

(Please Use this Form for Filing your 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.

XXXXXXXX
XXXXXX of Lyndonville
XXXXXX
Village

Local Law No. 2 of the year 19 81

A local law For Enforcing The Collection of Water Rent and Regulating The Use Of Water Supplied By The Village Of Lyndonville, New York Water System

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

XXXXXXXX
XXXXXX of Lyndonville
XXXXXX as follows:
Village

SECTION 1 - LIABILITY FOR WATER SERVICE

All water rents shall be chargeable to and assessed against the property owners, and shall be a lien against the real property upon which the water is used; and shall be due and payable at the Office of the Village Clerk as billed by the Water Department on a quarterly basis for domestic and commercial users within fourteen days following the billing, except that in the case of rents for water used for other than domestic and commercial purposes such rents shall be due and payable during the month of billing.

SECTION 2 - PENALTY

In all cases when water rents are not paid within fourteen (14) days after billing, ten (10%) percent of the amount thereof shall be added thereto and collected thereafter; and all water rents remaining due and unpaid at the time the annual tax levy of the village is made out, shall be included therein pursuant to the Village Law and levied against the real property on which the same have been used, and shall be collected with and in the same manner as other village taxes, with additional fees, charges and penalties incident to the collection of such taxes.

SECTION 3 - APPLICATION FOR WATER

All applications for the introduction of or use of water on any premises, or for the extension of any water pipe, shall be in writing, and signed by the owner of such premises, or by his duly authorized agent; and must fully and truly state the purposes for which such water is required; and the expenses incident to the introduction of use of water on any premises from the Village mains (If additional space is needed, please attach sheets of the same size as this and number each)

SECTION 4 - SERVICE LINES

1. The Water Department shall make all taps into the public mains, and furnish and install the corporation stop at the mains, the curb stop and curb box and the connecting line from the public main to the curb box at the expense of the applicant on a flat fee basis in the accordance with the current billing policy of the Board of Trustees of the Village of Lyndonville adopted by resolution of such Board. The Water Department will maintain the service line from the main to and including the curb valve and box with cost of materials and labor for repairs or replacement to be charged to the property owner in accordance with the current billing policy of the Board of Trustees of the Village of Lyndonville adopted by resolution of such board. Full cost of labor and equipment for excavation and backfill will be borne by the Village.
2. A deposit of one hundred ^{Fifty} ~~(\$150.00)~~ Dollars shall be required with each application for water to apply on the installation cost of a 3/4" line to be done by the Village Water Department, with any unused portion thereof to be returned. Lines larger than 3/4", the deposit will be increased to cover estimated cost. Any unused portion thereof to be returned. \$150.00 Plus Materials--Outside Village
3. All supply lines from the public mains to the meter on any premises shall be type K or type L, soft copper tubing, or equivalent, with bronze flared fittings, Mueller brand or equivalent. Lines larger than 2" will be cast iron. Plastic service will be allowed if it meets Superintendent's of Public Works specifications. If any freezing occurs in plastic service, the Village will not thaw out on any terms.
4. All service lines will be laid with a four (4) foot cover wherever the depth of water main permits. Lines will not be covered until inspected by the Superintendent of Public Works or a representative of his, and found to be satisfactory.
5. Water will not be supplied to two or more buildings fronting on the same street from a single service line.
6. A service line, when abandoned for reasons of installing a larger service or for any other reason will be shut off at the main corporation valve by the Water Department and all costs of same to be charged to the property owner.
7. The property owner will be responsible for installing and maintaining the service line from the curb box valve to the meter.
8. No person not authorized so to do, in writing, by the Board of Water Commissioners of the Superintendent of Public Works, shall turn on or turn off the water at the curb line box in connection with any premises.

