

CENTRAL BRIDGE, NY WATER DISTRICT
WATER USE LAW
TOWNS OF SCHOHARIE AND ESPERANCE, NEW YORK

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§ 1 GENERAL PROVISIONS AND PURPOSE

- A. The purpose of this article is to establish rules and regulations for water districts within the Water District and to establish rents, rates, penalties, and minimum charges and to grant to the governing Board of the Water District the power to establish rents, rates, penalties and minimum charges.
- B. The Towns of Esperance and Schoharie shall meet monthly as the "Water Board" to administer the Water District, set budgets and rates, employ personnel as required and attend to all administrative functions required for the orderly operation of the District.
- C. The Water Board Shall appoint a Water Superintendent who shall report to the Water Board and who shall be responsible for all operational aspects of the water system.
- D. The Water Superintendent, operating contractor, or employees under the supervision of the Superintendent shall have and maintain Licenses issued by NY State authorizing them to operate the water supply and distribution systems.
- E. The Water Board shall annually appoint a Clerk and/or Bookkeeper to provide for the orderly issuance of bills, receive payments, account for non-payments, prepare a list for re-levy, receive and return correspondence, answer phone inquiries, and conduct such other business as directed by the Water Board.
- F. I accordance with Town Law proceeds from water usage charges may only be spent on actual Water District Expenses and not for any other purpose by the Towns of Esperance or Schoarie.

§ 2 APPLICATION FOR SERVICE

- A. All applications for a new connection to the water system must be made, in writing to the District.
- B. Applications of contractors, builders and others for temporary service will be accepted, written permits may be issued and temporary water service supplied providing it does not interfere with

use of water for general purposes. Customers requiring temporary service shall reimburse the Water District for its expense in connection with providing the necessary temporary service connection, and a deposit specified by the Water District may be required.

- C. No agreement will be entered into by the Water District with any applicant for water service until all charges due from the applicant for water or services at any premises now or heretofore owned or occupied by him which are in arrears shall have been paid.
- D. For any water service application: requiring water for other than normal domestic or light commercial purposes; requiring excessive daily quantities; or that would unduly impact the system and its users, the applicant shall provide at his own expense such water conservation, storage or flow-limiting devices as directed by the Superintendent as a condition of approval of the connection.

§ 3 INSTALLATION AND OWNERSHIP OF SERVICES.

- A. No person shall make any attachment with the mains of the District nor may make any repairs, additional to or alterations with the service waterlines unless he is authorized by the Water District.
- B. 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 Superintendent.
- C. Openings in public ways.
 - i. Whenever a property owner, contractor or subdivision developer has to open a trench on any Municipal Road, he must obtain from the Highway Superintendent with jurisdiction a road-cutting permit.
 - ii. Public safety. 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 as soon as possible.
- D. Ownership of Existing Services.
 - i. The Water District owns, maintains and operates the water mains in the street, corporation stops, piping to Curb Valves and the Curb Valve itself.
 - ii. All piping from the curb valve to the premises is owned by the property owner and shall be maintained in good condition, free of excess leakage by the property owner.
- E. Ownership of New Services.
 - i. At his/her own expense, the applicant shall install from the curb box to the structure served a service line and service connections, all to be approved by the Superintendent.
 - ii. Every new service line must have a curb valve of an approved type at the property or easement line and be provided with an iron curb box and cover supplied by the District. This curb valve may not be used by the customer for turning on or shutting off the water supply but is for the exclusive use of the Water District.
 - iii. The service line and service connections from the curb box to the meter shall at all times remain the sole property of the applicant, in whom title thereto shall vest. All service lines installed shall have no pipe joint between the curb box and the meter.
- F. Maintenance and replacement.
 - i. The customer, at his/her own expense, will maintain and protect from freezing and when necessary replace such service line and service connections.
 - ii. Should a leak occur in a service line, the owner shall forthwith cause the same to be repaired at his/her own expense. Should the owner fail to affect such repair after two days' written

notice from the Superintendent, the district will cause the water service to be discontinued until such repair has been made.

iii. Service line specifications.

- a. All service lines shall have a minimum cover of 60 inches below the surface of the ground, and 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 for new construction shall be sized in accordance with NYS Plumbing Code.

