

City of Johnstown



Water Department Operating Procedures

Mayor

Amy Praught

Common Council

Councilmember at Large – Scott Jeffers

Ward 1 – Bradley Hayner

Ward 2 – Scott Miller

Ward 3 – Eric Parker

Ward 3 – Max Spritzer

City Engineer

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CHAPTER 1

WATER DEPARTMENT GENERAL RULES

SECTION 1-101. SCOPE OF PROVISIONS.

Per Article 6 of the Charter of the City of Johnstown, NY dated November 11, 2000, Water Department, the rules and regulations of this chapter shall govern the waterworks system and the use and control of water in the City of Johnstown, NY.

SECTION 1-102. APPLICATION, PERMIT FOR SERVICES.

- A. Application for a permit to connect water services or supply pipes with the distribution pipes shall be made by the owner or his authorized agent. Such application shall state fully and fairly the several and various uses for and manner in which the water is to be used and shall be signed by the applicant. The applicant will receive a copy of the application. Once the application is received by the City, the City Engineer or his/her designee shall obtain a cost estimate for the material needed to before the connection to the City Water System. This cost estimate will then be given to the applicant along with any other fees associated with obtaining a connection to the City Water Supply. Once the water clerk receives payment from the applicant for the materials and other associated costs of performing a connection to the City Water Supply the applicant will receive a receipt of the payment. The City Engineer or his/her designee will then have the required materials ordered for the connection. Once the materials are received by the City the City Engineer or his/her designee with then, at the earliest convenience of the water department, have the connection to the City Water Supply scheduled to be completed by the Water Department as specified in Section 1-104. The applicant may at the discretion of the City Engineer or his/her designee obtain the materials needed to perform the connection to the City Water Supply however it will be the responsibility of the applicant to ensure that the materials are in conformance with all City of Johnstown specifications and approved by the City Engineer or his/her designee The permit granted shall specify the particular uses applied for.
- B. When thereafter any other use of water or additional service pipe or plumbing fixture is desired, a further application, as aforesaid, shall be made and a permit obtained.
- C. The City strongly discourages more than one supply being served through one service pipe under control of one curb gate, however the City reserve the right to approve such applications if, in the opinion of the City, such connections do not pose a threat to the quality of the City Water Supply or the operational efficiency of the water system. The application for all such supplies and payment of the charges fixed therefore shall be made by all the property owners served and the owners of the respective properties served shall be jointly and severally liable.
- D. The City may require at any time the discontinuance of existing multiple services under control of one curb gate and require separate curb gates for each service.
- E. Permits may be issued for service taps year round. However tapping operations shall not occur between November 1st and April 1st, or when weather does not permit for such operations to be efficiently completed.

SECTION 1-103. FEE FOR TAPPING, METER CHARGE, PAYABLE IN ADVANCE.

No permit shall be granted for the tapping of water mains, or the connection of service or supply pipes or any alteration of or addition to the same or any plumbing for the introduction of a service pipe in any street, until the fee for tapping, all associated required materials, and any other fees has been paid including the meter charge, based upon the size of the meter.

SECTION 1-104. WORK TO BE DONE BY CITY; TAPPING CHARGE.

When a permit is granted upon an application for water service, the City shall furnish the service pipe, the curb gate and corporation cock, shall do all the work, including excavation, backfilling and repaving and shall furnish all materials up to and including the curb gate box at the charge as fixed by the Common Council. The fee for taps shall be completed on a “time and materials” basis. The Common Council shall from time to time by resolution review and fix the charges for the tapping fee for the various size services to best reflect current market and labor prices.

SECTION 1-105. WATER MAIN EXTENSIONS.

- A. Extensions – by whom and how made: The City of Johnstown shall have the sole authority to approve and extension of the City Water Supply Distribution System. All future water main extensions shall be made by the Water Department or if approved by the Common Council or the City Engineer or his/her designee, by a private contractor under the direction and supervision of the City Engineer or his/her designee, and in strict accordance with the specifications established by the City Engineer’s office.

The City of Johnstown also will be the sole decider in the bounds and limits of any extension of the City Water Supply System.

- B. Cost of Water Mains and Extensions: No expenditure for the construction of extension of a water main shall be made until the City of Johnstown approves said extension through a Common Council resolution. The City may at its discretion pass such a resolution either upon submission of a written petition requesting such construction of extension, or by recommendation from the City Engineer’s office.

If the City received a written petition to extent the City Water Supply Distribution System the cost of said extension shall be the responsibility of the owner of the property(ies) to be benefited from said extension. If the City decided to perform the extension as part of an economic development plan the cost of said extension will be borne by the City of Johnstown. If the main will serve a lot or group of lots owned by the City to be put up for sale at a later date. The cost of the main extension shall be factored into the sale price of the lots served.

- C. Special provisions as to water mains and extensions: Each resolution of the City declaring its intention to construct water mains and extensions shall specify therein the two points between which it is proposed to construct the same. The City Engineer or his/her designee, shall forthwith on the passage of any such resolution make or have made a survey and any other required engineer drawings and documents including but not limited to a map showing all the property within the City likely to be benefited by such water mains and extensions, the size of the main and associated

services, the material of which the main and associated services are to be made of, and an estimate of the material required, the total cost of construction such water mains and extensions. The City Engineer or his/her designee shall also ensure that all required documentation is submitted to the NYSDOH and any other local, state, or federal agencies as required.

If the City shall declare its intention to construct any water main or extension in, upon or across real property outside of the streets and Right of Way of said city, whether upon lands or easements owned by a railroad corporation or otherwise and the owners of such real property or easement therein shall not consent thereto, and the City is unable to agree with the owners of such real property or of such easement upon the compensation to be made therefore, the City, in may acquire the necessary title, easement or right in or to such real property or easement for such water mains and extensions by condemnations in the made prescribed in the Civil Practice Laws and Rules. The costs and expenses of such condemnation proceedings, together with the compensation paid to the owner or owners of such real property for such right, title or easement, shall be considered a part of the expense of the water mains and extensions for which the land, right or easement was acquired. Such sums along with sums for inspection of the water mains and extensions based upon the actual cost thereof, shall be included in the expense of constructing the water mains and extensions.

- D. Notice of proposed improvement: The City Clerk shall prepare and sign a written notice, upon an approved resolution of the common council, of the proposed improvement and stating that at a meeting of the Common Council to be held at a date specified therein, the Common Council will hear any persons interested in relation to such improvements, who have filed objection as hereinafter provided. Any person interested in such improvement may file his objection thereto at any time prior to or at such meeting of the Common Council. All persons interested who do not file objections before or at such meeting shall be deemed to have acquiesced in the proposed improvement.

