

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Van Etten

Local Law No. 4 of the year 2022

A local law Town of Van Etten, Chemung County, New York Municipal Water Supply System
(Insert Title)
Rules and Regulations

Be it enacted by the Town Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Van Etten as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2022 of the ~~(County)(City)(Town)(Village)~~ of Van Etten was duly passed by the Town Board of the Town of Van Etten on December 8 2022, in accordance with the applicable ~~(Name of Legislative Body)~~ provisions of law.

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Name of Legislative Body)~~ ~~(Elective Chief Executive Officer*)~~ on _____ 2022, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. ~~(Name of Legislative Body)~~ ~~(Elective Chief Executive Officer*)~~

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ on _____ 20____. Such local ~~(Name of Legislative Body)~~ ~~(Elective Chief Executive Officer*)~~ law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Dawn G. Rose

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 12/20/22

(Seal)

TOWN OF VAN ETTEN, CHEMUNG COUNTY, NEW YORK
LOCAL LAW NO. 4 OF 2022

TOWN OF VAN ETTEN, CHEMUNG COUNTY, NEW YORK
MUNICIPAL WATER SUPPLY SYSTEM
RULES AND REGULATIONS

SECTION 1 - Authority and Purpose.

A. Authority.

The Town Board of the Town of Van Etten, pursuant to the authority granted under Articles 12 and 12-a of the Town Law, enacts and adopts this local law for the establishment of uniform rules and regulations for the Water District of the Town.

B. Purpose.

In order to promote the efficient and safe operation and performance of the Water District, the Town Board finds it necessary to establish a system of rules and regulations for, and a schedule of rates to equitably cover and pay the costs associated with, the routine operation and maintenance of the water service, as well as budgeting and covering capital costs associated with required system improvements.

C. Governance.

The Town Board shall act as the governing body having the authority and right to exercise all powers and functions granted by law for the Water District. The Board, in its discretion, may delegate responsibility for oversight of the Water District to a committee established for such purpose. The Town Board or the aforesaid committee, as applicable, shall appoint the Water District Liaison and all personnel required for the operation of the Water District.

SECTION 2 - General Conditions and Restrictions.

Every person and/or premises who or which is supplied or shall be supplied with water by the Water District must comply with these rules and regulations. These rules and regulations are incorporated into any existing or future contract between such person and the Water District. All persons and premises within the service area of the Water District shall connect to the water system either at the time of construction or change in ownership of the premises, should either occur following the enactment date of this local law.

SECTION 3 - Definitions.

The following words or phrases as used in these rules and regulations are defined as follows:

Consumer or customer means the person legally or equitably responsible for payment of charges for facilities and/or services furnished by the Town or the Water District, as applicable.

License means a right, created by an express or implied agreement, of a person to make lawful use of the water supplied by the Water District.

Main extension means any extension of distribution pipelines, exclusive of service connections, beyond existing facilities in the Water District service area.

Mains means distribution pipelines located in streets, highways or public ways which are used to serve the general public and which are owned and maintained by the Water District.

Service means a provision of water by the Water District as follows:

1. Commercial: Provision of water to premises where the customer is engaged in trade.
2. Domestic: Provision of water for household residential purposes, including water for sprinkling lawns, gardens, and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.
3. Flat rate: Provision of water in unmeasured quantities.
4. Fire Protection: Provision of water to premises for automatic fire protection.
5. Industrial: Provision of water to a customer for use in manufacturing or processing activities.
6. Irrigation: Provision of water for commercial agricultural, floricultural or horticultural use.
7. Meter rate: Provision of water in measured quantities.
8. Municipal: Provision of water to a municipality or other public body.
9. Temporary: Provision of water that will not be regular or permanent.

Service area means the area of the Water District to which water is supplied or accessible without main extensions.

Service connection means the pipe, valves and other facilities by means of which water is conducted from distribution mains to the curb, or shut-off valve.

Schedule of rates means the entire body of effective rates, rentals, charges and fees established pursuant to the rules and regulations of the Water District.

Town Board means the Town Board of the Town of Van Etten or a committee thereof vested with responsibility for oversight of the municipal water system.

Unit of water use shall be one thousand (1,000) gallons of metered water.

Unit for capital charge shall be the unit of measure to assess debt service reduction equitably within the Water District as established pursuant to the rules and regulations of the Water District.

Water Department refers generally to the persons charged with the operation and maintenance of the municipal water system in the Town of Van Etten. It includes, as the context may require, the Town Board of the Town of Van Etten, any committee of said Board vested

with oversight of the municipal water system, and any employees responsible for the operation of the municipal water system.

Water District Liaison means the person appointed by the Town Board to oversee the operation of the municipal water system. The term "Water District Liaison/Town Board" as used herein shall be construed as referring to the duly appointed Water District Liaison or, if no person has been appointed to such position, to the Town Board.

SECTION 4 - Water District Service Description.

A. Connections.

No person other than the Water District Liaison/Town Board or persons authorized by the Water District Liaison/Town Board shall be permitted to tap or make any connection with any mains.

