

# Local Law Filing

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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 Fleischmanns, New York 12430

Local Law No. 1 of the year 20 16

A local law An Amendment to the Law Regulating Water  
(Insert Title)

Service of the Village of Fleischmanns

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

County  City  Town  Village  
(Select one.)

of Fleischmanns, New York 12430 as follows:

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

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Be it enacted by the Village of Fleischmanns as follows:

### Section 1. General Provisions and Purpose

1. The purpose of this article is to establish rules and regulations for water use within the Village of Fleischmanns and to confirm the power of the Village Board of the Village of Fleischmanns to establish rents, rates, penalties and minimum charges.
2. The Village Board shall set budgets and rates, employ personnel as required, or contract for services for same, and attend to all administrative functions required for the orderly operation of the water supply and distribution system (the "System").
3. The Village Board may appoint an Operator/Superintendent who shall report to the Village Board and who shall be responsible for all operational aspects of the System. While the Village Board reserves the right to consult with the Operator, the Village Board shall make all the final decisions on billing and financials related to the System.
4. The Operator, operating contractor, or employees under supervision of the Operator shall have and maintain licenses issued by N.Y. State authorizing them to operate the water supply and distribution system.
5. Owner is defined, for the purposes of this local law, as the owner of the property as listed on the property deed and/or the person that contracts with the Village for the provision of water as listed on the "**Water Service Work Order Application**".
6. Any prior Village Law which shall conflict with the terms hereof is repealed.
7. If any clause, section or part of this Local Law shall be adjudicated by any Court of competent jurisdiction to be invalid, such judgment shall not affect or invalidate the remainder thereof.

### Section 2. Application for Service

1. All applications for connection to the System must be made in writing to the Village Clerk. A "**Water Service Work Order Application**" can be obtained from the Village Clerk. On acceptance by the Operator, the application shall

constitute a contract between the Village and the Owner obliging the Owner to pay the Village its established rates and to comply with rules and regulations set herein.

2. Applications of contractors, builders and others for temporary service will be accepted, written permits will be issued and temporary water service will be supplied providing it does not interfere with use of water for general purposes. Persons requiring temporary service shall reimburse the Village for its expense in connection with providing the necessary temporary service connection, and a deposit specified by the Village shall be required.
3. No agreement for water service will be entered into by the Village with any Owner until all charges due from the Owner for water or services that are in arrears have been paid.
4. For any water service application that would: require water for other than normal domestic or light commercial purposes; require excessive daily quantities; or unduly impact the System and its users, the Owner shall provide at his own expense such water conservation, storage or flow-limiting facilities or such other devices necessary to obtain the approval of the Village.
5. Written notice of at least five (5) business days must be given to the Operator to turn on/off water service or to remove or reconnect a water meter.

### Section 3. Installation of Services

1. No person shall make any attachment to the water mains of the Village nor may make any repair, addition to or alteration to the service waterlines without proper authorization by the Village.
2. A separate service line shall be required for each dwelling or commercial building. In cases of multiple occupancy, the size and number of separate service lines required shall be at the sole discretion of the Operator.
3. Metering:
  - a. An individual meter shall be required for each service line.
  - b. The users of water shall at no time tamper with or attempt to bypass the meter. Any tampering with or bypass of the water meter shall

constitute a violation of this Local Law and shall result in a penalty to the Owner.

- c. No type of water measuring device shall be connected to the property supply pipe, except a Village owned meter.
- d. All meters shall be connected to a true horizontal pipe with recording face uppermost.
- e. Meters shall only be installed in a suitable space, which meets the following criteria:
  - i. Owner must protect meter from freezing at the Owner's expense.
  - ii. Owner must make sure access is available for service, replacement or removal of the meter. Meters may not be enclosed in walls or beneath floors.
  - iii. Owner must make sure the space is protected from flooding or submergence in water during all but unusual circumstances.
  - iv. Multiple meters shall be closely grouped.
- f. For locations in which a suitable space is not available for meter installation a meter pit shall be provided. The meter pit unit shall be of a design and manufacturer approved by the Operator. The Owner shall arrange installation and pay for the meter pit.
- g. All water meters will be furnished and installed by the Village and will be paid for by the Owner through a meter rent fee. Only meters approved by the Operator may be used. If a meter becomes inoperative or fails to register accurately, the Owner will be billed at an average rate based on twelve (12) months previous billings, until such time as a new meter can be installed.
- h. The Village reserves the right to remove, test, repair, and/or replace any meter at any time.
- i. Application for meter installation shall be made to the Operator at least five business days before installation is required. A **"Water Service Work Order Application"** can be obtained from the Village Clerk.