REPLACEMENT SERVICE SIZING		
	Minimum Service Size (inches)	
Occupancy	K-Copper	HDPE 200-psi
Single Family	3/4	1
Two-family	1	1 1/4
3-4 Family	1 1/4	1 1/2
5-6 Family	1 1/2	2

c. Service lines shall be:

- (1) 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
- (2) One continuous piece of heavy-duty polyethylene pipe rated for not less than 200-psi; one inch minimum in size is required. Only compression style mechanical joints with pipe stiffeners shall be used.
- (3) For services three inches in diameter, or larger, ductile iron cement lined class 52 pipe is required. The Superintendent reserves the right in all cases to stipulate the size and type of service lines to be used.

d. All replacement service lines shall be sized based on occupancy, with minimum sizes as specified above.

- (1) All tapping shall be performed under the supervision of the Superintendent. No tapping will be done after November 1 and before April 1 unless weather permits at the discretion of the Superintendent.
- (2) The curb stop and box will be placed at the easement or property line.
- (3) No outlet through which water can be taken between the meter and the District's main in the street will be permitted.
- (4) 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.
- (5) Except on the pipes on the consumer's side of the meter, no additions or alterations whatever in or about public or private water pipes shall be made by any person until application therefore has been made to the Water District and a written permit given therefore.
- (6) When the supply of water to any premises has been turned off by the direction of the Water District, service shall only be returned by and with the authority of the Water District.
- (7) If any building is razed, moved or abandoned, it will be the responsibility of the owner to notify the Water District, remove the meter and remove the service line connection at the curb and replace it with a brass plug.

e. Swimming pools.

- (1) The District shall be notified 24-hours in advance before a pool of 2,000 gallons or more capacity is to be filled with water from the public supply. The District shall have

the authority to stipulate on what date and between what hours such filling shall take place.

- (2) All permanent fill lines shall be installed with an air gap to the pool to prevent backflow into the water system.
- f. All air-conditioning, refrigeration and heating units connected to the public water supply must be of an enclosed fully recirculating pressure type and be equipped with a backflow preventer.

§ 4 WATER METERS

- A. Openings in public ways.
- B. Whenever a property owner, contractor or subdivision developer has to open a trench on any Municipal The Water District reserves the right to install meters on any or all services at any time.
- C. Customers shall provide access, on reasonable notice, to their property for the installation, maintenance and reading of meterd.

§ 5 VACATION OF PREMISES

- A. If any premises are vacated, the consumer may, on written notification to the Water District, request that the water be shut off at the curb.
- B. During the period the water is shut off, all applicable water charges shall continue.
- C. When service is again requested, the district will reestablish service may impose a fee as set by resolution of the Water Board from time to time.

§ 6 PAYMENT FOR WATER SERVICE.

- A. 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.
- B. All bills are due and payable without penalty 30 days after date thereof, failure to pay bills may result in the following:
 - i. All water charges by the Water District shall be in lien upon which or in connection with which such water is used.
 - ii. If such charges are not paid within 30 days from date due, A late penalty of 5% of the amount of the total bill shall be added to the bill for late payment.
 - iii. There shall be filed annually with the Water Board a statement showing the unpaid water charges and penalties payable to the Water District, with a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amount chargeable to each, for the purpose of having such sums levied as a tax against the property liable. Bills which the Water Board must re-levy on the property taxes shall be charged an additional 5% re-levy penalty.

§ 7 RULES AND REGULATIONS FOR WATER SERVICE

- A. Water service may, upon written notice to the customer and a resolution by the Water Board, be discontinued for any one of the following reasons:
 - i. For use of water other than as represented in customers' applications or through new branch connections to other properties.
 - ii. For willful waste by use of water through improper and imperfect pipes, or by any other means.
 - iii. For damaging, tampering with or bypassing any water shut of valve or other District property.
 - iv. For cross-connecting pipes carrying water supplied by the Water District with any other source of supply or with any apparatus which may endanger the quality of the Water District's water supply.