B. Description of Service.

1. Supply. The Water District Liaison/Town Board will exercise reasonable diligence and care to deliver a continuous and sufficient supply of water to a customer at a proper pressure and to avoid any shortage or interruption in delivery. However, the Water District Liaison/Town Board shall have the right to limit the amount of water furnished at any time for good cause.
2. Quality. The Water District Liaison/Town Board will endeavor to furnish a safe and potable water for human consumption at all times.
3. Classes of Service. All services installed by the Water Department shall be classified as follows:
 - a. Domestic;
 - b. Commercial;
 - c. Industrial;
 - d. Irrigation;
 - e. Municipal;
 - f. Fire protection.
4. Types of Service. The types of service available from the Water Department are:
 - a. Flat rate;
 - b. Meter rate;
 - c. Temporary.

SECTION 5 - Application for Service.

- A. All applications for the use of water shall be made in writing to the Water Department on forms provided by the Water Department.

- B. When accepted by the Water District Liaison/Town Board, the application shall constitute a contract between the Town and the applicant, which incorporates therein all requirements of these rules and regulations and the schedule of rates adopted herein.
- C. Applications will be accepted subject to there being an existing main abutting, accessible to, or on the premises to be served.
- D. Acceptance shall in no way obligate the Town to extend its mains to serve premises except as hereinafter provided.
- E. A separate application must be made for each premises.
- F. The plumber designated and employed by the owner of the premises will be considered the agent of the owner while employed to introduce water into the premises. In no sense will be plumber be an agent of the Water Department. The Water Department will not be responsible in any way for the acts of the plumber.

SECTION 6 - Installation of Service.

- A. Curb Cock or Valve Keys.
 - 1. No person unless specifically authorized by the Water Department shall have in his or her possession or hold a key for turning off or on water for the Water Department. No such specifically authorized person shall part with the possession of such a key except to an employee or official of the Water Department.
 - 2. A formal permit shall be required from the Water District Liaison/Town Board for the supply of water to a premises. No curb cock controlling any service shall be opened or left open by any person after connecting a new service at the curb or elsewhere; or after making any new extension or attachment in unoccupied premises so that water may be supplied to the premises by the service without a formal permit. In the case where work is a simple extension or additional attachment in premises where the water is then in use and where a permit has been duly obtained to make the same, then the water may be left on for such premises.
- B. Water Shut Off Until Meter is Set. When the plumbing work in any building has been completed and tested it shall be the duty of the plumber to shut off the water and leave it turned off until a meter has been set. The water will be turned on only by an authorized employee or official of the Water Department.
- C. Injury to Fixtures or Repairs. Any injury to service pipes, street mains, hydrants, valve boxes, or other fixtures, and any damage that may be caused by leakage or flow of water occasioned by such injury, caused by putting in any sewer, drain, or other pipe, or by any excavation, embankment, track laying, paving or other construction, shall be paid by the contractor doing the work, by the owner of the premises, or the person for whom such work is being done.

- D. **Tap Size and Number.** The Water District Liaison/Town Board will determine the size of the tap to be inserted in any water main under any application and permit required by these rules and regulations. The following applies to tap installation:
1. No person shall connect two services to one tap; but each premises must have one distinct and separate tap and service pipe and each service must be provided with a stopcock and metal extension box outside of the premises connected with the same.
 2. Where a larger tap or a branch is required to replace a tap or taps previously made, the tap or taps which are abandoned shall be shut off at the corporation cock or at such point as determined by the Water District Liaison/Town Board and any branch abandoned shall be capped, at the owner's expense and in the presence of an authorized Water Department employee or official.
 3. Supply pipes shall not be laid across adjoining premises. In no case except in that of an industrial use shall permission be granted to supply two or more service supply pipes to any premises without special permission in writing from the Water District Liaison/Town Board.
- E. **Kind of Pipe.** Only pipe, fittings or appurtenances as specified in the Town water system specifications shall be used. The quality, strength and weight of the pipe shall be equal to that used by the Water District. Water will not be provided by the Water District until the pipe or fittings comply with this section.
- F. **Services Laid.** Service pipes will be required to be laid in accordance with the Town water system specifications. Whenever the service pipe is extended into the premises from a main such service pipe shall be extended and installed in accordance with the Town water system specifications. The water mains shall be laid out in accordance with the Town water system specifications.
- G. **Materials and Workmanship.** All of the parts of the water service inside the building and the fixtures and appurtenances connected therewith shall be of such form, character and workmanship as is hereinafter described, required by the Town water system specifications, and as may be approved by the Water District Liaison/Town Board.
- H. **Stop and Waste Cock.**
1. **Location.** Immediately inside the basement or foundation wall of the building into which the service pipe extends, a stop and waste cock shall be conveniently located and arranged so that water may be drawn back and all of the pipes within the building be emptied to such stop and waste cock. The stop and waste cock must be kept open at all times when the service is not in use.
 2. **Adequate Space to be Maintained.** Persons installing new services or house plumbing shall leave sufficient horizontal space next to the stop and waste cock for the installation of meters as established in the Town water system specifications. Failure to meet this requirement may result in the Water District refusing to accept the meter installation or to allow the water to be turned on or off.

I. Large Cut-in Connections.

1. If a two inch or larger connection is required, a service pipe as specified in the Town water system specifications shall be used. Connection to the main shall be made with patented or standard fittings; all material shall be approved by the Water District Liaison/Town Board. All such services shall have a gate valve placed in the service pipe near the main, which gate shall be controlled exclusively by the Water Department.
2. The owner shall be responsible for all design and installation costs associated with any connection made pursuant to this subsection. In addition to the fees and rates established under these rules and regulations, the owner shall pay the cost of cutting and restoring all surfaces as caused by any connection made pursuant to this subsection.

