

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 MACHIAS

Local Law No. 1 of the year 20¹³

A local law TO ESTABLISH RULES AND REGULATIONS FOR THE TOWN OF MACHIAS

(Insert Title)
WATER DISTRICT

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

☐ County ☐ City ☒ Town ☐ Village
(Select one.)

of MACHIAS 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. 1 of 2013 of the ~~(County)(City)~~(Town)(Village) of MACHIAS was duly passed by the TOWN BOARD on August 20 2013, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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 (Elective Chief Executive Officer*)
on _____ 2013, 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____. (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 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.

This local law is adopted pursuant to Town Law §198(3), and shall be considered a part of the contract of any person, and every such person, firm or corporation shall be deemed bound thereby upon execution of an Application in the form set forth herein.

Applications will not be required from persons, firms or corporations being served on the effective date of this local law, but this shall in no way relieve them of compliance with such rules and regulations or applicability of such rates and charges, as may be adopted pursuant hereto.

All local laws, ordinances, rules, regulations, rates and charges heretofore enacted by the Water District in connection with water supply are hereby repealed.

1.0 DEFINITIONS

As used in this local law, the words and phrases listed below shall be deemed to have the following meaning:

- 1.1 **Water District** – shall mean that portion of the Town of Machias as outlined on the attached map where municipal water service is provided and required to be used.
- 1.2 **Owner** – shall mean the owner of the premises served, or to be served, his authorized agent or representative.
- 1.3 **Water Operator** - shall mean person in charge of maintaining the municipal water system.
- 1.4 **Schedule** - shall mean the schedule or rates and charges for water supply and services in connection therewith.
- 1.5 **Rules** – shall mean the rules, regulations and provisions contained herein and as amended from time to time by the Town Board.
- 1.6 **AWWA** - shall mean the American Water Works Association.
- 1.7 **Right-of-Way** – shall mean the street or highway right-of-way.
- 1.8 **Parcel** – shall mean parcel as defined in the Real Property Tax Law and contained in the current assessment roll.

2.0 REQUIREMENT FOR CONNECTION

2.1 The Owner of any house, building or property used for human occupancy, employment, recreation, or other purposes, situated within the Town of Machias, and abutting any street, alley or right-of-way in which there is now located or may in the future be located a water main of any Water District situated within the Town of Machias, is hereby required at his/her expense to install suitable plumbing facilities therein, and to connect such facilities directly to the water main in accordance with the provisions of this local law and any applicable provisions required by the State of New York/Cattaraugus County Health Department, within 90 days after the date of official notice to do so, provided that said public water main has been installed and is located within one hundred feet (100') of the property line. Such connection to the water main must first be approved by the Town Board or, upon delegation, by appropriate water board, after consideration of the existing water capacity.

2.2 The following nine (9) properties, in said Water District: 30.002-1-31, 21.004-1-23.1, 30.002-1-29, 21.020-3-9, 30.001-1-13 (includes home, 2 rental mobile homes and 1 rental apartment) and 21.004-1-41.1, not connected to the water main at the time of this local law, shall be grandfathered from the requirement for connection, until such time as ownership of said property changes from the current owner as of the effective date of this local law, as designated by their assessment numbers.

3.0 GENERAL INFORMATION

3.1 All rentals and charges contained herein are based upon one-family occupancy, or a single commercial establishment. Where more than one family or one commercial establishment occupies any premises served through a single meter, the Owner shall be liable for, and charges shall be imposed in accordance with the Schedule, multiplied by the number of families or commercial establishments using water through the single meter. For purposes of interpretation of multi-family use, it shall be considered a family and shall be charged as such according to the Schedule if one or more of the following conditions apply:

- A. Meals are prepared and taken separately from other occupants of the premises.
- B. Separate facilities such as sinks, baths, showers, toilets, laundries, etc. are provided and used.
- C. The premises are designed for multi-occupancy and are occupied by separate family units or individuals.

3.2 The Owner of the premises to which water is supplied shall be chargeable for all water taken from the Water District mains through his lateral connection and if un-metered leaks occur in the portion of the lateral which he is required to maintain under these Rules, the Water District shall estimate the amount of water lost by such leaks and shall charge the same to the Owner.

3.3 No person other than the Water Operator of the Water District, or those acting under his direction shall molest or interfere with or open or close or attempt to do so, any valve, gate, or shut-off appurtenant to mains or laterals; nor molest, remove, or interfere with in any way, any curb stop, curb box, by-pass, water meter, or part thereof, or any seal places thereon as per paragraph 7.0.

3.4 No person other than the Water Operator of the Water District, or those acting under his direction, or the Chief of the Fire Department, or those acting under his direction, shall take water from, operate, use, or disturb any fire hydrant or part thereof.

3.5 The Water Operator of the Water District, or those acting under his direction, may enter the premises of any customer at any reasonable time to examine the pipes, meters, fixtures, outlets and appliances on the premises; the manner of use and the quantity.