SECTION 4

9. All joints on copper service lines will be flared fittings (Mueller or equal) between main corporation valve and meter. Properly grounded treadless couplings or sleeves may be used if to the Superintendent's of Public Works specifications.
10. Taps in mains will be made after property owner has made application for water service, received location for water line by the Superintendent of Public Works or the water department and given twenty-four (24) hours advance notice for required tap. Required deposit must be paid in advance of tapping. No tap will be made on Saturday, Sunday or holidays.
11. A stop and waste cock for shutting off the water must be located immediately within the wall of the building and between such wall and the water meter; and the pipes must be so arranged that the water can be drawn from them whenever and wherever there is danger of freezing.
12. All year round water service must be metered.

SECTION 5 - NOTICE FOR INSTALLING SERVICE LINES

The Board of Water Commissioners may serve a written notice either personally or by mail as provided in Section 330 of the Village Law upon the persons mentioned herein, or cause a notice to be published in the official newspaper of the Village, requiring the owners or occupants of any and all property fronting or abutting on any street or portion thereof in or upon which any public water main or distributing pipe is about to be laid or is being laid or has been laid by the said Board to make and lay connection pipes to and from the water mains or distributing pipes in said street or any portion thereof in front of each separate piece of property or to repair such connection pipes to and from the water mains or distributing pipes in said street or any portion thereof in front of or upon each separate piece of property and where directed by said Board, within such time and in such manner and under such inspection as said Board shall prescribe, and whenever any such owner or occupant shall have made default in making such connections with said water mains or distributing pipes opposite the lands and premises owned or occupied by him or whenever such owner or occupant shall have made default in repairing supply pipes connecting with mains opposite or upon the land and premises owned or occupied by him as directed in and required by said notice therefor in the manner and within the time specified, the said Board shall have power and authority to so make, extend and complete the same and the actual expense thereof, including all labor done and materials used in doing and completing the same, shall be assessed by the Trustees of the Village upon each separate piece of property opposite or upon which the same shall be done and completed and shall be a lien and liens on said premises and lots of land respectively, and the same shall be collected in the same manner as other local assessments or assessments for local improvements as provided by the general

SECTION 5

village laws of the state, and when so collected the amount thereof shall be paid into the water fund of the village. Nothing herein contained shall be construed to prevent the financing, in whole or in part, pursuant to the local finance law, of any expense incurred by the Village pursuant to this section.

If the notice published by the Board of Water Commissioners, pursuant to the provisions of this section, contains a statement that the failure to comply with such notice shall cause the Board of Water Commissioners to discontinue the water supply to the property concerned, the Board of Water Commissioners may, after mailing a copy of the notice to the owner of the property at his last known address, discontinue the water supply within thirty (30) days after the time for making the repairs which was set forth in the notice elapsed, and if the written notice served in lieu of publication, as provided herein, contains such statement the same provisions relative to the discontinuance of water supply shall apply.

SECTION 6 - SHUT-OFF AND TURN-ON CHARGE

If the meter at any individual service is shut off at the request of the property owner or for any reason set forth in this local law or in Article 9 of the Village Law, except for emergency repairs made by the Water Department or for repairs made by the consumer, there shall be a shut-off charge of \$8.00 made to the property owner and \$8.00 charge for turning on water.

SECTION 7 - CHECK VALVES

In all places where steam boilers, hot water tanks, refrigerating or air conditioning units, are supplied with water from the water systems, the owner or consumer must see that the plumber places a suitable safety valve, vacuum valve, or other proper device, to prevent damage from collapse or explosion when water is shut off. The Village shall not be liable for any damage resulting from sudden shutting off of the supply of water from any steam boiler or other fixture deriving its supply from the water system.

SECTION 8 - CROSS CONNECTIONS

Cross connections will not be permitted between lines supplied with village water and any other source of water supply, such as cisterns, wells, reservoir, or storage tank. A back flow preventer shall be installed at the owner's expense in those locations having cisterns, wells, reservoirs, or storage tanks.