J. Inspector's Right-of-Entry. Employees of the Water Department, upon presentation of proper identification, may enter and must be permitted to enter upon any premises where water is being supplied by the Water District, or upon any premises when application is made for a permit to connect plumbing with the water pipes, for the purpose of inspecting the plumbing and fixtures of the water service and all work in connection with such service.

SECTION 7 - General Rules.

A. Meters.

1. The Water District Liaison/Town Board shall, in granting applications for new connections, whether the connections are to replace old connections to be abandoned or are for the purpose of supplying new service, require that the connected services therewith be metered.
2. Installation of Meters.
 - a. Domestic Meters. For use in domestic services, meters one inch or less than one inch in size shall be permitted. The meter shall be of a type approved by the Water District Liaison/Town Board. The meter shall be installed by the Water Department and the cost shall be borne by the owner. Subsequent meter replacement shall be provided in accordance with the rates and charges established pursuant to these rules and regulations.
 - b. Commercial Meters. For use on commercial services or other large consumers, meters two inches or less than two inches in size shall be furnished. The meter shall be of a type approved by the Water District Liaison/Town Board. The meter shall be installed by the Water Department and the cost shall be borne by the owner. Subsequent meter replacement shall be provided in accordance with the rates and charges established pursuant to these rules and regulations.
 - c. Large Meters. When the meter required is larger than the size above specified, the meter shall be of a type approved by the Water District

Liaison/Town Board. The meter shall be installed by the Water Department and the cost shall be borne by the owner. Subsequent meter replacement shall be provided in accordance with the rates and charges established pursuant to these rules and regulations.

3. Meters in Mobile Homes. Whenever a meter is to be installed in a mobile home or manufactured home, a metering pit that contains the meter and all required piping shall be mandatory. The expense of the metering pit, plumbing, and any other associated costs of installation shall be the responsibility of the owner.
4. Ownership and Responsibility. All meters shall be installed by the Water Department and shall remain the property of the Water District. The owners in whose premises such meters are installed will be held responsible for their safekeeping. Any damage caused to such meters by the carelessness, recklessness, gross negligence, and/or negligence of the owner, his or her agent or tenant, or by either of them, shall be paid to the Water District by the owner. If timely payment for damage to a meter is not made, then the unpaid amount shall constitute a lien upon the premises at which the damaged meter is installed until such amount is paid or otherwise satisfied or discharged and, if not so paid or otherwise satisfied or discharged, shall be added to and become and form a part of the taxes next to be assessed and levied upon such premises and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.
5. Repairs. All repairs to meters shall be made by regular employees of the Water Department only. Repairs due to ordinary wear and tear will be made free of charge, but repairs due to abuse or lack of maintenance such as hot water, freezing or other external sources must be paid by the owner of the premises; and if a meter is damaged beyond repair such owner must pay for a new meter in accordance with the rates and charges established pursuant to Water District rules and regulations. Upon refusal of owner to pay for any such repairs, then the unpaid amount shall constitute a lien upon the premises at which the repairs are made until such amount is paid or otherwise satisfied or discharged and, if not so paid or otherwise satisfied or discharged, shall be added to and become and form a part of the taxes next to be assessed and levied upon such premises and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes.
6. Seals. All meters installed by the Water Department and all by-passes shall be sealed and such seals must not be broken except by employees of the Water Department.
7. Removal. No meter shall be removed or disturbed except by employees, or as permitted by officials, of the Water Department.
8. Minimum Standards. No meter shall be installed by the Water Department unless the service, service fixtures and plumbing adjacent to the proposed location of the meter are in a good and serviceable condition and as follows:
 - a. The curb box must be readily accessible.

- b. The curb cock, stop and waste cock must be in good working order; and any rusty or unsafe pipes next to the proposed locations of the meter must be replaced.
 - c. The owner of the premises in which a meter is to be installed shall be notified in writing by mail, addressed to him or her at such premises, of any required repairs to be made prior to installation of such meter.
 - d. No meter shall be installed until all required repairs have been completed.
9. Backflow Prevention Devices and By-Passes.
- a. Authority and Responsibility. Backflow prevention devices shall be installed and maintained within the Water District in accordance with the requirements and specifications of the New York State Public Health Law and Subpart 5-1 of the State Sanitary Code ("Public Water Supply Systems"). A degree of hazard will be assigned by the Water Department to each premises connected, or applying for connection, to the water supply system. Based upon the degree of hazard assigned, the Water Department may require the customer to install, operate, test and maintain an acceptable backflow prevention device and maintain and furnish adequate records on the testing and maintenance of these devices, as further described below. The costs of installing and maintaining required backflow prevention devices shall be borne by the customer.
 - b. Assessment of Hazard and Required Prevention Devices. All applications for water service will be reviewed by the Water Department for a determination as to the need for a backflow prevention device. The Water Department shall have the right to access any premises connected, or applying for connection, to the water supply system for the purpose of inspecting and assessing the degree of hazard or potential hazard posed by such premises. The degree of hazard determination will be made in accordance with New York State Department of Health guidelines and will be based upon the following criteria: use, toxicity and availability of contaminants within the premises; availability of an auxiliary supply of water; evaluation of the customer's internal firefighting system; and lawn sprinkler and irrigation systems. If it is determined that cross-connection exists within the premises, all service lines will be assigned the same degree of hazard. Premises will be assigned one of the following three classifications:
 - i. Hazardous Premises – One in which substances may be present which, if introduced into the public water system, may endanger or have an adverse effect on the health of other water customers. Any premises classified as Hazardous must provide protection to the public water supply system through the use of an approved Reduced Pressure Zone (RPZ) device or an Air Gap Separation.
 - ii. Aesthetically Objectionable Premises – One in which substances are present which, if introduced into the public water supply

system, could be a nuisance to other water customers but would not adversely affect human health. Any premises classified as Aesthetically Objectionable must provide protection to the public water supply system through the use of an approved Double Check Valve (DCV) assembly.