3.5.1 In the case of fraudulent representations on the part of the Owner, or unnecessary waste of water, the water may be shut off forthwith and without notice.

3.6 No person other than the Water Operator of the Water District, or those acting under his direction, or other persons duly authorized, shall perform the installation of meters, service laterals, valves, water lines, hydrants or other appurtenances with the public right-of-way or other rights-of-way obtained for the installation and maintenance of the Water District distribution system.

3.7 All charges made for water supplied, for repairs, meter testing, service lateral installations and all other charges made in connection with the supply of water to any premises, shall be regarded as due from the Owner, and notwithstanding that the ownership of the premises may have changed subsequent to the charges being incurred, payment therefore may be enforced under appropriate provisions of the Town Law or as herein provided.

4.0

SERVICE LATERALS AND METERS

4.1 Charges will be made to the Owner for tapping a water main in installing a water service lateral one inch (1") in diameter or smaller, between the street main and the approximate right-of-way line in front of the Owner's property, in accordance with the Schedule. The Water

District will make no charge for the service lateral from the main to right-of-way line other than such tapping charge and the lateral from main to curb shall thereafter be maintained by the Water District.

The portion of the service lateral between the right-of-way line and the Owner's premises shall be furnished, installed and thereafter maintained by the Owner at his expense.

4.2 Water service laterals larger than one inch (1") diameter will in all cases be installed complete from the street main to the Owners premises by, and at the expense of the Owner, in accordance with Water District specifications and under Water District Supervision, and shall thereafter be maintained by the Owner at his expense.

4.3 Water service laterals up to two inch (2") diameter shall be AWWA-approved material. In cases where non-metallic pipe or tubing is permitted to be used, the Water District may require the meter to be installed in a vault or pit at the point where such pipe or tubing begins at the Owner's expense.

4.4 Water service laterals of two inch (2") diameter may be either K copper tubing; seamless red brass having a minimum wall thickness of .156 inches; seamless copper pipe having a weight of not less than 4.2 lbs. per ft.; or tar-coated cast iron pipe meeting current AWWA specifications for the laying conditions and operating pressures to be encountered.

4.5 Water service laterals larger than two inch (2") diameter shall be tar-coated, cement-lined, cast iron pipe meeting current AWWA specifications for laying conditions and operating pressure to be encountered.

4.6 Water service laterals shall be laid not less than four feet (4') below the surface of the ground at any point and whenever the grade of a street or lands through which the lateral is laid, or is changed so that the lateral is less than four feet (4') below the ground surface, the lateral shall be re-laid to the required minimum depth at the expense of the party responsible for maintenance of the portion affected.

4.7 Every premise shall be supplied by a separate service lateral from main to building excepting:

- A. Where other conditions exist on the effective date of this local law.
- B. Where use in other buildings is incidental and where the buildings are under the same ownership and occupancy.

4.8 No pipe or fixture connected with the Water District mains shall be connected with pipes or fixtures supplied with water from any other source or with any apparatus which may endanger

the Quality of the Water District water supply, except with the written approval of the Water District and the New York State Department of Health.

4.9 The Water District reserves the right to stipulate the size, type and make of meter to be used to record the consumption of water by the Applicant and to stipulate the size and location of the service lateral.

4.10 Meters are furnished by the Water District. If a meter is damaged or rendered useless by an act of the owner or an agent, servant, employee, contractor or tenant of the owner, the owner will be liable for any cost of repair or replacement of the meter.

4.11 The expense of installing a water meter on either new or discontinued service will be borne by the Owner in accordance with the Schedule.

4.12 An approved stop and waste valve shall be provided by the Owner on the supply side of the meter at a point designated by the Water District, on all service laterals up to, and including, one inch (1") diameter. Service laterals having a diameter greater than one inch (1") shall be provided by the Owner with an approved gate type valve on the supply side of the meter, and in addition, shall have a by-pass of the same internal diameter as the lateral, equipped with sealable by-pass valves to permit water being supplied with the meter removed or out of service.

4.13 The water meter shall be located where designated by the Water District, whenever possible at a point just inside the basement wall where the service lateral enters. When for any reason the meter cannot be located in the basement or other suitable location within the building, it shall be installed in a pit or vault constructed at the expense of the Owner in accordance with Water District specifications as to size, construction and location.

4.14 Meters will be tested upon request of the Owner and if found to be registering more than 102 per cent of accuracy, no charge will be made for the testing and a refund based upon the best information available will be allowed. If the meter is found upon test to be registering at less than 102 per cent of accuracy, a charge will be made for the testing in accordance with the Schedules.

4.15 Upon request and after reasonable notice, either written or verbal, the Water District will turn water off at the curb box to permit the Owner to make repairs to his piping or perform other related work. No charge will be imposed for this service, unless performed outside regular Water District working hours, in which case a reconnection charge will be imposed in accordance with the Schedule.