Such notice shall be published at least once in each of the official newspapers of the City at least ten (10) days before the expiration of the time for objecting thereto and shall be served upon each person appearing by the records of the Fulton County Clerk's Office to be the owner of property within the City of Johnstown, as follows: By delivering to him/her personally a copy thereof or by leaving a copy thereof, at his/her residence in said city with some member of his/her family or some person of suitable age or discretion, or by service as above described on his/her agent or other person having the property in charge, or by depositing it in the post office properly enclosed and the postage pre-paid thereon, directed to such owner at his/her last know place of residence. If there be two (2) or more owners of any one piece of property, service on any one of them shall be sufficient notice to the owners of such piece of property. Affidavits of the service and publication of such notice may be filed or recorded, or both, in the office of the City Clerk and the affidavits or records thereof, or a certified copy of either, shall in all courts and places, actions or proceedings by prima facie evidence of the facts stated therein.

- E. Objections to improvements and decision thereon: Objections to such improvement must be made in writing and filed with the City Clerk before or at the meeting specified in such notice and the Common Council reserves the right to, at the meeting specified in the notice and upon completion of the public comment period to act of the City Water Supply Distribution System extension or at any future public meeting of the common council.

- F. Expenses, by whom assessed: Upon the certificate of the Common Council, that the work of any local improvement has been completed, the Common Council shall direct the cost thereof to be assessed by the City Engineer or his/her designee; and it shall be the duty of the City Treasurer, to immediately, upon receipt from the City Engineer assess the cost of such local improvement upon the property(ies) lying as outlined in this section. Except as herein otherwise provided, the cost of any local improvement, shall be deemed to include the entire expense thereof (including inspections), the engineering and publishing and serving notices.

At no time will an approval for an extension to the City Water Supply Distribution System also constitute a sanitary sewer main extension. These are completely separate utilities and are operated and constructed independent of each other. Requests for an extension of the Sanitary Sewer System can be made to the office of the Mayor and the office of the City Engineer however it is an entirely separate approval process.

SECTION 1-106. PERSONS AUTHORIZED TO TAP, ATTACH AND MAKE REPAIRS.

No person, other than a person employed by the City of Johnstown, shall tap or make an attachment to the pipes of the waterworks or make any repairs, additions or alterations to any taps, gate, service pipe or other fixtures, from the street main to and including the curb gate unless otherwise approved by the City Engineer or his/her designee

SECTION 1-107. LICENSE, CERTIFICATE, BOND PREREQUISITES TO DOING WORK.

No person shall do any plumbing work in connection with the City waterworks unless he shall be a licensed plumber having a certificate of competency from the Examining Board of Plumbers pursuant to the General City Law and unless he shall also have filed a bond pursuant to the ordinances of the City.

SECTION 1-108. REPORT OF WORK DONE BY HOLDER OF LICENSE OR UNDER HIS DIRECTION.

It shall be the duty of the holder of the license described in Section 1-107 to report in writing to the City Engineer or his/her designee any work done by such holder or under his direction in connection with the waterworks system of the City; said report shall be made immediately upon the completion of such work.

SECTION 1-109. SERVICE PIPES.

- A. Materials: Water service pipe shall be seamless copper tubing, cast-iron pipe, polyethylene (HDPE), or C900 Polyvinyl Chloride (PVC) tubing or any combination thereof approved by the City Engineer or his/her designee, for water service taps 5/8 inch to 2 inch in size in situations it deems appropriate. All polyethylene tubing to be installed as a water service shall be in accordance with the specifications adopted by the Water Department and with prior approval from the City Engineer.
- B. Depth: Service pipe shall be required to be laid not less than five (5) feet below the surface of the earth at any point to the inside of the foundation wall of the building into which the water service is introduced. In case the final grade of the street or sidewalk has been officially determined and established, then the said service pipe shall be laid at a depth of not less than five (5) feet below established grade at all points. Provided however, that where the main in the street shall not be five (5) feet below the surface or grade, said pipe shall not be required to be lower than the main.

Any service lines that cannot conform to this section due to the depth of the existing water main must be wrapped or otherwise protected to prevent freezing during cold weather periods.

- C. Existing lines: Existing service lines not meeting these specifications may be required to be replaced by order of the City Engineer or his/her designee.

- D. Ownership and Responsibility Delineation: Ownership of the water service lines for all properties connected to the City Water Supply Distribution system is delineated as follows. The corporation shut off, the service line from the main up to the curb gate valve (shutoff) will be the property and responsibility of the City of Johnstown. The service line from the curb gate valve (shutoff) up to and into the premises and up to the water meter are the property and responsibility of the property owner. The water meter, itself, is property of the City of Johnstown but the property owner has responsibilities to protect the water meter as outlined in this Sections 1-116 to 1-118.

SECTION 1-110. PROTECTION OF SERVICE PIPES FROM FREEZING.

Water service pipes in buildings shall be located in the parts thereof best protected from frost. In buildings where there is no cellar, the pipes shall be carried to the center of the building or to an unexposed part previous to being carried upward. In all exposed situations the service pipes and fixtures shall be properly wrapped with felt or other non-conducting substance if necessary to protect said service pipe from freezing. Said protection shall be at the expense of the owner.

SECTION 1-111. CONNECTION OF GROUND WIRES TO WATER PIPES.

Connection of ground wires to water pipes shall be made or allowed to be maintained only in such places as approved by the City Engineer or his/her designee.

SECTION 1-112. NUMBER OF TAPS, SERVICE LINES FOR PREMISES.

- A. Limitation: In no case except for (A) when required by NYS building code for fire protection or (B) mobile home parks where there is maintained single ownership shall permission be granted to supply water to two (2) or more premises from a single tap, nor shall there be more than one service supply line to any premises. Supply pipes shall not be laid across adjoining premises.

- B. Definition: For the purpose of this section, premises shall be deemed to consist of a main building and the accessory buildings customarily incidental to it.

SECTION 1-113. EXPENSE OF INSTALLATION, MAINTENANCE, REPAIR OF SUPPLY PIPES.

The owners of premises shall pay all costs and expenses of installing, maintaining and keeping in repair the water supply pipes, from the curb gate to said premises.

SECTION 1-114. FILLING SWIMMING POOLS.

The Water Department does not fill swimming pools. The Water Department will sell water for the purpose of filling swimming pools to private contractors at a rate plus labor or rates as may be established by the Common Council, pursuant to Section 1-120.

SECTION 1-115. AUTOMATIC SPRINKLER CONNECTIONS.