- iii. Non-Hazardous Premises – One which does not require the installation of an acceptable backflow prevention device.

The Water Department will communicate with appropriate customers on the requirement of inspections and hazard assessments. A customer's refusal to provide access to its premises for the purpose of an inspection will result in a Hazardous classification assignment for all service lines to the premises. If, upon completion of an inspection, the Water Department identifies a degree of hazard which requires the installation of a backflow prevention device, the Water Department will send written notice to the customer advising that an approved backflow prevention device must be installed.

- c. Customer Responsibility for Cost; Approved Designs. The cost of any backflow prevention device required by the Water Department shall be borne by the owner. Each backflow prevention device installed within the Water District shall be of a model and size approved by the New York State Department of Health. The Department of Health, as well as the Water Department, maintains a list of backflow prevention devices which have been approved for use in New York State.
- d. Submission and Approval of Plans. In the event a backflow prevention device is required, the customer is responsible for submitting all plans and specifications for the device, as follows:
 - (i) An "Application for approval of backflow prevention device" must be completed and submitted to the Water Department, together with detailed plans and specifications and an engineering report.
 - (ii) After review and approval by the Water Department, all documents will be forwarded to the Chemung County Health Department for approval.

Note: If Plans are disapproved at any step, they will be returned to the customer for modification and resubmitted to the Water Department.

- e. Installation and Initial Testing. An approved backflow prevention device shall be installed on each service line, as well as any bypass line to a customer's property, at or near the property line or immediately inside the premises being served, as determined by the Water Department. In all cases, the backflow prevention device must be installed before the first branch line leading off the service and must be fully accessible for maintenance and testing. In the case of premises that have more than one service line, each service line will be classified separately as to the degree of hazard based upon usage, auxiliary water availability, etc., and

will be equipped with the appropriate backflow prevention device dependent upon the degree of hazard assigned to the service line. All backflow prevention devices must be installed so that they are not subject to flooding or freezing. In no case will the installation of a backflow prevention device include unprotected bypass piping. If the required backflow prevention device is two (2) inches in size or smaller, the customer will be required to install an approved device within ninety (90) days of notification. If the required backflow prevention device is over two (2) inches in size, the customer will be required to install an approved device within one hundred eighty (180) days of notification.

After installation of an approved backflow prevention device, the customer is responsible for certifying that the installation was done in accordance with the approved plans. The initial device test results must also be documented and certified by an approved backflow device tester. Certification of installation and initial test results shall be submitted to the Water Department and the Chemung County Health Department within thirty (30) days of installation.

Failure to install an approved backflow prevention device within the compliance deadlines will be cause for the discontinuance of water service to the premises.

- f. Testing and Maintenance of Backflow Prevention Devices. The customer is responsible for the certified testing of all backflow prevention devices at least once each year. In those situations where the Water Department or the Chemung County Health Department deems the hazard to be significant, certified tests may be required at more frequent intervals. All backflow prevention devices shall also be tested after each repair. The testing of backflow prevention devices will be conducted only by individuals that are New York State certified backflow device testers. Results of all certified backflow device tests shall be documented by the customer and forwarded to the Water Department within thirty (30) days of the test. The customer shall keep all testing and maintenance records for each backflow prevention device a minimum of ten (10) years. Failure to comply with the requirements for testing backflow prevention devices will be cause for discontinuance of water service to the customer's premises.
 - g. Maintenance. The customer is responsible for conducting general maintenance inspections of all backflow prevention devices to ensure protection against freezing, flooding and continued accessibility. Piping checks shall also be conducted frequently to ensure that all backflow prevention devices have not been bypassed or otherwise rendered ineffective.
10. Outside Meter Placement for Seasonal Use Only. In case it is necessary to install a meter in an outside setting, the extra expense of this setting must be borne by the owner and paid to the Water Department.