- j. Meters will at all times be protected from freezing. In the event that the meter is damaged by freezing or other external cause, the Village will replace the meter and the Owner shall pay for such repair/replacement.
4. Openings in Public Ways:
- a. Whenever an Owner, contractor or subdivision developer opens a trench on any Village road, all applicable permits must be obtained from the Village prior to start of work. A “**Water Service Work Order Application**” can be obtained from the Village Clerk.
5. Public Safety:
- a. Whenever any street or public grounds shall be opened for the purpose of making a connection with the mains or for laying any waterlines or fixtures, the public safety and convenience shall be duly regarded and the street or public place shall be restored to its original condition promptly.
6. Ownership:
- a. The water service, including all pipe and curb stop/box, shall be owned by the property owner. The water service from the main up to and including the curb stop/box shall be maintained by the Village at the property owner’s expense. The service line from the curb stop/box to the building shall be maintained by the property owner. See Figure 1 for a Water Service Connection Detail.
  - b. The Owner, at its own expense, shall install from the curb box to the meter on the premises a service line and service connections, all to be approved by the Operator.
  - c. Every new service line must have a stopcock of an approved type at the property or easement line and be provided with an iron curb box and cover. This stopcock may not be used by the Owner for turning on or shutting off the water supply but is for the exclusive use of the Village.
  - d. The service line and service connections from the curb box to the meter shall at all times remain the sole property of the Owner. All

service lines installed shall have no pipe joint between the curb box and the meter.

- e. The curb stop shall be on the side of any road or street closest to the building serviced and shall be at the curb in or within one (1) foot of the sidewalk as the Operator shall direct or at such other location as the Operator shall direct.

7. Maintenance and Replacement:

- a. The Owner, at its own expense, will maintain and protect from freezing and when necessary replace such service line and service connections.
- b. No work or repair shall be made by the Owner until written application thereof has been made to the Operator and approved.
- c. If pipe or box is defective the Owner shall repair same within three (3) days after written notice thereof given by the Operator.
- d. Should a leak occur in a service line, the Owner shall forthwith cause the same to be repaired at its own expense. Should the Owner fail to affect such repair after three (3) days' written notice from the Operator, the Operator will cause the water service to be discontinued until such repair has been made.
- e. If the service line is installed at a shallow depth, it shall be re-installed at an approximate depth of five (5) feet at the Owner's expense.

8. Service Line Specifications:

- a. All service lines shall be laid at least of sixty (60) inches below the surface of the ground. In no case will any waterline be allowed to be laid in any sewer or drain trench, nor will any drainage into a waterline trench be permitted.
- b. All service lines shall be:
  - i. Type K soft-tempered copper tubing not less in size than three-quarter-inch inside diameter and shall be with only mechanical joints underground; or,
  - ii. One continuous piece of heavy-duty polyethylene pipe rated for not less than 160-psi; over 100 feet: one inch minimum in size is

required. Only compression style mechanical joints: barb fittings may not be used.

- c. For services three inches in diameter, or larger, ductile iron double cement lined class 52 pipe is required.
- d. The Village reserves the right in all cases to stipulate a different size and type of service lines to be used in a particular instance.