- v. For refusal of reasonable access to the property for the purpose of testing or inspecting water piping and other fixtures.
- B. No person shall open or interfere with the fire hydrants or draw water wherefrom without permission from the Superintendent except in the case of an emergency posing imminent danger to life or property.
- C. Upon receipt of an application for a new service or for the reinstatement of an existing service, the Water District will assume that the piping and fixtures which the service will supply are in proper order to receive the same, and the Water District 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.
- D. The District reserves the right to refuse to turn on water unless a responsible party is present at the site who is capable of verifying that leakage or other damage has not and will not occur after water is turned on.
- E. Any person who damages any street hydrant or other Water Department property shall be liable for the actual damages sustained.
- F. The Water District 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 Water District 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 Water District's property. All applicants having boilers upon their premises depending upon the pressure in the Water District's pipes to keep them supplied are cautioned against danger of collapse, and all such damage shall be borne exclusively by the applicant.
- G. In those cases where a customer-owned service line is frozen, the thawing shall be done at the expense of the customer. To avoid a recurrence of freezing, the Superintendent may order an examination of the customer's service line and, if the same is not at a depth of 60 inches as required, the Superintendent reserves the right to require it to be so relocated before service is resumed.
- H. 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 District.
- I. 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 Superintendent.

§ 8 PRIVATE WELL RESTRICTIONS

- A. All structures requiring water within 200-ft of existing water mains shall be connected to the Public Water system.
- B. Where shallow wells or wells with a waiver remain, private well water faucets must be permanently labeled and no interconnection of the private well with the public water system shall be permitted.
- C. Private wells shall not be allowed for supply of water to new structures located within the District.

§ 9 WATER SYSTEMS EXTENSION

- A. For proposed Subdivisions which would require water service, new water mains shall be constructed by the Owner and dedicated to the Town.
- B. Any new water mains shall be constructed as a loop connecting at at least two points to existing water mains.
- C. Any extensions must be approved by DOH, the District's Engineer and by resolution of the Water Board.

- D. New water mains shall be constructed to the same standards as new District water mains and shall be conveyed along with maintenance easements as required to access all new public water mains.
- E. Any extension shall, in addition, meet standards established by the District.
- F. Before the District will undertake to take over such water system so installed in private developments, the developer must:
 - i. Transfer its right, title, interest and ownership to the District for the normal consideration of \$1 before it will undertake to keep it in operation and repair.
 - ii. 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 District 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
 - iii. 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 and the completed works approved by the Health Department.

§ 10 CROSS-CONNECTION CONTROL

- A. The purpose of this article is to protect the public water supply from possible contamination by isolating within the customer's internal distribution system such contamination which could backflow into the public water system; and
- B. To comply with the requirements of the New York State Sanitary Code 5-1.31.
- C. Definitions: For the purpose of this article, unless the context or subject is plainly evident, the following terms used are hereby defined as follows:
 - i. Air Gap Separation: An unobstructed vertical atmospheric break from the lowest opening of a water supply pipe or faucet and the flood level rim of a receiving vessel. The differential distance shall be at least double the diameter (2D) of the supply line. In no case shall the air gap be less than one inch.
 - ii. Approved Double Check Valve Assembly (DCV): An assembly with two, single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the watertightness of each check valve. This device must be approved as a complete assembly. The device shall be readily accessible for maintenance and testing.
 - iii. Approved Reduced Pressure Zone Device (RPZ): A device incorporating a minimum of two independently acting check valves and an automatically operated pressure differential relief valve located between the two checks. During normal flow and at the cessation of normal flow, pressure between these two checks shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve shall operate to maintain the pressure between the checks at less than the supply pressure. The unit must include tightly closing shut-off valves located at each end of the device, and each device shall be fitted with properly located test cocks. This device must be approved as a complete unit. The device shall be readily accessible for maintenance and testing and installed in a location where no part of the device will be submerged.
 - iv. Backflow: A flow condition, induced by a differential in pressure that causes the flow of water or other liquids and/or gases into the distribution pipes of the Town water supply from any source other than its intended source.
 - v. Contamination: The presence in water of a substance (organic, inorganic, radiological, or biological) that degrades its quality.
 - vi. Cross-Connection: Any unprotected connection between any part of the Town water supply system and any source or system containing water or substances that are or cannot be approved as safe and potable for human consumption.
- D. DEGREE OF HAZARD

