.3 WHAT PERSONS ARE AUTHORIZED TO OPERATE FIRE HYDRANTS

No person except an authorized employee of the Water Department, of the Fire or Street Department or of the Waste Water Treatment Plant shall open, operate or remove the nozzle cap from any public or private fire hydrant to which water is supplied in whole or in part by the Water Department, or draw water therefrom except for the purpose of extinguishing fires, without first having secured the necessary permit to perform such act.

9.4 PERMITS MAY BE ISSUED FOR THE USE OF FIRE HYDRANTS

If the use will not otherwise disrupt the operation of the Water Department, the Chief Engineer may issue a special permit for the use of a fire hydrant for securing a supply of water for construction purposes in cases where a permanent supply or connection will not be used; or in accordance with tariff of rates on file at the Water Department together with a hydrant fee covering the use of the hydrant or hydrants.

9.5 PERMITS FOR THE USE OF FIRE HYDRANTS MAY BE REVOKED

The Water Department reserves the right to revoke any permit for the use of fire hydrants for violation of any of these Rules.

9.6 NO LEAKAGE TO BE TOLERATED

In taking water from a fire hydrant for construction or other purposes, no leakage, whether from hydrant, hose, connection, cart or tank will be tolerated.

CHAPTER TEN - FREE WATER

10.1 FREE WATER FOR CITY DEPARTMENTS

Free water shall be furnished for use of governmental agencies of the City of Youngstown.

10.2 WASTE AND UNNECESSARY CONSUMPTION NOT PERMITTED

In providing free water for public purposes, the Water Department reserves to itself the right to prevent waste, excessive and unnecessary consumption by such means as it may deem necessary by denying service to the offending building, institution, department or division until the abuses complained of have been corrected.

CHAPTER ELEVEN - STREET MAIN EXTENSIONS

11.1 CONSUMPTION OF WATER MUST BE SUFFICIENT TO WARRANT EXTENSION OF MAINS

Water mains will be extended in streets within the city limits, when such streets have sewers and where the domestic demand warrants the investment, so far as the finances of the Water Department will permit. In no case will water mains be extended for fire protection purposes except in conjunction with domestic services and under the conditions stated.

11.2 MAINS NOT TO BE LAID IN UNGRADED STREETS

No water main extensions will be granted in ungraded streets having a grade established, where excessive cuts are necessary; nor in any streets have no established grade.

11.3 MAINS NOT TO BE LAID IN PRIVATE PROPERTY

No water main will be laid in any street or other location until it shall be dedicated to the City of Youngstown in a lawful and a regular manner unless all property owners on such non-dedicated street or location sign and have properly recorded a grant giving the City of Youngstown the right, title and easement in, through and over such property as may be necessary for the location, installation, examination, maintenance and repair of such main.

11.4 MAINS OUTSIDE CITY LIMITS NOT TO BE FINANCED BY WATER DEPARTMENT

The Water Department will not finance, either directly or indirectly, any extension or installation of water mains in territory or sections outside the city limits.

11.5 OWNERS SHALL PETITION FOR WATER MAINS

Owners of property on streets within the city limits in which no water mains have been laid, who desire main extensions made in such streets, shall petition the Water Commissioner for the extensions.

11.6 CHARACTER OF PETITION FOR STREET MAIN EXTENSIONS

Such petitions shall bear the signatures of the property owners or their authorized representative only, shall specify the total frontage (in feet) of the property to be benefited and signed for, with the lot number, and shall agree to use service at the designated premises, an amount per lineal foot annually, as set by the Water Department, an amount required to warrant the investment; or in case the consumption of water does not equal the amount specified, an assessment equal to the difference between the amount of the guaranteed consumption and the water actually consumed; such assessment shall be a lien on the property assessed and to be paid promptly upon bill rendered; and in default of such payment the amount shall be certified to the County Auditor to be collected in the same manner as special assessments. Such petitions shall further provide that the signers thereof shall be relieved of their obligation whenever the total water revenue on the designated street shall equal the total guaranteed by the signers, whether such water is consumed by such signers or by others.

11.7 EXTENSION OF WATER MAINS

The extension of water mains is subject in every case to the ability of the Water Department to finance same, and to the sufficiency of the guaranteed income.

CHAPTER TWELVE - EMERGENCIES

12.1 WATER EMERGENCY PLAN AND UPDATE

The Chief Engineer shall prepare and update on an annual basis a Water Emergency Plan as approved by the Ohio Environmental Protection Agency. Upon declaration of the Water Commissioner and the Mayor of the existence of a Water Emergency, the Emergency Plan and restrictions contained therein shall become the regulations of the Water Department as if fully included herein.

CHAPTER THIRTEEN - HEARING PROCEDURES

13.1 REQUESTING A HEARING

Customers and Consumers shall have the right to request a hearing in writing for the reasons and purposes set forth in these Rules. The request for a hearing must be made by the Customer or Consumer or person acting on their behalf at the office of the Water Department to an employee during regular business hours. The Water Department reserves the right to require that the applicant sign a Request for Hearing form. Whenever a Customer or Consumer timely requests a hearing regarding the right of the Water Department to discontinue service during the pendency of the hearing, service shall not be denied to them unless, and until authorized to do so, by the decision of the hearing officer or upon prior settlement of the dispute. However, a Customer or Consumer may not request a hearing for the sole purpose of preventing the discontinuance of service. A Consumer, who is not a Customer, may not dispute at a hearing the Water Department's claims of a delinquency in the water service account to the Customer not incurred by the Consumer. The hearing shall be limited to the right of the Water Department to discontinue service.