11. **Number of Meters to be Furnished.** Only one meter to a premises will be furnished by the Water Department at the owner's expense. It must be placed to cover all the fixtures connected with the supply or service pipe, and must be in a position where it can be conveniently read.
 12. **Plumbing Plan.** Where service is desired for multiple dwelling, commercial, or industrial use, a detailed plumbing plan showing service supply, fixtures and equipment and any other water use facilities must be submitted at the time of application to the Water District Liaison/Town Board.
- B. **Sub-Metering and Purveying of Water.** The sub-metering or purveying of water shall not be permitted. No person shall supply water in any manner through any fixture or device to the occupants of neighboring premises of any description except under a special written permit approved by the Water District Liaison/Town Board. No person shall in any way purvey water supplied by the Water District.
- C. **Supply—Restrictions on Water Use.** The Water Department reserves the right to restrict, limit or suspend the supply of water within the Water District under the following conditions:
1. **Lawn Water Sprinkling.** Lawn sprinkling may be forbidden at any time by the Water District Liaison/Town Board, in case he or she should deem it necessary to conserve the water supply for the Town.
 2. **Restrictions or Limits on Water Furnished.**
 - a. **Limit on Water Use.** The Water Department reserves the right to limit the amount of water furnished to any consumer should circumstances seem to warrant such action, although no limit may be stated in the application or permit for use. In addition the Water Department may entirely shut off the water supply used for any industrial uses, or for furnishing power or for lawn sprinkling at any time by getting or giving reasonable notice to the consumer of such intended action.
 - b. **Temporary Service Interruption.** The Water Department reserves the right to shut off water from any service or any main for the purpose of making or constructing new work or in making repairs, without formal written notice for a short-term time frame as may be necessary.
 3. **Waste of Water is Prohibited.** Allowing water to run to prevent freezing in the service pipes or their attachments, or for the purpose of flushing soil or sewers, or for any other purpose on the premises than those paid for or indicated in the application for the same and which are allowed by these rules and regulations shall be prohibited. Faucets must be kept properly packed and all other fixtures in repair, so as to prevent leaks. The Water District Liaison/Town Board may shut off water service for failure to comply with this requirement.
 4. **Supply to Detached Building on the Same Lot.** In cases where it becomes advisable and necessary to supply water to a number of detached buildings upon the same lot from an attachment affixed or properly belonging to only one of the buildings, a special permit for the use of the Town water may be granted by the

Water District Liaison/Town Board. The owner of the premises will be held responsible for all unauthorized use or waste of water; and in case such unauthorized use or waste is discovered, the permit shall be revoked and the water shut off without notice; and service will not be turned on again until all charges for unauthorized use or waste shall have been paid, together with the charge for turning on the water, to the Water Department.

5. Supply to Services Outside Water District. All municipalities, water districts, persons, firms or corporations outside the Water District limits desiring a supply of water in a private main must comply with the rules and regulations of the Water District, and must make application therefore to the Water District Liaison/Town Board on forms prepared for that purpose. The director of water systems shall make a report thereof to the Town Board and upon the execution of a contract therefore, between the applicant and the Town Board, the Water District Liaison/Town Board may arrange for furnishing water to the applicant(s) at rates established by the Town Board.
 - a. Any addition to or connection with private mains or supply pipes for the purpose of supplying water to other premises shall not be made until a written permit is granted by the owner of the pipes to the party or parties desiring such connection, and a copy thereof filed with the Water Department and the party or parties agreed to comply with these rules and regulations.
 - b. The Water Department reserves the right to refuse to permit such outside connections and to discontinue the supply of such water at any time.

6. Supply for Construction Purposes. Water will be furnished to builders or contractors for construction purposes only upon application to the Water District Liaison/Town Board, and the receipt of a permit therefore in writing, personally signed by the Water District Liaison or, if none, an authorized member of the Town Board:
 - a. The estimated amount of water for the work to be completed by the builder or contractor must be given and payment for such water may be required to be made to the Water Department in advance before a permit is granted.
 - b. Where necessary to make temporary connections with fire hydrants, standard hydrant wrenches and reducing caps supplied by the Water Department shall be used, for which a deposit shall be required.
 - c. Permits issued hereunder shall terminate on November 1st each year, and may be revoked at any time by the Water District Liaison/Town Board.
 - d. No consumer of water will be allowed to furnish water for building purposes on his own or other premises without first paying for such water and receiving a permit for such use from the Water District Liaison/Town Board.

- e. In case the builder or contractor is required to insert a special service pipe or fixture to enable him or her to procure water for building purposes the application for such service must be made by the owner of the property. After filing such application, the permit for such use may be issued to the builder on his or her application, and he or she must file an application to have the water turned off at the curb as soon as he or she has finished his or her work.
 7. Discontinuance of Use of Water. When for any reason the use of water service is discontinued, such service shall be shut off at the corporation cock at the main and any branch abandoned shall be capped. If the owner fails to comply with this subdivision, the service may be shut off and any such branch capped by or at the direction of the Water District Liaison/Town Board. All expense connected therewith shall be borne by the owner and chargeable against the property at which such service was discontinued regardless of whether or not such owner owned such property at the time that such service was discontinued.
 8. Steam Boilers. The Water District, Water Department, Town Board, or the Town will not be responsible for any accidents or damages that may result through supplying steam boilers directly from the service pipe, or for the failure of water pressure in the distribution pipes to fill such boilers under working pressure. In addition the parties listed above will not be responsible for any accidents or damages that may result in consequence of house boilers being unprotected by vacuum or other valves, or of the imperfect action of the same, nor for any lack of strength in the boilers or their appurtenances to withstand the pressure in the distributing mains. Further, the above listed parties will not be responsible for any damage occasioned by reason of the breaking of any cock, valve or of any service pipe or appurtenance thereto, nor for any accidents or damages arising from shutting off the water for the repairs of mains, for new work or for any purpose whatsoever.
 9. Change of Pressure. The Water District, Water Department, Town Board, or the Town (or their respective officers, employees, or agents) will not be liable for any damage or loss of any kind to property or persons which may arise from or be caused by any change in or increase of water pressure from any cause whatsoever.
- D. Services.
1. Service Pipes Maintained.
 - a. Owner Responsibility. The owner of any premises into which water is introduced by a service pipe shall be required to maintain in perfect order at the owner's cost and expense the service pipe from curb cock to the owner's premises, including all fixtures therein provided for delivering or supplying water for any purpose. The curb box must be kept in view and the top thereof must be even with the sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are not kept in good and serviceable repair, the water may be shut off from the premises until the requirements of this subdivision are complied with; or the Water Department may make the necessary repairs to conform to the