9. Service Connection Specifications and Rules:

- a. All tapping shall be performed under the supervision of the Operator. No tapping will be done after November 1 or before April 1 unless specifically authorized by the Operator.
- b. The Operator shall be given at least three business days' notice prior to tapping.
  - i. Taps shall not be less than 3/4" unless approved by the Operator.
  - ii. Taps shall be at least two (2) feet apart.
- c. Owner shall be responsible for the cost to tap the water main and extend service to the curb box at the property line.
- d. No outlet through which water can be taken between the meter and the Village's main in the street will be permitted.
- e. No one shall leave the stopcock open nor allow the water to run on the premises after making any new connection with the street main or after making any new extension or attachment in unoccupied premises.
- f. Except on the pipes on the Owner's side of the meter, no additions or alterations whatever in or about public or private water pipes shall be made by any person(s) until application therefor has been made to the Operator and a written permit given therefor.
- g. When the supply of water to any premises has been turned off by the direction of the Village, service shall only be returned by and with the authority of the Village.
- h. If any building is razed, moved or abandoned, it will be the responsibility of the Owner to notify the Village. The Operator will



remove the meter and remove the service line connection at the curb and replace it with a brass plug, all at Owner's expense.

10. Swimming Pools:

- a. The Village shall be notified seven (7) days in advance before a pool of 1,000 gallons or more capacity is to be filled with water from the public supply. The Village shall have the authority to stipulate on what date and between what hours such filling shall take place.
- b. All permanent fill lines shall be installed with an air gap to the pool to prevent backflow into the System.
- c. A check valve and anti-siphon device shall be installed in the system at all pools if there is no air gap present.
- d. All pools in the System must comply within six (6) months of the adoption of this local law. Non-compliance by an Owner shall constitute a violation and shall result in a penalty to the Owner.

11. All air-conditioning, refrigeration and heating units connected to the public water supply must be of an enclosed fully recirculating pressure type.

#### Section 4. Vacating of Premises

1. If any premises are vacated, the Owner may, on submission of a "**Water Service Work Order Application**" to the Village clerk, request that the water meter be turned off/removed or reinstalled/turned on. This "**Water Service Work Order Application**" can be obtained from the Village Clerk.
2. In the event no notice is given, the Owner will be held responsible for the water rent at the full amount and will also pay for damage or waste that may occur on account of freezing or bursting of pipes due to such vacancy.
3. During the period in which there is no meter, no charge for water usage will be made.
4. When service is again requested, the Village will reestablish service for a fee as described in Exhibit A. Village of Fleischmanns Water Rates.
5. Written notice of at least five (5) business days must be given to the Operator to turn on/off water service or to remove or reconnect a water meter.

## Section 5. Payment for Water Service; Reading of Meters

1. All bills are payable in accordance with the terms of the applicable service classification. For new services installed at any time during the billing period, the minimum charge and the amount of water allowed hereunder will be prorated according to the number of days remaining to complete the billing period after the service has been made available.
2. Meters will be read and billed on a quarterly basis.
3. The quantity recorded by the meter shall be considered the amount of water passing through the meter, which amount shall be conclusive on both the Owner and the Village, except in cases, where if determined, the meter is defective.
4. All bills are due and payable without penalty twenty (20) days after date thereof. Failure to pay any bill may result in the following:
  - a. All water charges imposed by the Village, including interest and penalties thereof, shall be in lien upon the real property to which the water is supplied.
  - b. If any water charge or other fee is not paid within twenty (20) days from date due on the water service bill, the water supply may be cut off by the Operator until such charges are paid.
  - c. A late penalty of 10% of the amount of the total bill per month, compounded monthly, shall be added to the bill for late payments.

## Section 6. Rules and Regulations for Water Service

1. Water service may, upon twenty (20) days written notice to the customer, be discontinued for any one of the following reasons:
  - a. For use of water other than as represented in Owners' applications or through branch connections on the street side of the meter or place reserved therefore.
  - b. For waste of water through improper or defective pipes, or by any other means.
  - c. For damaging, tampering with or bypassing any service line, seal or meter.