- A. Authorized: Stand pipes, or pipes for automatic suppression of fire in buildings, which fixtures are intended only for use in the suppression of fires, may be attached to the water supply and no charge shall be made for the use of water for that purpose.
- B. Installation Standards: A sprinkler service shall be made in conformance to New York State Department of Health Standards, the National Fire Prevention Association (NFPA) standards and the New York State Uniform Fire Prevention and Building Code.
- C. Separate tap required: A sprinkler line must be on a separate tap and no connection shall be made between such line and another water supply to the same premises, unless specifically authorized and approved by the City Engineer or his/her designee and an exterior valve for the domestic system be provided.
- D. Valves: All such pipes must be provided with suitable valves outside the building under the exclusive control of the City.
- E. Restrictions: No standpipe or other fixtures for fire protection will be allowed in premises where water is not taken other than fire suppression purposes
- F. Costs: The entire cost of installation and maintenance shall be borne by the owner of the premises.

SECTION 1-116. METERS AND METERING.

- A. Meters Required. Meters shall be installed and attached to all water services. Any person having existing service who refuses to install and attach a meter or allow same to be installed shall have his/her service discontinued. The Water Department at the charge established by the Common Council and the Johnstown City Charter shall supply all new or replacement meters installed. Replacement meters shall be at the cost to the City, except where the replacement is due to the misuse or negligence of the user. New meters shall be charged to the property owner and only Water Department personnel or duly licensed plumbers, as approved by the City, shall make installations.
- B. Basis for charges: Hereafter all charges shall be based on the quantity of water passing through the meter at meter rates as established by the Common Council.
- C. Damage to, protection of meter: Damage to the meter by frost or hot water will be charged to the owner of the premises to which the water measured is supplied. Whenever the City Engineer or his/her designee may deem it necessary, a

check valve must be furnished by the owner of the metered services and so placed as to protect the meter from injury by steam or hot water.

- D. Use of meter: No person shall take any water from a metered service except that which shall pass through the meter, not make any connection nor leave any branch or opening on such pipe on the street side of the meter. IF such connections are found to exist the City reserves the right to discontinue the supply of City water to the premises until the inappropriate connections are removed to the satisfaction of the City Engineer or his/her designee.

- E. Failure to register, leakage: If a meter at any time fails to register, the quantity of water shall be estimated, based on the record of the three previous semiannual comparable periods to that for which the meter failed to register. All customers shall be entitled to request a review of their water bill and present said request to the Common Council at its regular monthly meeting. There shall be a presumption that all water bills are fair and accurate. The burden of rebutting this presumption shall be with the customer. Any request for a review of a water bill must be made in writing to the Common Council within thirty (30) days of the receipt of the water bill. Upon receipt of such request for review the City will schedule an appointment with the requesting property owner to have the City Engineer or his/her designee inspect the premises to investigate the stated reason for review. Upon completion of the inspection the City Engineer will then provide to the common council the findings and issue a recommendation as to whether the review shall be approved or denied. The Common Council will have the sole authority to, through Resolution, either approve or deny the review. The decision of the Common Council will be final and binding, A refusal or non- response to the request to inspect the premises will be deemed as rescinding the request for review.

- F. Test of meter: Any property owner with metered service may request the Water Department to test his meter, which shall be tested upon payment in advance of the standard fee as fixed by the Common Council

- G. Replacement of meter as deemed necessary by the City: The City reserves the right to replace the meter in part or in whole when, in its opinion, are malfunctioning or are in any other way hindering the accurate accounting or operation of the City Water System. Any premises with a connection to the City Water Supply distribution system will be required to allow for City Employees or contractors as hired by the City access to the area where the water meter is installed to either inspect or replace the meter as deemed necessary by the City. Failure to respond to the request to inspect or allow for the City or its contractors to perform said work will result in the City Water Supply to said premises to discontinued until the inspection or replacement work can be performed to the satisfaction of the City Engineer or his/her designee.

SECTION 1-117. SPACE REQUIRED FOR WATER METERS.

Where new water services are installed, sufficient horizontal space next to the stop and waste gate shall be left for the installation of water meters, back flow prevention valves, specific space to be determined by the City Engineer or his/her designee.

SECTION 1-118. PROTECTION OF METERS.

- A. Responsibility: The respective property owners shall be responsible for all or any damage which might occur to a water meter by reason of frost, hot water or otherwise and repair and or replacement shall be at the expense of the property owners. A fee in an amount as set by resolution of the Common Council shall be paid for the repair of a frozen 5/8 inch (or less) water meter. Fee for a frozen meter larger than 3/4 inch diameter shall be a separate rate as set by resolution of the Common Council.

- B. Duty in unprotected areas: Metered service for trailers, cemeteries and other unprotected areas not enclosed within a suitable dwelling and structure shall be protected from frost by the property owner by construction of meter pits according to the specifications as established by the City Engineer. Installation of heating attachments or other protective measures may also be required by the City Engineer. No new water taps shall be allowed for trailers or cemeteries, or any other similar unprotected areas unless or until such meter pits and heating attachments have been first installed to the satisfaction of the City Engineer or his/her designee.

SECTION 1-119. WATER SERVICES OUTSIDE THE CITY.

Existing connections for sale of water to premises outside the City limits may be continued. Persons residing outside the City limits who desire City water service shall make application to the Common Council. The Common Council shall make the final determination to approve or deny such connections as provided for in Section C-6.5. of the Johnstown City Charter and in accordance with other local, state and federal rules and regulations.

SECTION 1-120. FIXING RATES, CHARGES FOR SERVICES.

- A. Authority: The Common Council may from time to time, by resolution, fix the rates to be charged for the use of water and meters. The Common Council may fix meter rates for quantity used as measured by water meters as well as for the meters. The Common Council may also fix minimum meter rates for each semiannual period for which minimum shall apply without proration for service for part of a term.

- B. Industrial Users: The Common Council may establish a list of industrial users, which users shall be billed on a monthly basis set by the board. This rate will be posted in the Water Department office.

- C. Residential Users: Residential users shall be charged a minimum rate that will be based on a regular 6-month billing cycle. This rate will be posted in the Water Department office.

- D. Services outside City: The Common Council may determine the amount to be charged, at said meter rates, for services outside the City, which may be at a different rate and scale from services in the City.

- E. Method of Setting Water Systems Associated Rates: The Common Council shall, as part of the annual City budget, set by resolution the water rents for all premises connected to the City Water Supply distribution system. These rents should be set at a level as such to provide for sufficient funds to support the administrative, operational, and

maintenance costs associated with the City Water Supply system and in accordance with local, state and federal laws and regulations.

SECTION 1-121. REBATES FOR UNUSED PART OF TERM, PROHIBITED.

- A. New services shall be charged for the full term applicable without rebate or proration, and meter rates, including minimum rates, shall apply regardless of the date of installation.
- B. On metered services, in case of vacancy or discontinuance of use, the minimum charge will be made without proration for any period during the semiannual period if previous notice of vacancy or discontinuance is given to the Water Clerk in writing. If said notice is not given, the charge shall be the same as the previous comparable semiannual period, as if the meter had failed to register.