requirements of this subdivision and charge and collect the cost thereof from the owner of the premises. If any such charges are not paid by the owner of the premises, then the unpaid amount shall constitute a lien upon the premises until such amount is paid or otherwise satisfied or discharged and, if not so paid or otherwise satisfied or discharged, shall be added to and become and form a part of the taxes next to be assessed and levied upon such premises and shall bear interest at the same rate as taxes and shall be collected and enforced by the same officers and in the same manner as taxes. Notwithstanding the foregoing provisions of this paragraph (a), the replacement of a service pipe from the curb cock to the owner's premises shall be completed by the Water Department and the cost thereof shall be borne by the Water District if such replacement is determined by the Town Board, in its sole discretion, to be necessary on account of ordinary wear and tear and not on account of the negligence or misuse of the owner of the premises.

- b. Water District Responsibility. The Water Department will maintain and repair each service pipe between the water main and the curb cock controlling the service, provided:
 - i. The same is in a public easement;
 - ii. The service has been installed in full compliance with the rules and regulations of the Water District;
 - iii. The failure of the service or the damage thereto which results in repairs under this subdivision has not been caused by the improper act or omission of the owner;
 - iv. If service or equipment is interrupted or damaged as a result of the owner's negligence, carelessness, omission, or gross negligence, the owner shall pay the entire cost of the necessary repairs.

2. Protection From Freezing. Service pipes shall be located in areas best protected from frosts. In structures where there is no cellar the service pipes shall be carried to the center of the building or to unexposed areas prior to being carried upward in the structures.

- a. In all cases where the service pipe passes through areas or basements having windows, grating, or traps open to the weather, the openings shall be closely covered and the windows and doors closed to the outside area during the cold weather.
- b. In all exposed situations the service pipes and fixtures shall be properly wrapped with felt or other nonconducting substances and surrounded with a box, packed with nonconducting substances if necessary to protect such service pipes and fixtures from freezing.

- c. All protection shall be at the expense of the owner, and in case he or she neglects to protect his or her service as aforesaid, the Water District Liaison/Town Board may shut off the water therefrom.
3. Defective Services. In all premises where water from the mains is now supplied by a system of pipes and fixtures that are not of the standard or pattern prescribed in these rules and regulations, or where the service does not comply with any other part of these rules and regulations, the owner of the premises shall be ordered by the Water District Liaison/Town Board to make all necessary changes to comply with such rules and regulations. All costs associated with compliance of such an order shall be the sole responsibility of the owner. If the owner fails to comply with such order, the water may be shut off from such premises until the defective items are remedied.
4. Fire Service. Stand pipes or pipes for automatic suppression of fire in buildings, which fixtures are only intended for such use, may be attached to the water supply in accordance with the following requirements:
 - a. All material and designs for such connection shall be approved by the Water District Liaison/Town Board.
 - b. All such pipes must be provided with suitable valves outside of the building and under exclusive control of the Water Department.
 - c. In the case of stand pipes, a valve must be provided and placed at the bottom of the stand pipe.
 - d. The Town Board reserves the right to refuse any or all applications for water for merely fire protection uses at its discretion.
 - e. The entire cost and expense of installing the fire service shall be borne by the owner of the premises. Under no condition shall connection be made with such fire protection fixtures for the supply of water for any other purpose.
 - f. If the fire service is to be shut off, a letter from the owner of the premises is required. In addition, the Water District, Water Department, Town Board or Town will not be responsible in any way when the fire service is shut off.
 - g. Fire Service Maintained. The owners of the premises where pipes are in service for fire protection only shall maintain such service pipes from the street main into the premises; and they shall be responsible for any damage that may be caused by a leak in such pipes, or the breaking or bursting of such pipes, unless such damage has been caused through the negligence, carelessness, or gross negligence of the Water Department.
 - h. No Yard Hydrants. No yard hydrants or stand pipes will be allowed in any yard or lot; and any such existing hydrant must be abandoned upon notification from the Water District Liaison/Town Board.