5.0 REFUNDS AND ABATEMENTS

5.1 All claims for refunds, on whatever basis, shall be submitted in writing to the Town Clerk within six (6) months of the date on which the claim originated; shall be signed and verified by the claimant, and shall set forth the post office address of the claimant, the location of the premises concerned, and the facts upon which such claim is based. The claim shall be presented by the Town Clerk to the Town Board at the next regular meeting. The Board shall make such investigation of the facts as it shall deem warranted and may require the claimant to appear personally before the Board at a time and place fixed by the Town Board.

5.2 Refunds or abatements will not be granted for any of the following:

- A. Failure of the Owner, his tenant or agent, to promptly repair any broken, leaking, or otherwise defective pipe, fixture or appliance.
- B. Failure to notify the Water District to discontinue the service as provided herein.

5.3. No abatement of any water bill, rental, or minimum charge shall be allowed by reason of vacancy of a building or other premises.

6.0 DISCONTINUANCE OF SERVICE

6.1 The Water District shall have the right at all times, and whenever in its opinion the public good requires it, to regulate, diminish, or entirely cut off the supply of water from any or all premises being served and to make such temporary or permanent rules and regulations for the use thereof as it shall deem necessary and expedient to the conditions prevailing.

6.2 The Water District undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure but reserves the right at any time after due notice, except when circumstances do not permit the giving of such notice, to shut off the water in its mains or laterals for the purpose of repairs, testing, cleaning, disinfection, maintenance or installation work. No refund will be made for any such interruptions in service unless the interruption shall continue for a period in excess of ten (10) days, in which case an equitable adjustment of water charges will be made.

6.3 The Water District may discontinue the water supply to any premises at any time and without notice, when necessary, to protect itself from fraud.

6.4 Orders for the discontinuance of water supply to any premises shall be given by the Owner or his authorized agent at the office of the Town Clerk and he shall be chargeable for such water supply for a period not to exceed five (5) days from the date of such notice.

6.5 Service will be discontinued by turning off water at the curb box, by removing the water meter and sealing the valve, or both.

7.0 PENALTIES (STRICTLY ENFORCED)

7.1 Unless otherwise provided by law, the Water District may discontinue the water supply to any premises upon five (5) days' written notice, for:

- A. Failure to pay within sixty (60) days from the date thereof, any water bill, rental, tapping charge, repair charge, meter testing or installation charge, minimum or service charge, damage charge, or other charge of any nature, legitimately imposed in connection with water supply to the premises.
- B. Violation of any of the rules and regulations of the Water District as herein contained or as they may be hereinafter amended, revised or supplemented.
- C. Use of Water District water for any purpose other than that for which application is made.
- D. Failure to promptly repair any leak occurring on the premises, or in the portion of the service lateral required to be maintained by the Owner.

7.2 Whenever service is discontinued pursuant to the foregoing, it will not be re-established until the violations have been corrected and/or the charges paid in full, including any reconnection charge or mileage charge which may be imposed in accordance with the Schedule.

7.3 It shall be the duty and responsibility of the Owner to protect the curb box from damage, to familiarize himself with its location and to keep it uncovered and accessible at all times. Damaged curb boxes will be repaired or replaced by the Water District and the cost thereof will be charged to the Owner if such damage is caused by his negligence.

7.4 Any person, firm, or public or private corporation causing any damage to any water main, service lateral, valve, hydrant, meter, spring, well, reservoir, pump, or other water supply facility or appurtenance, shall reimburse the Water District therefore and for any loss of water caused thereby and any damage caused by escaping water.

7.5 The Owner shall protect the meter from damage and provide ready and convenient access to it for the purpose of reading, testing, or inspecting the same. Any damage that may result to the meter from freezing, hot water or steam backing up, falling objects, theft, or any other cause resulting from the failure of the Owner, his tenant or agent to properly protect the same, shall be charged to the owner and collected as herein provided.

7.6 Whenever two or more premises or customers are supplied by a single service lateral, the failure of any one of these to pay any rentals or charges due, or to comply with any of the rules and regulations herein contained, will subject all of the users on the lateral to the provisions of Paragraph 7.1 of this Chapter.

8.0 RATES AND CHARGES

8.1 The Town Board shall by resolution establish schedules of charges for services and rates for use, which shall be applicable to all domestic, farm and commercial Owners. Such schedules may be amended by resolution of the Town Board from time to time.

8.2 Meters shall be read quarterly on or about March 1st, June 1st, September 1st and December 1st.

8.3 Charges are net cash, payable 30 days after a bill is rendered subject to the provisions of Paragraph 8.1. All bills not paid within 30 days will be subject to a penalty as established by the Town Board in the rate schedule. All bills remaining unpaid after September 30th will be relieved on the Town and County tax bill for the following year.

9.0 EFFECTIVE DATE

This local law shall take effect December 1, 2013.

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.

Cheryl L. King

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

Date: *August 23, 2013*

(Seal)