SECTION 1-122. DUE DATE FOR WATER RENTS; ADDITIONAL CHARGES FOR NONPAYMENT.

- A. The City shall, on or before the first days of May and November in each year in the North Zone, and shall, on or before the first days of February and August in each year in the South Zone, prepare a list or roll containing the name of each person, company, corporation or association, indebted to the City for water rents and other charges due, or to become due, for the use of, or in connection with, the supply of water on said first days of May and November or on said first days of February and August. The City Treasurer shall identify the amount due, or to become due, on the dates named from each person or corporation set down in a separate column opposite the names of each. The City Treasurer shall direct the Water Clerk to receive and collect the water rents from the persons or corporations therein named within thirty (30) days from the receipt by the Water Clerk of said roll. The Water Clerk shall immediately, upon the finalization of said roll, give notice in the official papers of the City of the completion thereof and that such rents and charges will be received by the Water Clerk at this office for thirty (30) days thereafter.

The Water Clerk shall collect both the city's water and sewer rents. Upon receipt of the sewer rents, the Water Clerk shall immediately transfer them to the appropriate sewer account.

The Common Council may from time to time by resolution fix the additional charges for late payment in the same manner as the basic rates are fixed pursuant to Section 1-120.

- B. Water rates for new connections or for resumption of discontinued connections, if not paid for in advance at the time of notification, shall be added to the next water roll or assessment.

SECTION 1-123. SHUTTING OFF SERVICE FOR NONPAYMENT OF CHARGES; ADDITIONAL CHARGES DUE.

- A. Authority: Whenever water rents or charges have remained unpaid for more than sixty (60) days from the due date on which such rents or charges become payable and the Water Clerk has made return thereof to the City, the Common Council may, upon notice to the Health Department, Bureau of Water Supply, direct the City Engineer to cut or have cut off the supply of water leading to the premises where the water was used for which such rents or charges remain

unpaid and prevent the further use of water therein and thereto until such rents or charges, interest and the cost of any suit brought to collect same, are paid, together with a charge to be determined by resolution of the Common Council.

- B. Effect: Where the supply of water to any premises or any part thereof is turned off by direction of the Common Council, no person shall turn it on without first providing payment of the owed water rents and any other associated interest or fees to the Water Clerk. Upon receipt of full payment of all associated owed water rents and associated interest and fees the City Clerk will then notify the City Engineer of the address of the premises to which the water supply can be reestablished.

SECTION 1-124. DISCONTINUANCE, RESUMPTION OF SERVICE.

- A. Any person wishing to discontinue the use of water must give written notice thereof to the office of the City Treasurer to the attention of the Water Clerk before the expiration of any six (6) months' water rent period. Where use of water is discontinued for an entire building, the water shall be shut off at the curb by the Water Department.
- B. No person, whether owner or plumber, shall either discontinue or reconnect any service without first giving notice as above prescribed to the office of the Clerk and receiving permission from the City Engineer or his/her designee

SECTION 1-125. TEMPORARY DISCONTINUANCE OF SERVICE.

Any person wishing to temporarily discontinue the use of water must give written notice to the office of the City Treasurer to the attention of the Water Clerk. During such periods of temporary discontinuance, metered water rates shall still apply during the appropriate semiannual terms, including applicable minimum rates, In the event that under a temporary discontinuance any meter is removed, there shall be a charge as established by resolution of the Common Council.

SECTION 1-126. RE-ESTABLISHMENT OF WATER SERVICE.

Any customer requesting the re-establishing of water service where said water service has been shut off for thirty (30) days or more shall pay a service reestablishment fee to the City in an amount as set by resolution of the Common Council.

SECTION 1-127. VOLUNTARY PERMANENT DISCONTINUANCE OF SERVICE.

In the event of any requested permanent discontinuance where the existing contract for water service is terminated, the meter shall be removed and in the event of restoration of service, the replacement meter shall be charged for in the same manner as any new service.

SECTION 1-128. AUTHORITY OF CITY IN EVENT OF WATER SHORTAGE.

The City shall have the right in case of severe drought or in case the supply of water is short, to shut off the water from all or any places where, in the judgment of the City, the supply can be suspended and may also suspend and terminate all sprinkling, fountain, garden, and pool uses. The City may also in their discretion, order the discontinuance of any unnecessary use of water or otherwise curtail the use of water during any actual or threatened water shortage.

SECTION 1-129. AUTHORITY TO SHUT OFF WATER FOR REPAIRS TO SYSTEM.

The City shall have the right to shut off the water from any street for the purpose of making repairs to the mains, hydrants or other fixtures of the waterworks system. The City, when possible and practical, will do its best to make any affected property owner aware of the disruption in service however no such notice is guaranteed. When the repair or maintenance work requires a localized boil water order, affected property owners will be notified of the order via a door hanger tag. When the boil water order is lifted a similar door hanger tag will be placed on affected premises to notify the residents as such. The City may utilize other methods of public notification if a situation occurs that requires a large area or City wide boil water order to ensure all affected property owners are properly notified.

SECTION 1-130. LIABILITY FOR CHANGE OF PRESSURE, QUALITY OF WATER.

The City shall not be liable for any damage or loss of any kind to property or person which may arise or be caused by any increase, decrease or change of water pressure from any cause whatever, or which may arise from or be caused by any change in the quality of the water supply.

SECTION 1-131. RIGHT OF INSPECTION.

The City, its agents, officers and assistants, at any time, may enter the premises of any water consumer, or any premises having any service pipe connected with any City owned water main and examine the pipes and fixtures for the purpose of ascertaining the quantity of water used, the manner of its use and whether there is any unnecessary waste of water. Failure to allow for such inspection may result in the discontinuance of service of the City water supply until said inspection can be performed.

SECTION 1-132. INTERFERENCE WITH VALVES, BOXES.

No person, other than a member of the City or its authorized contractors, shall open or close any water valve or gate in the street main or molest or interfere with the same in any manner. No person shall cover or conceal with earth, sidewalk or any substance, except snow, any curb box or gate valve box on any water pipe leading from the City owned main in the street to any premises.

SECTION 1-133. OPENING HYDRANTS.

No person shall open any hydrant or draw water there from, except City Water Department/Public Works employees or its authorized contractors, except that the chief of the Fire Department, his assistants and officers and members of the Fire Department shall be authorized to use the hydrants for the purpose of extinguishing fires or cleaning hose or Fire Department materials or making tests or the hose of the Fire Department and mutual aid Fire Departments for the purposes of extinguishing fires; but all of such cases shall be under the direction and supervision of the Fire Chief or his assistants; and in no event shall an inexperienced or incompetent person be permitted to manipulate or control, in any way, any hydrant or other fixture.

SECTION 1-134. MISUSE, WASTE OF WATER, PROHIBITED.