- i. Required Maintenance. All stand pipes or pipes for automatic suppression of fire in buildings, which fixtures are only intended for such use, as well as all private fire hydrants shall be properly maintained by the owner and documentation of the proper maintenance filed annually with the Water District Liaison/Town Board.
 - j. Hydrants (Penalty for Opening). All street hydrants are under control of the Water Department.
 - i. Opening. No person shall use a wrench for opening hydrants except a wrench furnished by the Water Department.
 - ii. Use of Water. No person except an authorized agent or employee of the Water Department, or of an authorized fire department, or highway department employee of the Town, or a person holding a written permit signed by the Water District Liaison or, if none, an authorized member of the Town Board, shall disturb any hydrant or any part thereof, or take any water therefrom under any circumstances whatsoever.
 - iii. Designated Hydrants. Any purchase of water shall be taken from hydrants designated by the Water Department and operated by personnel of the Water Department.
 - iv. Damages. If any damage to a street hydrant occurs as the result of a permitted person taking water from the hydrant, the holder of the permit shall pay such damages and all costs and expenses that may be incurred by reason thereof, on demand, to the Water Department. In addition the permit may be revoked.
 - v. Obstructions. No person shall place any obstruction that would prevent free access to any fire hydrant or leave any vehicle standing within fifteen (15) feet of the hydrant.
 - vi. Change of Hydrant at Owner's Request. If an owner desires a change in the size, type or location of a hydrant, the owner shall bear the entire costs of such request without refund or contribution by the Water District, Water Department, Town Board or Town.
 - vii. Use by Volunteer Fire Departments. No hydrants shall be used by volunteer fire companies from fire districts outside of the Town unless arrangements have been made with the Water Department. In the case of emergency and non-emergency situations, use of hydrants must be reported to the Water Department within seventy-two (72) hours of the occurrence.
5. Street Sprinkling Rules. Any person, under contract with the Town or private persons engaged in the work of sprinkling any streets or highways of the Town, shall do so subject to the following:

- a. Application. Such person shall apply for a permit to the Water Department on forms provided for such purpose.
 - b. Street Hydrants. Water shall be taken only from hydrants that have been designated by the Water District Liaison/Town Board.
 - c. Charge. Before receiving such permit the applicant shall pay to the Water Department the charges established pursuant to Section 8 of these rules and regulations, and shall pay deposit fee as established by the Water District Liaison/Town Board prior to receiving a wrench for opening hydrants. The deposit shall be returned to the permit holder when the hydrant key is returned to the Water Department.
 - d. Water for Sprinkling Only. A permit to sprinkle does not authorize anyone to take water from a hydrant except for sprinkling purposes; and anyone who takes water from a hydrant for any other use without a special permit from the Water Department shall be in violation of these rules and regulations.
6. Operated by Employees Only. No person except an employee of the Water Department shall open, close or in any way interfere with any street valve or gate in any water main, conduit or street pipe.
 7. Displaced or Covered. Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or who has covered a valve box or manhole cover of a valve chamber with dirt, paving, plank or other material, shall immediately replace the valve box and remove the obstruction and be subject to the civil and criminal penalties as set forth in these rules and regulations.
 8. Discontinuance of Service. If any provision of these rules and regulations is not complied with at any premises, or the owner of any premises fails to do any matter required to be done by him or her in accordance with these rules and regulations, or such owner fails to make any payments of money payable to the Town or the Water District for the supply of water, or otherwise required by these rules and regulations, the Water Department may shut off the water supply to such premises until the owner, person or premises is in full compliance. Any owner shall have the right to file a written grievance with the Town Clerk within ten (10) days after notification that water service is being shut off, and the Town Board may, in its discretion, stay any shut off and shall conduct a hearing within thirty (30) days of the filing of the grievance and decide on the grievance within five (5) days after the hearing. When any water supply is shut off, the customer shall pay the cost of shutting off and then reinstating such water supply before service is restored.

SECTION 8 - Establishment of Schedule of Rates and Fees.

- A. The Town Board shall establish, and may amend from time to time by resolution, a schedule of rates and charges for water service, including those listed in these rules and regulations. Water rates and charges for services as set by the Town Board shall be filed in the office of the Town Clerk. The Town Board may set a scale of water rates for

consumers residing outside the specified Water District service area at higher rates as shown in the schedule of water rates. The frequency and extent of any adjustments in the rates and charges for water service shall be in the sole discretion of the Town Board.

B. Water Rates. The following types of water rates are established:

1. Minimum Water Rates and Schedule of Rates. The schedule of rates for water use shall be established on a unit of water use charge basis. This schedule of rates, to set the unit of water use rate, shall be based on a formula that calculates the annual cost of provision of operation and maintenance for the Water District minus the calculated minimum water rates divided by the amount of units of water use billed in the previous calendar year.
2. Line Charge. A minimum line charge for the provision of a meter for water service.
3. Capital Fee. A capitalization charge sufficient to cover debt service for any bonds or other indebtedness incurred by the Water District or any prior water district pursuant to the Local Finance Law of the State of New York.
4. Application for Service Fee. The service fee shall be the cost of service installation from the main to the curb box, including the cost of labor; materials, equipment rental and overhead charges for the installation of and/or to the curb box. The applicant shall pay an advance payment stated on the service installation order form before work is commenced. The advance payment shall be deducted from the total cost of the new service line. In the event that the service request requires any engineering services, the cost of any engineering review incurred by the Water District shall be passed through directly to the applicant who shall be responsible for all such costs incurred by the Water Department in association with his or her application.
5. Service Charges. Service charges shall be assessed for the restoration of service, special meter readings, tax levy fees, and meter tests, and as otherwise authorized by the Town Board.
6. Fire Protection Fees. Special service charges for private fire protection services.
7. Flat Rates. Flat rate for temporary usage.

C. Billing.

1. When Bills are Payable. All bills are due when rendered and payment is required within the bill date as stated on the billing, and the bill or account shall become delinquent as of this bill date. All bills will be sent in the customer's name, and the Town Board will not be responsible for the failure of the postal service to deliver bills. All remittances received shall be considered received as of the date of receipt in the Water Department office.
2. Responsibility for Bills. All bills for use of water service are charges against the owner of the premises served and the property where the water is served, and all water rents are considered a lien on the property. Failure to receive bills for water

service or repairs does not relieve the owner from liability to pay. It is the responsibility of the owner of the property served to keep track of all unpaid water bills.