- d. For nonpayment of bills for water or services rendered by the Village in accordance with this Law.
  - e. For cross-connecting pipes carrying water supplied by the Village with any other source of supply or with any apparatus which may endanger the quality of the Village's water supply.
  - f. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters or inspecting water piping and other fixtures.
  - g. For violation of the rules of the Village as set forth in its rules and regulations.
  - h. For failure to repair leaking service lines after three (3) days' notice.
2. No person(s) shall open or interfere with the fire hydrants or draw water wherefrom without permission from the Village except in the case of an emergency posing imminent danger to life or property.
  3. Any person(s) who damages any street hydrant or other Village property shall be liable for the actual damages sustained.
  4. Upon receipt of an application for a new service or for the reinstatement of an existing service, the Village will assume that the piping and fixtures which the service will supply are in proper order to receive the same, and the Village will not be liable in any event for any accident, breaks or leakage arising in any connection with the supply of water or failure to supply the same.
  5. The Village reserves the right to refuse to turn on water unless a responsible party is present at the site that is capable of verifying that leakage or other damage has not and will not occur after water is turned on.
  6. The Village undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to customers, but reserves the right, at any time without notice, to shut off the water in its mains for the purposes of making repairs or extensions or for other purposes, and it is expressly agreed that the Village shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever, nor for any damage thereby or by the bursting or breaking of any main or service line or any attachment to the Village's property.

7. In those cases where an Owner's service line is frozen, the thawing shall be done at the expense of the Owner. To avoid a recurrence of freezing, the Village may order an examination of the service line and, if the same is not at a depth of sixty (60) inches as required, the Village reserves the right to require it to be so relocated before service is resumed.
8. In order to maintain sufficient water supply and pressure at all times for fire protection and household use, lawn sprinkling, garden sprinkling and other use of public water may from time to time be restricted by the Village.
9. Water for construction contractors, builders and other temporary purposes will be billed according to the estimated amount of water to be used or metered at the discretion of the Village.

#### Section 7. Non-Metered Use of Water

1. Non-metered use of waters of the System shall be paid for at the rates and in the manner established by the Village and described in Exhibit A. Village of Fleischmanns Water Rates.

#### Section 8. Private Well Restrictions

The following statements pertain to Owners of real property located in the Village who are able to obtain Village water service, but choose instead to use a private onsite well.

1. Owners of wells within the Village shall notify the Village of all existing and in-use wells on their property.
2. Owners of wells within the Village who are able to obtain Village water service but choose not to are required to pay a portion of the debt incurred by the System as a result of repairs or extensions. These charges will be reflected in a quarterly bill to the Owner.
3. All new construction, as of the date of this Law, of residential and non-residential type are to be required, where applicable, to connect to the System.

## Section 9. Water System Extension

1. For proposed Subdivisions which would require water service lines in excess of two hundred (200) feet, water mains shall be constructed by the Owner and dedicated to the Village.
2. Any new water mains shall be constructed as a loop connecting at least two points to existing water mains.
3. Any extensions must be approved by NYSDOH, the Village's engineer and by resolution of the Village Board.
4. New water mains shall be constructed to the same standards as existing Village water mains and shall be conveyed along with maintenance easements as required to access all new public water mains.
5. Any extension shall, in addition meet all standards established by the Village.
6. Before the Village will undertake to take over such water system so installed in private developments, the developer must:
  - a. Transfer its right, title, interest and ownership to the Village for the normal consideration of \$1 before it will undertake to keep it in operation and repair;
  - b. Furnish satisfactory proof that either the streets in which the water mains are laid have been dedicated and accepted by proper public authority or instruments granting easements to the Village in a form to be recorded in County Clerk's office with a satisfactory title company certificate showing the same to be executed by all owners and mortgagees or other lienors; and,
  - c. Provide certification by a licensed NYS professional engineer that all pipes, valves, hydrants and other construction has been located and placed in accordance with the approved plans.

## Section 10. Connection, Fees and Rates

1. The Village may set such reasonable connection fees on new construction as it determines to be proper for the impact of the proposed new construction on the capacity of existing facilities.