No applicant shall use water from the pipes for any purpose not embraced in his/her application, nor shall he/she willfully or unreasonably waste the water, nor allow the service to be extended nor the water to be taken for use elsewhere than on the premises to which such service is attended.

SECTION 1-135. DUTIES OF OWNER, OCCUPANT OR PREMISES AS TO USE OF WATER.

The owner or occupant of premises shall prevent all waste and unnecessary use of water therein. He/she shall keep all house supply lines, fixtures and appurtenances in good order, free from leaks and shall keep all faucets, valves and taps properly packed. All taps, water closets and other fixtures must be kept closed when not in actual use. Water must not be allowed to run to prevent freezing in the service pipes or their attachments or for any other purpose on the premises than those paid for or indicated in the application for water service and which are allowed by this chapter.

SECTION 1-136. USE OF WATER OTHER THAN CITY WATER PROHIBITED.

The use of water from any other source other than that supplied by the City, by any residential, commercial or industrial building, except existing sources for industrial use, shall be prohibited without the permission of the City or its officers.

Where permission is granted, suitable metering devices shall be installed at the expense of the property owner to measure the water consumed. Also if applicable back flow preventer devices may also be required to be installed to prevent any cross connections or contamination of the City Water Supply system in accordance with local, state, and federal laws and regulations.

SECTION 1-137. PROHIBITED CONDUCT ON WATERSHED.

- A. Trespass. No person shall enter or trespass upon any of the lands constituting a part of the Watershed or the water supply of the City of Johnstown, nor the reservoirs, springs or streams running into the same without written permission of the City. Any person(s) found to be in violation may be subject to prosecution in accordance with local, state, and federal laws.

Where permission is granted, such person or persons shall possess and carry such authorization while on Watershed property and upon demand by any City, Department, or Law Enforcement member, shall produce such authorization. Such authorization is for the individual only and not for any additional persons unless expressly stated as such.

- B. Bathing, fishing, other interference. No person shall bathe or attempt to bathe or cast any foreign substance whatever into any of the reservoirs or any of the springs or streams running into the same, or take any ice there from or angle or fish therein, or in any manner interfere with the structure of such reservoirs or buildings, pipes, hydrants, hose or any other property connected therewith.
- C. Hunting, pasturing animals, cutting trees or grass, etc. No person shall hunt or take game upon the lands composing the Watershed or pasture or suffer to be pastured or to roam over the same any cattle or other animals, or build any fires thereon or do any act tending to cause fire to start therein nor the water supply of the City of Johnstown to be contaminated. No cutting of any trees or grass upon said lands shall be undertaken without the express written consent of the City of Johnstown.

SECTION 1-138. PENAL LAW APPLICABLE.

The following sections of the New York State Penal Law shall apply to the unlawful interference with the water meters, water service pipes and their connections and to the punishment thereof: Sections 145.00 – 145.12 (Criminal Mischief); Sections

145.14, 145.15, and 145.20 (Criminal Tampering); Section 145.25 (Reckless Endangerment or Property); and Section 145.15 (Theft of Services). Any other local, state, or federal section of penal law may also be applied

SECTION 1-139. VIOLATION AND PENALTIES.

- A. Every person violating any of the provisions of the aforesaid General Rules of the City of Johnstown Water Department shall be subject to the fines and penalties as prescribed hereafter.
- B. Violations of the aforesaid General Rules shall be subject to a monetary fine not to exceed one thousand (\$1,000) dollars and/or imprisonment for a period not to exceed fifteen (15) days.
- C. In addition to the foregoing penalties, the City's authorized agents may shut off, without notice, the supply of water furnished to the person so violating the foregoing General Rules. A fee schedule will be set by the Common Council an amended as necessary. No claim for damages and rebate will be allowed by reason of the water being so shut off. If two (2) or more parties or families are supplied with water by the services so shut off, no claim for damages or rebate will be allowed to any of said parties.

zero (\$0) dollars turn-off fee; twenty five (\$25) dollar turn-on fee; seventy five (\$75) dollar turn-on fee if service was turned off for non-payment.

CHAPTER 2

CROSS CONNECTIONS AND BACKFLOW PROTECTION

SECTION 2-201. GENERAL POLICY

The purpose of this Ordinance is:

- A. To protect the public potable water supply of the City from the possibility of contamination by isolating within its customer's internal distribution system of its customer's private water system such contaminations or pollutants which could backflow into the public water supply system; and
- B. To comply with the requirements of the New York State Sanitary Code 5-1-31.

SECTION 2-202. DEFINITIONS.

For the purpose of this Chapter, unless it is plainly evident from the context that a different meaning is intended, certain terms used herein are defined as follows:

- A. Air Gap Separation means a physical break between supply pipe and a receiving vessel. The air gap shall be at least double the diameter of the supply pipe, measured vertically above the top rim of the vessel and in no case less than one inch.
- B. Approved Check Valve means a check valve that seats readily and completely. It must be carefully machined to have free-moving parts and assured water tightness. The face of the closure element and valve seat must be of bronze composition or other non-corrodible material, which will seat tightly under all prevailing conditions of field use. Pins and bushings shall be bronze or other non-corrodible, non-sticking material, machined for easy, dependable operation. The closure element (e.g., clapper) shall be internally weighted or otherwise internally equipped to promote rapid and positive closure in all sizes where this feature is obtainable.
- C. Approved Double Check Valve Assembly means an assembly of at least two independently acting check valves including tightly closing shutoff test cocks plus connections available for testing the water tightness of each check valve. All valves and appurtenances shall be of a type approved by the N.Y.S. Department of Health, and the Bureau of Public Water Supply.
- D. Approved Reduced Pressure Principle Backflow Prevention Device means a device incorporating two or more check valves and an automatically operation differential relief valve located between the two checks, two shutoff valves and equipped with necessary appurtenances for testing. All valves and appurtenances shall be of a type approved by the N.Y.S. Department of Health, and the Bureau of Public Water Supply. The device shall operate to maintain the pressure in the zone between the two check valves, less than the pressure on the public water supply side of the device. At cessation of normal flow the pressure between the check valves shall be less than the supply pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain this reduced pressure by discharging to the atmosphere. When the inlet pressure is two pounds per square inch or less, the relief valve shall open to the atmosphere thereby providing an air gap in the device. Also, to be approved, these devices must be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged.