3. Issuance of Bills. The Town Board will endeavor to read each meter and render a bill on a monthly basis.
4. Penalty Rates. A late payment penalty shall be imposed upon past due water use fees at a one-time rate of ten (10) percent of the amount shown on the billing statement if payment is not received within twenty (20) days after the bill date shown on such statement. After October 1st, if the amount remaining due on any account of an owner is greater than or equal to \$150.00, the amount remaining due will be included in the annual town tax levy as authorized by law, and the amount so levied will also include an administrative fee of thirty-five dollars (\$35.00) and a service charge of two hundred seventy-five dollars (\$275.00).
5. Property Transfer. All bills are sent in the owner's name and, when purchasing property, the prospective owner shall determine whether or not there are outstanding bills. Outstanding water bills or charges shall be paid prior to property transfer. Failure of the owner or customer to receive bills does not relieve him of responsibility for payment. A transfer fee in accordance with this section shall be paid by the new owner.
6. Assessment of Fees to Customer Using Well. If a customer is permitted under New York law (whether by virtue of having obtained a variance pursuant to Title 19, Part 1205 of the New York Codes, Rules, and Regulations or pursuant to another applicable New York statute or regulation) to discontinue its use of water service and thereafter accesses water via an existing well located upon the customer's property, the customer shall remain subject to the assessment of Water District rates and fees established pursuant to this Section, to the extent permitted by New York law.

D. Consultant, Inspection and Legal Fees.

1. Determination of Need. The Water Department may determine that consultants, inspectors or legal services will be required to assist the Water Department in its review of an application for service. Such a determination shall be made on a case-by-case basis, based upon the nature and complexity of the review of the application. The factors determining the need for consulting, inspection or legal services for any given application shall include, but not be limited to, the following: (i) whether the application involves a residential or nonresidential use or activity; (ii) the size of the project that is the subject of the application; (iii) the value of the project that this the subject of the application; (iv) the potential for environmental impact that an application may have on infrastructure or the surrounding neighborhood or area; (v) the familiarity, expertise or experience of the Water Department with the type of application; (vi) the type of technical reports expected to be submitted with the application; and (vii) any and all other factors of a unique nature that may be attributable to the application. If the Water Department determines that the use of consultant, inspection or legal services is necessary, such determination shall be in writing, shall include an estimate of the expected cost for such services issued by the provider thereof, and shall be delivered personally or mailed to the applicant via regular first class U.S. mail.

2. Customer's Responsibility for Payment. When it is determined by the Water Department that consultant, inspection or legal services are required for the review of an application for water services, the expense of such consultant, inspection, or legal services shall be borne by the applicant. The Water Department or the Town shall not incur any expense for such services until the applicant has provided for the payment thereof to the reasonable satisfaction of the Water Department. If an applicant fails to provide for the payment of any consultant, inspection, or legal services required by the Water Department, review of the applicant's application shall be suspended by the Water Department until such time as payment is provided.

SECTION 9 - Remedies.

- A. Penalty. Any person found to be in violation of any of the rules and regulations of the Water District and any person who shall assist in the commission of any violation of said rules and regulations or any conditions imposed by the Water District Liaison/Town Board shall be guilty of a misdemeanor punishable by a fine of not more than five hundred dollars (\$500.00) or imprisonment not to exceed ninety (90) days or both. Every such person shall be deemed guilty of a separate offense for each day such a violation, omission, neglect, or refusal shall continue.
- B. Alternative Penalty. In case of any violation or threatened violation of any of the provisions of these rules and regulations of the Water District, or conditions imposed by the Water District Liaison/Town Board, in addition to other remedies herein provided, the Water District may institute any appropriate civil actions or proceedings to prevent such unlawful actions. In determining the amount of the penalty, the court shall take into account all relative circumstances, including but not limited to the extent of harm caused, or potentially caused by the violation, the magnitude and duration, any economic benefit gained through the person's violation, corrective actions taken by the person, the compliance history of the person, and any other relative factors as justice may require. The Water District may recover all damages incurred from any person who is committing or has committed a violation, and may seek an order suspending or revoking or modifying the person's permit for water use. In addition to the above-described damages, the Water District may recover all reasonable attorney fees incurred in enforcing the rules and regulations of the Water District, including reasonable attorney's fees incurred in any action to recover penalties and damages. Further, the Water District may also recover court costs and other expenses associated with or arising out of the enforcement activities.

SECTION 10 - Repealer.

Local Law No. 1 of 2019 of the Town of Van Etten, "Town of Van Etten, Chemung County, New York Municipal Water Supply System Rules and Regulations," is repealed and replaced in its entirety by this local law. Further, all ordinances or parts of ordinances or local laws in conflict with or inconsistent with the provisions of this law are hereby repealed, except that this repeal shall not affect or prevent the prosecution or punishment of any person for any act done or committed in violation of any ordinance or local law hereby repealed prior to this law taking effect.

SECTION 11 - Severability.

Each separate provision of this local law shall be deemed independent of all other provisions herein, and if any provision or part hereof shall be deemed invalid all other provisions hereof shall remain valid and enforceable.

SECTION 12 – Effective Date.

This local law shall take effect upon its adoption and filing with the Secretary of State of the State of New York as required by law.