# TOWN OF HOUNSFIELD WATER DISTRICT NO. 2 WATER LAW

## ARTICLE I PREAMBLE

**Section 1-1.** The Town Board of the Town of Hounsfield, acting for and on behalf of the Town of Hounsfield Water District No. 2 (the "District") pursuant to the provisions of Section 198 of the Town Law hereby adopts the following rules, regulations, and water rents for the District.

## Article II - HOOK-UPS

**Section 2-1. Permit required for water service.**

No connection shall be made with any water main and no water shall be taken from any water main without permit therefor, in writing, from the District issued by the Town Clerk on a written application therefor, in writing.

**Section 2-2. Application for service.**

A) All applications for use of water through a service pipe and all applications for the introduction of a service pipe to premises and for connection of service pipes with water mains must be made in writing by the owner of the premises sought to be supplied or by an agent thereof duly authorized in writing. The authority of the agent must be filed with the Town Clerk, and all water used must be through a service pipe.

B) All applications for a service connections or main extensions shall be accompanied by a forty-year abstract of title prepared from the records in the Jefferson County Clerk's office, a ten-year tax search, and current property tax receipts. If the property is subject to a mortgage lien, the applicant shall provide the District with an authorization to obtain a release of the mortgage lien on the easement interest to be conveyed to the District.

C) All plans and construction for said connection shall be in conformance with all applicable laws and regulations and standards including but not limited to the applicable standards of the American Water Works Association and the New York State Sanitary Code. Unless waived by the Town's engineer, all lateral services, meters, and meter pits shall be designed and constructed in accordance with the materials and means of construction of the District's original construction. When required by the Town Highway Superintendent or his designee, said Plans shall be reviewed and approved by the New York State Department of Health and the Town's Engineer.

D) All applications for a service connection shall be accompanied by an application fee of $1,000.00.

**Section 2-3. Laying of service pipes: cost, supervision.**

All service pipes shall be connected with a water main at the curb stop provided by the District and shall be laid at the expense of the owner or occupant of the premises served, and such connection, laying and maintenance shall be under the direction and supervision of a duly authorized agent of the District. Upon completion of the installation of the service pipe, as approved and accepted by the Town Highway Superintendent or his designee, the owner shall convey the title to the service pipe and a permanent easement acceptable to the Town's attorneys which conveys good and marketable easement interest of not less than ten feet in width on each side of the pipe or the facilities as installed.

**Section 2-4. Unauthorized use of water.**

No person, copartnership or corporation shall be allowed to furnish water to others or suffer water to be taken by others for any purpose, except in an emergency, without receiving a special permit therefor in writing from the Town Board.

## ARTICLE III METERS

**Section 3-1. Meters required.**

No potable water shall be used on any premises within the District, except through meters provided by the District, and no connection with the District water system shall be made unless covered by such meter or meters.

**Section 3-2. Furnishing, installation and repair of meters.**

The District will furnish, install and keep in repair all water meters used with the District's water system, but only one (1) meter for each application fee, and if any additional meter is

furnished to such service it shall be at the expense of the owner or occupant of the premises.

**Section 3-3. Responsibility for damage to meters.**

The cost of any damage which any meter may sustain by reason of the carelessness of the owner, his agent or tenant of the premises or from neglect of any kind of them to properly protect the same, including damage or injury that may result from freezing, shall be paid to the District by the owner of the property served by such meter.

**Section 3-4. Opening, changing or interfering with meters.**

No person, except a duly authorized agent of the District, shall open, change or interfere with, in any manner, any water meter connected with or for the use of the District water system.

## ARTICLE IV POLLUTION/CONTAMINATION/HYDRANTS

**Section 4-1. Pollution and contamination prohibited; remedies.**

It shall be unlawful for the owner or occupant of property or the user of District water, to introduce or permit the introduction into the District's water supply system pollution or contamination of any kind. Whenever the Highway Superintendent finds cross-connection to another water supply into the District system or any other condition which presents the possibility of contamination or pollution, he shall disconnect and discontinue immediately the water supply to the premises where such condition is found or other premises from which cross-connection is made and shall restore such water supply only when the cross-connection is eliminated or the other condition remedied. The Highway Superintendent may permit or require a backflow preventer of pattern and design which the New York State Department of Health approves as reasonably adequate to prevent contamination, if the Highway Superintendent determines that a complete physical separation from the District water supply is not practicable or necessary or that adequate inspection for cross-connection cannot readily be made or that such backflow preventer is necessary because of existing or possible backflow resulting from special condition, use or equipment.

**Section 4-2. Liability for expenses.**

Any corrective measure, disconnection or change on private property shall be at the sole expense of the owner of such property. Any expenses necessitated by changes required in the District system outside such private property or between the meter and the supply line or distribution system and any charges for

cutoff or disconnection shall be added to the charges for water rents against the premises necessitating such expenditure.

**Section 4-3. Conformance of connections with standards.**

All physical connections which constitute potential cross-connections are prohibited unless constructed, maintained and operated in accordance with the provisions of the New York State Sanitary Code, Ten State Standards for Water Systems, and the American Water Works Association Standards.

**Section 4-4. Use of fire hydrants.**

A. No person, other than an authorized employee of the town or a member of a Fire Department acting under orders of his proper superior in the performance of his duties, may operate a public fire hydrant unless in possession of a permit from the District to do so.

B. Public or private fire hydrants may not be used for flushing or for any other purpose except by special written permission of the Town Supervisor, for the time and at the location specified. If such permission is granted, the water used shall be paid for by the user, who shall be charged for the water at the prevailing water rents.