- E. Approved Water Supply means any water supply approved by, or under the public health supervision of, a public health agency of the State of New York, the County of Fulton or the City of Johnstown. In determining what constitutes an approved water supply, the N.Y.S. Department of Public Health (herein called the State Health Department) shall have the final judgment as to its safety and potability.
- F. Auxiliary Water Supply means any water supply on or available to premises other than the City water supply.
- G. City means the City of Johnstown.
- H. City Water Supply means an approved water supply sold and delivered to consumers' premises through the Water Works System of the City.
- I. Consumer means any person to whom water is sold and furnished from the City.
- J. Contamination means an impairment of the quality of the City water supply by the presence of any foreign substance (organic, inorganic, radiological or biological) to a degree that creates a hazard to public health.
- K. County Health Officer means the Fulton County Health Officer, his/her assistants or authorized deputies acting as or any other person appointed, Health Officer of the County of Fulton.
- L. Cross Connection means any unprotected connection between any part of the City water works system used or intended to supply water for drinking purposes and any source or system containing water or substance that is not or cannot be approved as safe, wholesome and potable for human consumption.
- M. Person means any natural person, firm association, organization, partnership, trust or association or persons, joint venture, corporation or company and includes the United States, the State of New York, the County of Fulton, the City of Johnstown, any Special Purpose District, or any officer or agent thereof.
- N. Premises means integrated land area including improvements thereon undivided by public thoroughfares or water distribution mains of the City and where all parts of the premises are operated under the same management and for the same purpose.
- O. Protective Device means any of the following devices:
1. Air Gap Separation
 2. Approved Reduced Pressure Principle Backflow Prevention Device
 3. Approved Double Check Valve Assembly.
- P. Service Connection means the terminal end of a service connection from the city water supply at its point of delivery to the consumer. If a meter is installed, "service connection" means the downstream end of the meter. No unprotected take-offs from the service line ahead of any meter or backflow protective device located at the point of delivery to the consumer shall be permitted.
- Q. Shall is mandatory; May is permissive.
- R. Toxic Substance means any substance (liquid, solid or gaseous), including raw sewage and lethal substance, that when introduced into the water supply system creates or may create a danger to the health and well being of the consumer.
- S. Non Toxic Substance means any substance (liquid, solid or gaseous), of a non-poisonous nature that may create a moderate or minor hazard to the water supply system.

SECTION 2-203. WHERE PROTECTION REQUIRED; TYPE OF PROTECTION.

All potential crossover connections, including:

- A. Auxiliary Water Supply. Each service connection from the City water supply for furnishing water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the City water supply.
 - 1. If the auxiliary water supply is handled in a separate piping system with no known cross connection, the City water supply shall be protected by an approved double check valve assembly installed at the service connection to the premises. When the auxiliary water supply may be contaminated, the City may order the City water supply protected by an air gap separation or an approved reduced pressure principle backflow prevention device installed at the service connection.
 - 2. If the auxiliary water supply is handled in a separate piping system and cross connections are known to exist between the City water supply and the auxiliary water supply which cannot presently be eliminated, the City water supply shall be protected by an approved reduced pressure principle flow prevention device installed at the service connection of the premises. When the auxiliary supply may be contaminated, the Department may order the City water supply protected by an air gap separation installed at the service connection.
- B. Toxic or Hazardous Substance Under Pressure. At the service connection to any premises on which any material dangerous to health or toxic substances in toxic concentration is or may be handled under pressure, the City water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the water meter and all piping between the water meter and receiving tank shall be entirely visible. If these conditions cannot reasonably be met, the City water supply shall be protected with an approved reduced pressure principle backflow prevention device that is acceptable to both the City of Johnstown representatives and the County Health Officer.
- C. Toxic or Hazardous Substances Not Under Pressure. At the service connection to any premises on which any material dangerous to health or toxic substance in toxic concentration is not handled under pressure but is otherwise handled in such a manner as to constitute a cross connection, the City water supply shall be protected by an approved reduced pressure principle hack-flow prevention device, unless such cross connection is abated to the satisfaction of the Board representative and approved by the County Health Officer.
- D. Non-Hazardous Substances. At the service connection to any premises on which a substance that would be objectionable (but not necessarily hazardous to health) if introduced into the City water supply is handled in such a manner as to constitute a cross connection, the City water supply shall be protected by an approved double check valve assembly.
- E. Sewage Treatment Plants and Pumping Stations. At the service connection to any sewage treatment plant or sewage pumping station, the City water supply shall be protected by an air gap separation. The air gap shall be located as close as practicable to the service connection and all piping between the service connection and receiving tank shall be entirely visible. If these conditions cannot be reasonably met, the City water supply shall be protected with an approved reduced pressure principle backflow prevention device, providing this alternative is acceptable to both the

City of Johnstown representatives and the County Health Officer. A final decision in this matter shall be made by the State Health Department.

- F. Fire System. When an independent service connection is used to feed a fire protection system, the City water supply shall be protected based on the water source and arrangement of supplies in accordance with the following classifications:

Class 1 – Direct connection from public water mains only; no pumps, tanks or reservoirs; no physical connections from auxiliary water supplies; no antifreeze or other additives of any kind; all sprinkler drains discharging to atmosphere, dry wells or other safe outlets.

Protection – Double check valve assembly.

Class 2 – Same as Class 1, except booster pumps may be installed in the connections from the street mains.

Protection – Double check valve assembly.

Class 3 – Direct connection from public water main plus one or more of the following: elevated storage tanks; fire pumps taking suction from above-ground covered reservoirs or tanks; and pressure tanks.

Protection – double check valve assembly.

Class 4 – Directly supplied from public mains similar to Classes 1 and 2 and with an auxiliary water supply on or available to the premises; or an auxiliary supply may be located within 1700 feet of the pumper connection.

Protection – air gap or reduced pressure principle backflow prevention device.

Class 5 – Directly supplied from public mains and interconnected with auxiliary supplies, such as pumps taking suction from reservoirs exposed to contamination or rivers and ponds; driven wells; mills or other industrial water systems; or when antifreeze or other industrial water systems; or where antifreeze or other additives are used.

Protection – air gap or reduced pressure principle backflow prevention device.

Class 6 – Combined industrial and fire protection systems supplied from the public water mains only, with or without gravity storage or pump suction tanks.

Protection – determined by the City Engineer upon review of engineering drawings of the system.

- G. Lawn Sprinkling Systems. At the service connection to any permanently installed lawn sprinkling system, an approved double check valve assembly shall protect the City water supply. If the lawn sprinkling system handled liquid fertilizers or other chemicals, an approved reduced pressure principle backflow prevention device shall protect the City water supply.

- H. All other potential cross connections not specifically noted above.

Protection – To be determined by the City Engineer to meet the requirements of section 5-3-31 of the New York State Sanitary Code.

SECTION 2-204. RESPONSIBILITY.

- A. Consumer Responsibilities. It shall be the responsibility of each consumer at his own expense to furnish, install and keep in good working order and safe conditions any and all protective devices required in this Chapter. The City shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of, or interfering with, any protective device by any consumer or any other person.