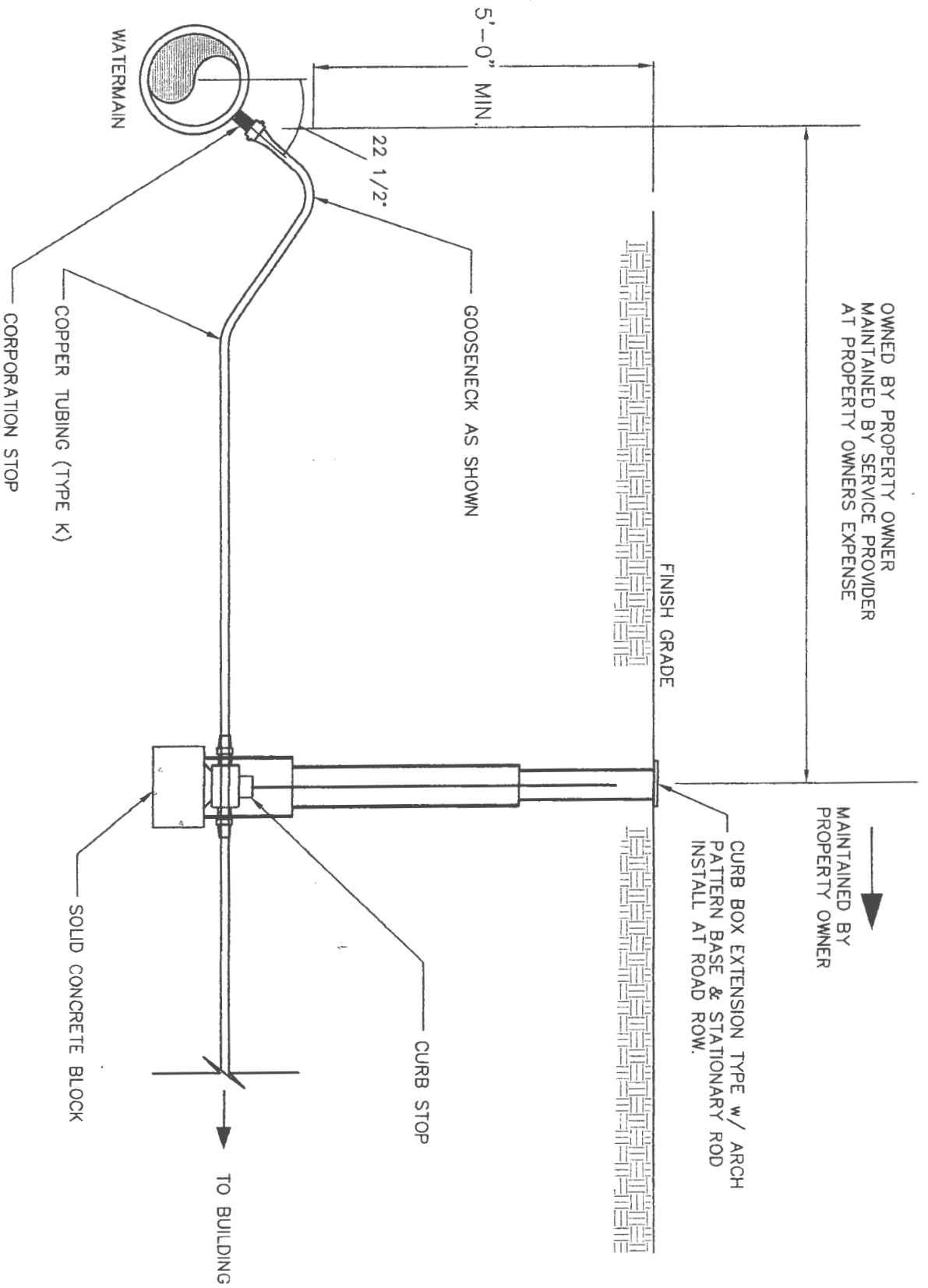
2. Owners shall be responsible for laying water service line from the curb valve at the street to their residence and connecting into their building plumbing system.
3. All connection work will be subject to inspection by the Operator.
4. Water Rates shall be charged based on cubic feet of water used per quarter.
5. Capital Costs shall be charged to all persons or entities that are connected or who could connect to the System. These charges will be invoiced on a quarterly basis.
6. Charges, fees and rates may be altered by resolution of the Village Board from time to time as required to pay for operation, maintenance, and general upkeep of the Water System.