## ARTICLE V WATER SUPPLY EMERGENCIES

**Section 5-1. Authority of Supervisor to restrict use.**

During periods when the supply of water is inadequate or there is an imminent threat that it will become inadequate, the Supervisor of the Town is authorized temporarily and during the existence of such period of inadequate supply or threat thereof to issue an order prohibiting the use of water from the District supply for watering of lawns and gardens, washing of automobiles or other nonessential uses.

**Section 5-2. Remedy for violation.**

In case of violation of such order or orders, the Highway Superintendent is further authorized to cut off the supply of water to the person or firm so violating such order or orders.

## ARTICLE VI WATER RENTS

### Section 6-1. Water Rents

The quarterly water rents to be charged to each property served in the District is to be set by Resolution of the Town Board. The amount of water used will be determined by the reading of the water meters on or about the fifteenth day of March, June, September and December of each year. In the event a meter is not functioning properly, to reasonably measure the approximate amount of water used, the amount of water used shall be estimated by the Town Engineer based upon past consumption of water over the same quarter of the previous year, as appropriately modified by the activities actually performed on the premises which consume water during the quarter of the year to be billed for water usage.

### Section 6-2. Payment of Water Rents

Water rents shall be due and paid no later than the 10th day of April, July, October, and January of each year at the office of the Town Clerk.

### Section 6-3. Late payment and nonpayment of charges.

A. Ten percent (10%) penalty thereof is added and will be added to all water rents not paid within thirty (30) days after the date the same are or shall become due. In case any water rent or charge shall not be fully paid within sixty (60) days after the date the same shall become due, the water supply to the premises served, on which water rent or charge so remains unpaid, may thereupon be shut off for such nonpayment. A revitalization charge of seventy-five dollars ($75.00) together with all water rents, charges, fines and penalties must be paid in full before the water supply is restored to said premises.

B. In addition to the foregoing any water rents or other charges unpaid within 60 days after the date the same are or become due shall be subject to a 1% per month interest charge on the unpaid principal balance which shall accrue on a monthly basis.

### Section 6-4. Turning off and turning on water.

The water supply to any premises shall not be turned off or be turned on at the curb except by a duly authorized agent of the District.

**Section 6-5. Lien for unpaid bills.**

All water rents and other charges shall be a lien on the premises upon which the water is used until paid.

## VII. ADMINISTRATION, ENFORCEMENT AND OTHER PENALTIES

**Section 7-1 Penalties for offenses.**

Any person, persons, partnership, limited liability by company or partnership, limited liability company or partnership, corporation or other legal entity violating any provision of this Local Law (except nonpayment of water rents or other charges) shall be punished by a penalty not to exceed two hundred fifty dollars ($250.00) or imprisoned for 15 days, or both, and each and every day the violation of this Local Law continues shall constitute a separate offense.

**Section 7-2. Enforcement; appearance tickets.**

A. In addition to his other respective duties and powers, the Highway Superintendent of the Town of Hounsfield is hereby authorized and empowered to enforce this Local Law.

B. In accordance with Municipal Home Rule Law §10 Subdivision 4, the Highway Superintendent of the Town of Hounsfield shall have the power to issue and serve appearance tickets in connection with the performance of his respective duties in enforcing this Local Law. The issuance and service of appearance tickets by the Highway Superintendent of the Town of Hounsfield shall have the same force and effect as if served by a peace officer.

C. Appearance tickets shall be of a form and content acceptable under, and shall be issued in accordance with, Article 150 of the Criminal Procedure Law of the State of New York.

**Section 7-3.** In addition to the foregoing, the Town Board may also maintain an action on proceeding in the name of the District or Town in a court of competent jurisdiction to compel compliance with or restrain by injunction a violation of this Local Law.

**Section 7-4. Right to shut off water for repairs or additions.**

The District reserves the right at all times and without notice to shut off the water in case of a break in a water main or in a water pipe and also for repairs on a water main or on a water pipe or for extension of a water main, and such right reserved to

shut off water as aforesaid shall be exercised without damages therefor against the District or Town.

**Section 7-5. Right of entry.**

The District through its duly authorized agent shall, at all times, have the right to enter upon any premises or into any building thereon served by the District Water System for the purpose of reading water meters, inspecting, repairing or replacing service connections, water meters and other property owned by the District; or inspecting for compliance with this Local Law.

## ARTICLE VIII MISCELLANEOUS

**Section 8-1. Severability**

Should any section or provision of this Local Law be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Local Law as to the whole or any part thereof other than the part so declared unconstitutional or invalid.

**Section 8-2.** The provisions of this Local Law shall take effect upon filing with the Secretary of State.

Resolution Increasing Water Rents For
Town of Hounsfield Water District No. 2

RESOLVED, by the Town Board of the Town of Hounsfield, acting for and on behalf of the Town of Hounsfield Water District No. 2, as follows:

Quarterly water rates will increase to $60.00 for 0-10,000 gallons, plus $2.40 per each 1,000 gallons or a portion thereof, in excess of 10,000 gallons. An outside user fee will increase to $5.00 per 1,000 gallons. This will take effect January 1, 2007.

Dated: October 23, 2006

Introduced by: Councilman Stephen Lee

Seconded by: Councilman David Cobb

Voting Aye: Supervisor Jean Derouin
Councilman Stephen Lee
Councilman David Cobb
Councilman Ken Lawrence Jr.

Absent: Councilman Rocco Crescenzi

Motion Carried.