SECTION 9 - LEAKS IN SERVICE LINES

The owner of the property into which water is introduced by a service pipe will be required to maintain in perfect order and repair at his own expense the said service pipe and its fixtures and appurtenances, including all fixtures therein provided for delivering or supplying water for any purpose, and in case said service and fixtures are not so kept in perfect repair, the Superintendent of Public Works or other village employee may shut off the Supply of water therefrom without notice or may make necessary repairs, and the expense incurred shall be a lien against the property.

SECTION 10 - FREEZING

Frozen service lines will be thawed once from each Nov. 1st to April 30th without charge by the Village. For each additional thawing the charge shall be based on the use of materials, equipment and labor, and such charge shall be computed in accordance with the current billing policy of the Board of Trustees of the Village of Lyndonville. Privately owned equipment will not be used on Village or service lines without a Water Department representative to supervise. The labor cost for supervision will be charged to the property owner. Plastic water lines will not be thawed by the Village under any circumstances.

SECTION 11 - FIRE LINE SERVICE

1. Stand pipes, or other pipes for automatic suppression of fires in buildings, which fixtures are only intended for such use, may be permitted to be attached to the water supply system. Application for such permits, accompanied by a plan of the proposed pipe system, must be submitted to the Superintendent of Public Works for his approval. No additional fixtures, connections or extensions, shall be made in any fire protection system without the approval of the Superintendent.

At the option of the Board of Trustees, no charge will be made for the use of water for that purpose; but all such pipes must be provided with a suitable valve, outside of the building, under the exclusive control of the public works Department, also, in the case of stand pipes, a valve must be provided, placed at the bottom of the standpipe.

Where such installations include long sections of pipe line underground, or wherever directed by the Superintendent of Public Works, detector check valves with metered by-pass connection shall be installed to determine unauthorized use of leakage.

SECTION 11

The entire cost of installing the fire service shall be borne by the owner of the building supplied.

2. Fire Services Maintained. The owners of the premises where pipe lines are in service for fire protection shall maintain such service pipes in perfect order over their entire length from the street main into the premises, and they shall be responsible for any damage that may be caused by leakage, or the breaking or bursting of such pipes.

SECTION 12 - FIRE HYDRANTS AND VALVES

No person or persons except the Superintendent of Public Works or employees of the Water Department shall open or close any valve or gate in the street mains or molest or interfere with the same in any manner whatever. No person or persons shall open, interfere with or draw water from any fire hydrant in the Village Water System without a permit, except that hydrants may be opened by or on order of any member of a Fire Department or any fire commissioner in case of fire. Whenever a hydrant has been opened and used notification of such a fact shall be promptly given the Superintendent of Public Works.

SECTION 13 - WATER FOR BUILDER'S USE

No contractor shall take non-metered water from the village without a builder's permit for every separate job and any person who permits others to obtain non-metered water from his premises without first exhibiting a permit shall be held strictly liable. When any person desires to use the village water on any premises for building purposes of any description, the owner of said premises or his agent having such premises in charge must, before using village water for such purposes, make a regular application at the office of the village clerk for permission therefor, and agree to pay such rates therefor as the Board of Trustees may prescribe.

SECTION 14 - METERS

1. The Water Department shall furnish and install and keep in repair at its cost all meters up to and including "3/4 inch meters".
2. Wherever a meter is to be installed larger than a 3/4 inch meter the customer shall pay the difference in price above the cost of a 3/4 inch meter, such difference in cost to be considered a connection or service charge, and the Village will keep such meters in repair.