#### Section 11. Violations:

1. No person(s) shall damage or pollute the System or any waters thereof.
2. No person(s) shall commit or perform any act upon the System, except as authorized by the Village or Operator.
3. No person(s) taking water shall supply other parties or properties not entitled to its use, nor take Village water from a hydrant, except by special permission from the Operator. If permission is not obtained, the person(s) using same will be held responsible for the whole amount of water illegally used.
4. Any person(s) who shall violate any provision of this Law, shall, for each such violation forfeit and pay to the Village a penalty of not less than \$250.00. Each day water is illegally taken shall constitute a separate violation.

**Figure 1**  
**Water Service Connection Detail**

Figure 1



**VILLAGE OF FLEISCHMANN'S**  
**TYPICAL WATER SERVICE CONNECTION DETAIL**

SCALE: NOT TO SCALE



## **Exhibit A**

### **Village of Fleischmanns Water Rates**

**Village of Fleischmanns  
Proposed Water Rates  
2015**

**Rates for replacement of frozen water meters**

<b>Replacing frozen water meters</b>	<b>Current Fee (\$)</b>	<b>Proposed Fee (\$)</b>
A. Replace a frozen 5/8" & 3/4" meter during normal Village working hours	\$145.00	\$145.00
B. Replace a frozen 5/8" & 3/4" meter outside normal Village working hours	\$220.00	\$245.00
C. Replace a frozen 1" & 1 1/4" meter during normal Village working hours	\$240.00	\$240.00
D. Replace a frozen 1" & 1 1/4" meter outside normal Village working hours	\$315.00	\$340.00
E. Replace a frozen 1 1/2" & 2" meter during normal Village working hours	\$460.00	\$460.00
F. Replace a frozen 1 1/2" & 2" meter outside normal Village working hours	\$550.00	\$560.00

**Installation Fees**

<b>Installation (Including water meter)</b>	<b>Current Fee (\$)</b>	<b>Proposed Fee (\$)</b>
A. for 5/8" Meter	\$145.00	\$145.00
B. for 3/4" Meter	\$150.00	\$150.00
C. for 1" Meter	\$170.00	\$170.00
D. for greater than 1" Meter	\$190.00	\$190.00

<b>Installation/Removal Charges (no water meter replacement)</b>	<b>Current Fee (\$)</b>	<b>Proposed Fee (\$)</b>
A. Turning water on at the curb	\$25.00	\$100.00
B. Turning water off at the curb	\$25.00	\$100.00
C. Reconnecting water meter	\$35.00	\$100.00
D. Removing water meter	\$35.00	\$100.00
E. Outside of business hours, an additional fee will be charged for all services A through D above.	\$50.00	\$100.00

**Water Meter and Water Usage Rates per Quarter**

**Water Use Charges**

<b>Water Use (CF/Quarter)</b>	<b>Current Rate (\$/100 CF)</b>	<b>Proposed Rate (\$/100 CF)</b>
A. For 0 to 100 Cubic Feet (Cu. Ft.) of water,	\$0.16 per Cu. Ft.	\$0.16 per Cu. Ft.
B. for each additional 100 Cu. Ft. up to 800 Cu. Ft.	\$1.85	\$1.85
C. for each additional 100 Cu. Ft. up to 2,500 Cu. Ft.	\$2.00	\$2.00
D. for each additional 100 Cu. Ft. up to 5,000 Cu. Ft.	\$5.10	\$5.10
E. for each additional 100 Cu. Ft. up to 10,000 Cu. Ft.	\$5.80	\$5.80
F. for each additional 100 Cu. Ft. above 10,000 Cu. Ft.	\$6.10	\$6.10
G. Minimum quarterly water fee	\$31.00	\$31.00