- i. Domestic connections will generally not be required to provide backflow prevention. If unique circumstances are identified which warrant back flow prevention, the District will notify the Owner in writing and the Owner shall install devices appropriate to the circumstances.
- ii. In all cases the District reserves the right to request from the owner Engineering Plans for the back flow prevention system.
- iii. Specific circumstances warranting backflow prevention.
 - c. Toxic or hazardous substance under pressure: At the service connection to any premises on which a toxic substance or material dangerous to health, is or may be handled under pressure, the District water supply shall be protected by air gap separation.
 - d. Toxic or hazardous substance not under pressure: At the service connection to any premises on which a toxic substance material dangerous to health is or may be handled, but not under pressure, the District water supply shall be protected by an air gap separation or an approved (RPZ) reduced pressure zone device.
 - e. Nonhazardous substance: At the service connection to any premises a substance that would be objectionable is handled so as to constitute a cross-connection, the District water supply shall be protected by an approved double check valve assembly.
 - f. Sewage Facilities: At the service connection to any sewage treatment plant or sewage pumping station, an air gap or RPZ shall be installed.
 - g. Fire systems. At the service connection to any premises in which a sprinklered fire protection system is to be installed, the Owner shall provide Engineering Plans of the proposed connection.
- iv. It shall be the responsibility of each consumer at his/her expense to furnish, install, test and maintain in safe and working order any and all protective devices required in this chapter. The District shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of, or interfering with any protective device by any consumer or any other person. It shall be the consumer's responsibility to install and maintain as part of each backflow device installation properly sized water expansion tanks to protect his/her individual plumbing system from damage due to thermal expansion.
- v. Inspections and Records: The consumer on whose premises any protective device is installed shall have each device tested and inspected annually and maintained as needed by certified personnel.

E. Compliance

- i. No water service shall be installed on the premises of any consumer unless the District supply is protected as required by this article.
- ii. Water service to the premises of any consumer may be discontinued by the Water District if any protective device required by this chapter has not been installed, inspected, tested and maintained, or is defective and/or has been bypassed.

§ 11 CONNNECTION, FEES AND RATES

- A. The District 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.
- B. Owners shall be responsible for laying waters service line from the Curb Valve at the street to their residence and connecting into their building plumbing system.
- C. All connection work shall be subject to inspection by the Superintendent.
- D. Water Rates will be evaluated by the Water Board annually and adjusted as necessary to provide for Operation and Maintenance of the Water System in accordance with Health Department regulations.
- E. Water Rates shall be charged on the basis of Occupancy Units. A Occupancy Unit is one space occupied by an individual or family regardless of water usage, area or number of occupants. A

single-family home is one Unit. An apartment building containing a multiple units shall be charged one Occupancy Unit for each tenant space.

- F. The basis for billing of multi-family units shall only be adjusted when the number of living spaces is changed. The Building Inspector or Water Superintendent shall inspect the service prior to any change in the number of units charged.
- G. An individual Occupancy Charge is calculated as follows:
1 Occupancy Unit Charge = $\frac{\text{Water District annual budget}}{\text{Total Number of Occupancy Units}}$
- H. Commercial and other establishments which may use more water than a single-family home shall be billed for Occupancy Units based on projected Water Usage as set in the Sewer Use Law.
- I. Bulk Use Sales
- i. The Water District may, when supplies are more than the needs of connected customers, arrange to sell water to commercial or other bulk users subject to the following provisions:
 - c. The Superintendent shall issue a permit for each Bulk User for the purpose of enforcing provisions of this law and to track usage for billing.
 - d. Water withdrawals shall be made only through an air gap or other DOH approved device. The Volume of water usage shall be measured. The cost for backflow prevention and metering shall be borne by the Bulk User.
 - e. Water withdrawals shall not be made in a manner which impacts the quality of pressure of existing service connections.
- J. The Water Board shall set rates for Bulk sales and may cancel or limit the takings of water and may cancel or place additional conditions on Bulk Permits issued by the Superintendent.

§ 12 VALIDITY AND SEVERABILITY

- A. If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part or provision of application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or in the application thereof to other persons or circumstances, and the Town Board of the Town of Schoharie hereby declares that it would have passed this local Law or the remainder thereof had such invalid application or invalid provision been apparent.
- B. The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

[END]