SECTION 14

3. The title to all meters installed by the Water Department to be and remain in the Village Water Department.
4. Where a meter is installed outside of the Corporate limits of the Village the consumers shall pay an installation charge of One Hundred Fifty (\$150.00) Dollars plus the cost of materials and new meter so installed shall remain the property of the Village Water Department.
5. Where any meter is damaged by freezing, back wash of hot water, or for any cause through neglect or act of the consumer, the cost of repairing such a meter so damaged shall be a charge upon the property owner where the meter is located.
6. Meters over $3/4$ in size will be valved on both inlet and outlet side with bypass and valve when requested by the Water Department. No addition to or alteration in any public or private pipe, conduit, or other fixtures, between the public water main and the individual water meter, shall be made by any person.
7. Location of meters will be determined by the Superintendent of Public Works.
8. Meter heights will not be more than four (4) feet above floor level, and not less than two (2) feet above floor level.
9. Meter size will be determined by the Superintendent of Public Works.
10. Meter will be set with water inlet and outlet in a horizontal position.
11. The Village will keep in repair all Village owned meters at Village expense unless damaged as in Section 14, (6).

SECTION 15 - INSPECTION OF SERVICES

Every owner or occupant of premises where village water shall be used shall, at all reasonable times permit the Water Commissioners, the Superintendent of Public Works, or anyone duly authorized by either of them to enter any and all portions of the premises or building where necessary, for the purpose of examining the meter, the water pipes or fixtures, or the main in which the water is use, and this provision shall be inserted in every application for the use of water and consented to by the applicant therefore.

SECTION 16 - EMERGENCY SHUT-OFF

In case of fire, or an alarm of fire, or when necessary in making repairs or in making additions to the water works system the Board of Water Commissioners reserve the right to shut off the water from the whole or any portion of the water works system, as they deem necessary and to keep it shut off for such length of time as may be necessary.

SECTION 17 - DISCONTINUANCE OF WATER SERVICE

Water may be turned off, at the direction of the Board of Water Commissioners, by an authorized representative of the Department of Public Works, because of failure of payment by any consumer, sixty (60) days after the end of a period, and a charge of Eight(\$8.00) Dollar will be made, in addition to the payment of all bills then in arrears, before the water will again be turned on.

SECTION 18 - BILLING

In any case where a meter fails to register the water used, the consumer shall be required to pay for such quarter of monthly billing period at least as much as the cost of the amount consumed at the premises during the corresponding billing period the previous year, at the latest prevailing rates. In the event an outside meter malfunctions, the reading on the inside meter shall be controlling.

SECTION 19 - DEFINITIONS

Wherever the words "Board of Water Commissioners" and "Water Commissioners" are used in this local law they shall mean respectively "Board of Trustees" and "Trustees" and shall continue so to mean until a separate Board of Water Commissioners shall have been appointed by the Village Board of Trustees.

SECTION 20 - RATE SCHEDULE

Water rents or rates shall be as established from time to time by the Board of Trustees. The present rate schedule is as follows:

INSIDE THE VILLAGE:

\$8.00 for 8,000 gallons minimum fee
plus \$1.30 per 1,000 gallons thereafter.

OUTSIDE THE VILLAGE:

Rural full use metered service: \$16.00
for 8,000 gallons minimum fee plus \$2.60
per 1,000 gallons thereafter.

SECTION 20

SEASONAL COTTAGES:

\$25.00 flat fee for the
May-July quarter.

\$15.00 flat fee for the
August-October quarter.

TANK USE:

\$4.00 per 1,000 gallons
upon application to and
approval of Superintendent
of Public Works.

SECTION 21

If any part or section of this local law shall be held to be unconstitutional or invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.

SECTION 22

All local laws, ordinances, rules, and regulations, or parts thereof, in conflict with the provisions of this local law are hereby repealed.

SECTION 23

This local law shall take effect immediately upon the filing in the Office of the Secretary of State as required by law.

SECTION 24

All water service shall be billed to and listed in the name of the owner of the premises served.

SECTION 25

The provisions of this local law shall apply to users of the Village water system located outside of the corporate limits of the Village except where expressly stated to the contrary.

SECTION 26

There shall be a water meter deposit in the amount of Fifty (\$50.00) Dollars for users outside the Village.