**Water Meter Rental Charges per Quarter**

<b>Water Meter Size</b>	<b>Meter Rate</b>	<b>Current Fee (\$/Quarter)</b>	<b>Proposed Fee (\$/Quarter)</b>
A. 5/8" Meter	02	\$13.00	\$13.00
B. 3/4" Meter	01	\$21.00	\$21.00
C. 1" Meter	03	\$32.00	\$32.00
D. 1 1/4" Meter	07	\$45.00	\$45.00
E. 1 1/2" Meter	04	\$48.00	\$48.00
F. 2" Meter	05	\$55.00	\$55.00

The penalty for late fees is assessed at the rate of 10% per month compounded monthly.

A charge of \$30 will be added to bills for the delivery of each Notice of Late Payment plus certified mail charge.

A charge of \$25 will be added to bills for the delivery of each Shut-Off Notice.

**Village of Fleischmanns  
Water Rates 2018**

**Charges for Replacement of Frozen Water Meters**

\*\*\*All Charges for Replacing Frozen Meters are in Addition to the Hourly Labor Charge for the Time Necessary to Replace the Meter, with a Minumim Charge of 1 Hour\*\*\*

	<u>Meter Size</u>	<u>Replacement Charge</u>
A.	5/8"	\$245.00 plus Labor
B.	3/4"	\$245.00 plus Labor
C.	1"	\$440.00 plus Labor
D.	1 1/2"	\$560.00 plus Labor
E.	2"	\$850.00 plus Labor

**Installation/Removal Charges**

\*\*\*Outside of Normal Village Working Hours, Hourly Labor Rates Will Also Apply, With a Minimum Charge of 1 Hour\*\*\*

	<u>Service Performed</u>	<u>Charge</u>
A.	Turning Water On at Curb	\$100.00
B.	Turning Water Off at Curb	\$100.00
C.	Reconnecting Water Meter	\$100.00
D.	Removing Water Meter	\$100.00

**Water Usage Rates Per Quarter**

	<u>Water Use (CF/Quarter)</u>	<u>Rate (\$/100 CF)</u>
A.	For 0 to 100 Cubic Feet (Cu. Ft.) of Water	\$0.16 per Cu. Ft.
B.	For Each Additional 100 Cu. Ft. up to 800 Cu. Ft.	\$1.85
C.	For Each Additional 100 Cu. Ft. up to 2,500 Cu. Ft.	\$2.00
D.	For Each Additional 100 Cu. Ft. up to 5,000 Cu. Ft.	\$5.10
E.	For Each Additional 100 Cu. Ft. up to 10,000 Cu. Ft.	\$5.80
F.	For Each Additional 100 Cu. Ft. Above 10,000 Cu. Ft.	\$6.10
G.	Capital Improvement & Maintenance Fee	\$31.00 per Quarter

**Water Meter Rental Charges per Quarter**

	<u>Meter Size</u>	<u>Water Meter Rate</u>	<u>Charge per Quarter</u>
A.	5/8"	2	\$15.00
B.	3/4"	1	\$21.00
C.	1"	3	\$32.00
D.	1 1/2"	4	\$48.00
E.	2"	5	\$55.00

The Penalty for Late Fees is Assessed at the Rate of 10% per Quarter Compounded Quarterly.

A Fee of \$30.00 Plus Certified Mail Charge will be Added to Bills For the Delivery of Each Notice of Late Payment.

A Fee of \$25.00 will be Added to Bills for the Delivery of Each Shut-Off Notice.

An Application Fee of \$300 Shall Apply to All New Connections to the Water System.

\*\*\*Labor for Service other than Ordinary Removal/Installation of Meters and Turning On/Off Service Shall be Billed to Customer at a Rate of \$60.00/hour during Normal Village Working Hours and \$120.00/Hour Outside of Normal Village Working Hours.

Normal Village Working Hours are 7:00 a.m. to 4:00 p.m. Monday through Friday Excluding Holidays.\*\*\*