13.2 WATER DEPARTMENT NOTICE

The Customer or Consumer shall be informed, in writing, by the Water Department or the hearing officer of all standards and procedures pursuant to which the hearing will be conducted. The decision of the hearing officer shall constitute a final order pursuant to Ohio Revised Code, Section 2506.01. The Water Department notice shall be served upon the Customer or Consumer by the Water Department or the hearing officer within a reasonable period from the date the Customer or Consumer requested the hearing.

13.3 TIMETABLE FOR HEARING DATE

The Customer or Consumer shall be informed by the Water Department or the hearing officer of the date of the hearing which shall be held within a reasonable time but not sooner than five (5) working days after the date on which the Water Department served written notice of the hearing date on the Customer or Consumer. The Customer or Consumer may request a continuance of the original hearing date if there is good cause shown for this request. When such continuances are granted, the original hearing date shall be continued to a second date, which shall be within thirty (30) days of the original hearing date.

13.4 CONSUMER ACCESS TO RECORDS

During regular business hours of the Water Department, the Customer or Consumer may, at any time prior to the hearing, inspect and copy at his or her expense any records in the possession of the Water Department which are relevant to the issue about which a hearing has been requested. At least two (2) working days prior to the hearing date, the Customer or Consumer also may request of the Water Department to test and/or read the water meter in issue, and if so requested, the Water Department shall honor the request, provided the Customer or Consumer pays the test charge established by the Rules.

13.5 APPOINTMENT OF HEARING OFFICER

The hearing officer shall be appointed by the Water Department. The hearing officer shall be authorized to determine the amount of money, if any, owed to the Water Department under the service account in issue, and any other relevant issues in dispute. The decision of any hearing officer shall be implemented by the Commissioner of Water.

13.6 CONSUMER RIGHTS AT HEARING

At the hearing, the Customer or Consumer and the Water Department shall have the right to be represented by counsel, to be at the hearing in person, to present witnesses and documentary evidence, and to confront and cross-examine witnesses.

13.7 COMMUNICATION OF HEARING OUTCOME

The hearing officer's decision shall be made in writing within a reasonable amount of time from the hearing date; it shall be based solely on the evidence introduced at the hearing, and shall state the rule(s) and evidence relied upon to make the decision. A copy of the decision shall be served immediately upon the Customer or Consumer.

CHAPTER FOURTEEN - BACKFLOW PREVENTION AND CROSS CONNECTION CONTROL

14.1 AUTHORITY

Under Chapter 3745-95 of the Ohio Administrative Code, Section 6109.13 of the Ohio Revised Code and Youngstown City Ordinance 89-6, the Water Department has authority to implement and maintain backflow prevention and cross control program.

14.2 RESPONSIBILITY

The Water Department is responsible to implement and maintain a cross connection control program to prevent contamination of the potable water system. However, the Customer's internal plumbing is required to be in compliance with the current Ohio Plumbing Code. The Customer is responsible for all costs associated with the purchase, installation, maintenance and testing of the required device(s).

14.3 WHERE REQUIRED

All service connections shall be reviewed to determine the degree of hazard to the potable water system. At the direction of the Chief Engineer, the appropriate containment device shall be installed on each service line where actual or potential hazards to public potable water supply exist. Any service connection that has caused a backflow incident shall be terminated until the appropriate containment device is installed, the entire plumbing system has been inspected, and installation of any isolation devices that may be required.

14.4 APPROPRIATE DEVICES

Only devices approved by the Ohio Environmental Protection Agency may be installed and such devices shall be installed according to the manufacturer's recommendation and at the direction of the Chief Engineer or his authorized agent. Deviation from the approved list shall constitute a violation of these rules.

14.5 SURVEYS AND INSPECTIONS

The Chief Engineer or his authorized agent shall have access to any of the Customer's facilities during normal business hours to survey or inspect to determine compliance with these rules. The surveys and inspections may uncover violations of the Ohio Plumbing Code. These violations must be corrected by the Customer in a prompt manner.

14.6 BACKFLOW PREVENTION DEVICES ON FIRE LINES

All fire lines shall have appropriate devices installed as required by the Chief Engineer and shall conform to all state and local fire codes.

14.7 TESTING

All containment devices shall be tested annually or at any interval as deemed necessary by the Chief Engineer. Testing of a device on a fire line shall conform to all state and local fire codes. Any Customer that requires an uninterrupted water supply shall install parallel devices so testing may be done without interruption of service. Installation and testing of backflow devices must be performed by a person certified by the Ohio Department of Health or other recognized agency in the use of the proper testing equipment designed for this purpose.

14.8 VIOLATIONS

Failure to conform to any part of these rules shall constitute a violation. Violations of any of these rules shall result in discontinuation of service with the appropriate notification. If in the opinion of the Chief Engineer or his authorized agent, a violation of these rules constitutes an immediate threat to the distribution system, the service may be discontinued without notice and will not be restored until the offending containment device is brought into compliance.