- B. Conflicts. Whenever two or more conditions exist on any premises for the correction of which different protective devices are required in this Chapter, the consumer shall be required only to install the protective device which, in the opinion of the City Engineer or his/her designee and County Health Officer, affords the maximum protection to the City water supply.

SECTION 2-205. INSPECTION; TESTING; RECORDS; COST.

The consumer on whose premises any protective device is installed shall have each such device inspected and tested annually. If successive inspections and/or tests disclose repeated failures in the operation of any device, the City Engineer or his/her designee may require more frequent inspections and/or tests. Each device shall be repaired, overhauled or replaced at the expense of the consumer whenever it is found to be defective. Records of such tests, repairs and overhauls shall be kept and a copy of such records forwarded to the City Engineer and the Water Clerk on an annual basis. The City Engineer or his/her designee shall have the duty of determining that the inspections and/or tests required herein are performed properly. If following demand, therefore, the consumer fails to have any of the inspections and/or tests made as required herein or to make the above described records available, the City Engineer or his/her designee shall have the right to inspect and/or test the device and the consumer shall pay the cost thereof. Failure to allow for the inspection of the device may result in the discontinuance of City Water Supply to the premises until such inspection can be performed.

SECTION 2-206. NON-COMPLIANCE; SERVICE TO BE DISCONTINUED; NOTICE; SERVICE.

- A. No water service connection shall be installed on the premises of any consumer unless the City water supply is protected as required by this Chapter.

- B. Delivery of water to the premises of any consumer may be discontinued by the City Engineer or his/her designee if any protective device required by this Chapter has not been installed, inspected, tested and maintained, or is defective, or has been removed or bypassed.

- C. Delivery of water shall be discontinued immediately and without notice to the consumer if the City of Johnstown or County Health Office determines that:
 - 1. The City water supply is being contaminated or is in immediate danger of contamination;
 - 2. A protective device required by this Chapter has not been installed, or is defective, or has been removed or bypassed; or
 - 3. The consumer cannot immediately be located.

Delivery of water shall not be resumed until any protective device required by this Chapter and approved by the City Engineer or his/her designee has been properly installed or until conditions at the consumer's premises causing the contamination or danger of contamination have been abated or corrected to the satisfaction of the City Engineer or his/her designee and county Health Officer.

- D. Except as provide in subsection (c), delivery* of water shall not be discontinued until written notice thereof has been given to the consumer. The notice shall state the following:
1. The conditions or defects which must be corrected;
 2. The manner in which the stated conditions or defects are to be corrected; and
 3. The date on or after which delivery of water will be discontinued and which shall not be less than fifteen (15) nor more than sixty (60) days following the date of delivery of mailing of the notice. The City may grant the consumer an extension of an additional period not to exceed sixty (60) days if they determine the consumer has exercised due diligence but has been unable to comply with the notice within the time originally allowed.

The notice shall be given by delivering the same to the consumer, the manager or agent thereof, or to any person in charge of, or employed in the place of business of the consumer' or, if the consumer has no place of business, then at the place of residence of the consumer if known or by leaving the notice at either the place of business or the residence of the consumer. If the consumer cannot be found and service of the notice shall be mailed, postage fully prepaid, addressed to the consumer at the place of business or residence set forth in the application of consumer for water service in the records of the City.

Once discontinued, delivery of water shall not be resumed until any protection device required by this Chapter and approved by the City Engineer or his/her designee has been properly installed or until the conditions at the consumer's premises creating the need for a protective device have been abated or corrected to the satisfaction of the City Engineer or his her/her designee and County Health Officer for the purposes stated herein.

SECTION 2-207. PRESENTLY INSTALLED DEVICES.

All presently installed prevention devices, which do not meet the requirements of this section but were approved devices for the purposes described herein at the time of installation and which have been properly maintained, shall, except for the inspection and maintenance requirements under Section 5, be excluded from the requirements of these rules so long as the City Engineer or his/her designee is assured that they will satisfactorily protect the City's water supply. Whenever the existing device is moved from the present location or requires more than minimum maintenance, which constitutes a hazard to health, a backflow prevention device meeting the requirements of this Chapter shall replace the unit.

SECTION 2-208. EFFECTIVE DATE.

That this ordinance shall be in full force and effect thirty (30) days after its adoption.

SECTION 2-209. CONSTITUTIONALITY; SEVERABILITY.

If any section, subsection, sentence, clause or phrase of this ordinance is for any reason held by a court of competent jurisdiction to be unconstitutional or invalid, such decision shall not affect the validity of the remaining portions of this ordinance. The City of Johnstown declares that it would have passed this ordinance and every section, subsection, sentence, clause and phrases thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses or phrases, be declared unconstitutional.

CHAPTER 3

WATER DEPARTMENT EMPLOYEES

SECTION 3-301. COMPLIANCE REQUIRED.

It shall be the duty of the officers, supervisors and employees of the Water Department to conform to all requirements and perform all the duties herein contained.

SECTION 3-302. DESIGNATION OF PERSON IN CHARGE

The Common Council has assigned the City Engineer to be the person in charge of day-to-day operations of the Water Department. In his absence, he/she shall designate the Deputy City Engineer to be in charge. All personnel will follow the direction of the City Engineer/Deputy City Engineer as to reporting and assignment of work.

SECTION 3-303. INVENTORY OF PROPERTY AND FIXTURES.

The Senior Water Treatment Plant Operator shall, on or before the 15th day of January of each year, deliver to the City Engineer a correct inventory of all property and fixtures in the possession of the Water Department belonging to the City, with a true statement of the condition thereof.

SECTION 3-304. PURCHASES, REPAIRS AND SUPPLIES.

- A The City Engineer or his/her designee may direct repairs and furnish supplies in accordance with the City of Johnstown's procurement policy. Emergency expenditures may be made, and are subject to later confirmation by the City Treasurer. It shall be the duty of the City Engineer or his/her designee to cause all repairs and other work on account of the Water Department to be done, so far as same may be practical and economical, by the employees thereof.

- B In all cases, the purchaser shall ensure that all invoices/bills are made available to the City Engineer at the beginning of the next business day or as soon as practical for inclusion into his/her records and to be vouchered for processing to the office of the City Treasurer.

- C The Audit Committee of the Common Council will review all expenditures incurred during the previous month for approval.

SECTION 3-305. CARE OF EQUIPMENT.

It shall be the duty of all employees of the Water Department to take proper care of the equipment in their charge and they shall be responsible for loss or damage to same, which may be due to their neglect or misuse. All equipment shall be surveyed at the end of the workday and cleaned and or repaired for the next day's activities.

SECTION 3-306. DUTY TO EXPLAIN LOSS OF ARTICLE FURNISHED.

Employees of the Water Department losing any article furnished by the City shall explain the circumstances of the loss to the satisfaction of the City Engineer before they are discharged from obligation to replace or pay for the same.

SECTION 3-307. RESTRICTION ON PURCHASES FOR THE DEPARTMENT.

No employee shall make any purchase for the Water Department chargeable to the City, except by order of the City Engineer, the Deputy City Engineer, the SWTPO, or working supervisors of the water department. When there is a dispute if the purchase is in the best interest of the City, the City Engineer or his/her designee shall make the final decision on whether the purchase will be made or not.

SECTION 3-308. EMPLOYEES TO BE FAMILIAR WITH EQUIPMENT, MACHINERY.

It shall be the duty of all employees of the Water Department to become familiar with all the equipment and machinery of said department to the limit of their capabilities, to the end that they will, when necessary, be competent to assume the duties of other employees who may be absent or incapacitated.

SECTION 3-309. PROTECTION OF PROPERTY FROM WASTE AND ABUSE.

Employees of the Water Department shall carefully protect all City owned property from waste or abuse. It shall be the duty of the employee in charge to see that this rule is rigidly enforced.

SECTION 3-310. REPORT OF BREAK, LEAKAGE IN WATER PIPES.

Employees of the Water Department, in case of any break or leakage in any water pipe in the street or in connection with any house, store or other building or premises, shall take note of the existence of such break or leakage and shall also report the same to their immediate supervisor, or if their supervisor is not readily available to the next highest ranked individual in the department's chain of command.

SECTION 3-311. REPORTS OF DANGEROUS, OFFENSIVE, OTHER MATTERS.

If any employee of the Water Department observes in the street or on City property anything of a dangerous character or likely to occasion public inconvenience or anything which seems to them irregular or offensive, they shall report the same with full particulars of the case and their action thereon to their immediate supervisor or, if that individual is not readily available the next highest ranking individual in the department's chain of command.

SECTION 3-312. WORK FORMS TO BE COMPLETED.

Employees of the Water Department shall faithfully and accurately fill out and complete and file all and any work reports or forms that may be required of them by the City Engineer or his/her designee.

SECTION 3-313. SAFETY OF EMPLOYEES.

Employees of the Water Department shall at all times wear such safety equipment as may be furnished for the particular job and they shall also practice safety rules in the performance of their duties in accordance with all OSHA and PESH guidelines

SECTION 3-314. REPORTS OF ACCIDENTS, INJURIES.

Anyone receiving injuries while engaged in City employment, shall promptly inform their immediate supervisor, the City Engineer or his/her designee, and the head of Human Resources there-of. It shall also be the duty of the supervisor of every crew of the Water Department to report promptly to the City Engineer or his/her designee, any personal injuries which may be sustained by any City employee or by any other person and any property damage to City property or property of others, that might be sustained or occasioned by work, activities and operation of vehicles of the Water Department or other City Owned vehicle or equipment. In the event that no supervisor is present, it shall be the duty of any employee who is present or has knowledge of the accident or occurrence, to so report. All accident reports and statements shall be submitted to the City Engineer or his/her designee and the head of Human Resources.

SECTION 3-315. OPERATION OF DEPARTMENT VEHICLES.

Work crews of the Water Department being transported to and from work locations in any City owned vehicles shall proceed to and from such locations following the shortest routes as may be practical. All operators of City owned vehicles shall maintain a speed as dictated by vehicle and traffic law or consistent with road conditions. All drivers shall faithfully observe traffic regulations of the City and the NY State Vehicle and Traffic Law.

SECTION 3-316. EMPLOYEES SUBJECT TO EMERGENCY CALL.

All employees of the Water Department are subject to emergency calls as determined by the City Engineer or his/her designee, shall maintain telephone service at their residence so they may be reached in case of an emergency. Such emergency work shall be subject to call at any time.

SECTION 3-317. ASSIGNMENT OF WORK.

It shall be the duty of the City Engineer or the Deputy City Engineer to assign all personnel of the Water Department their respective duties and particular tasks, this will become the responsibility of the supervisor(s) and the SWTPO in the absence of both the City Engineer and the Deputy City Engineer. Such assignment to work shall, as far as same is practical, be consistent with the relative training, experience, skill, classification and pay grade of the respective employees, ultimately the employee possessing specific skills and qualifications shall be utilized to take full advantage of such skills and qualifications as to complete the task as efficiently as possible.

SECTION 3-318. MANNER OF PERFORMING WORK ASSIGNMENTS.

Employees of the Water Department shall work diligently at their assigned tasks to the end that the Water Department is an asset to the City. Idleness, loafing and inactivity shall not be tolerated, and all employees shall use initiative in keeping busy and ascertaining tasks to keep themselves occupied during working hours. Employees shall stagger all necessary work breaks so that a minimum of employees is idle at one time. Drivers shall work along with crews when they are not actually engaged in operating the trucks. Crews shall continue to work, so far as may be practical, while trucks are engaged in bringing or hauling away materials.

It is understood that being that Water Department and Public Works employees perform very similar job functions. Therefore, when necessary as deemed by the City Engineer or the Deputy City Engineer, Water Department employees may be utilized on Public Works projects and vice versa.

SECTION 3-319. DEPARTMENT OF EMPLOYEES; USE OF INTOXICATING BEVERAGES, DANGEROUS DRUGS

- A All employees of the Water Department shall be courteous to their superiors, fellow employees, citizens and strangers. Loud, boisterous, profane or indecent language shall not be permitted.

- B No employee shall report to work in an intoxicated condition. The drinking of intoxicating beverages or use of dangerous drugs during working hours is forbidden.

- C All employees under current contract agreements between the City and CSEA, Local 1000 AFSCME, AFL-CIO, shall abide by the conditions thereof.

SECTION 3-320. OBEDIENCE TO ORDERS OF SUPERVISORS.

All employees of the Water Department shall follow the orders and directions of their supervisors and the City Engineer and Deputy City Engineer. In the event of the absence of a supervisor, unless another employee be designated by the City Engineer or his/her designee, the senior employee shall be in charge.

SECTION 3-321. GRIEVANCE POLICY.

The City of Johnstown and Water Department employees will follow Article XXV – Grievance Procedure, of the current agreement by and between the City and CSEA, Local 1000 AFSCME, AFL-CIO.

SECTION 3-322. TRAINING OF EMPLOYEES.

It shall be the duty of the City of Johnstown to provide training for all employees of the Water Department so that replacements and substitutes are available for any particular job. Employees so assigned to training shall faithfully pursue the same regardless of their particular job classification in accordance with the collective bargaining agreement (CBA).

SECTION 3-323. AMENDMENT, MODIFICATION OR SUSPENSION OF PROVISIONS.

This Article may be amended, modified or suspended by the Common Council at any time.

SECTION 3-324. DISTRIBUTION OF COPIES OF RULES AND REGULATIONS.

All members of the Water Department shall be furnished with a copy of these Rules and Regulations.