SECTION 27

The minimum quarterly rate shall be billed in the event that the water service is used for a period in excess of 15 days.

SECTION 28

There shall be a minimum charge of \$25.00 for the repair of frozen meters or tampered with meters.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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. of 19
~~XXXXXX~~
~~County~~ Lyndonville Board of Trustees
of the ~~XXXX~~ of was duly passed by the
~~XXXXX~~ (Name of Legislative Body)
Village
February 16 19 81 in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19 , 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 19
County
City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19 and was approved by the
repassed after disapproval Elective Chief Executive Officer *
on 19 Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive
thereon at the special election held on 19 , in accordance with the appli-
general
annual
cable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. of 19
County
City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19 not disapproved
and was approved by the
repassed after disapproval Elective Chief Executive Officer *
On
..... 19 Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19 , 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

Discriminatory Rate Disallowed

A California appeals court concluded that it was not proper for a city to impose a discriminatory rate that favored city residents.

In 1972, the city of San Buenaventura enacted an ordinance imposing a 70-percent surcharge on water supplied to customers who lived outside city limits. In 1925, 1927, 1948, and 1960, general obligation bonds had been issued and the proceeds used to improve and modernize the system. Operating costs and payments of bond principal and interest had always been paid from available water revenue and not from taxes. In 1968, the city acquired the Saticoy Water Company, thereby trebling the number of customers living outside city limits. This acquisition was financed by \$2.5 million in revenue bonds. An additional \$4 million in bonds was issued to replace deteriorating lines. The Saticoy Water Company customers increased the gross revenues of the city by nearly 31 percent, while expenses were only increased about 17 percent. Although net income increased 174 percent, further funds were sought by the city. This prompted a class action suit that sought to establish that the rates set on July 1, 1972, for customers outside city limits were exorbitant, unreasonable, arbitrary, and discriminatory. In 1980, the trial court judge filed his intended decision in favor of the city.

In an appeal, San Buenaventura argued that it owned the system and was entitled to a reasonable rate of return—as if the city residents were stockholders in a private utility. The court said that under California law, political boundaries are not relevant considerations in rate setting, and a city cannot establish rates that unfairly discriminate against nonresident water consumers. The appellate court reversed the judgment of the trial court and remanded the case for a new trial.

Hansen v. City of San Buenaventura, Calif. Court of Appeals, Apr. 8, 1985; as modified on denial of rehearing, May 7, 1985 (AWW/01/N.-\$10 [this decision only])

Water Rights May Not Be Acquired by Adverse Possession

The Supreme Court of Wyoming has ruled that water rights may not be acquired by adverse possession.

In March 1981, the appellants, who

held water rights to several streams that were tributaries of Twin Creek, petitioned the state board of control for a declaration of abandonment of water rights. They were contesting the use of the downstream BQ appropriation, the most senior appropriation in the Twin Creek drainage area. The appellants claimed that for lengthy and successive periods of time, ranging from 27 years on one tributary to 50 years on another, they had used the water from the tributaries to the detriment of the priorities of the BQ appropriators. The trial court dismissed their claim, which was based on adverse possession.

The appellate court noted that the question of whether or not water rights may be acquired through adverse possession had never been answered in Wyoming, but concluded that under the state constitution it was impossible to acquire water rights by adverse possession and that state law had established a permit procedure for water users in order to administer water rights efficiently. Allowing water rights to be determined by adverse possession, the court said, would make this administration of rights impossible.

Lewis v. State Board of Control, Supreme Court of Wyo., May 17, 1985 (AWW/02/N.-\$5)

Court Refuses to Issue Injunction Against Fluoridation

A South-Carolina appellate court ruled that fluoridation of water would not create a nuisance.

The Charleston Committee for Safe Water sued the Commissioner of Public Works, claiming that the proposed fluoridation of the water supply of the city of Charleston would be a nuisance. The witnesses who appeared for the committee were ardent anti-fluoridationists, whose views, though sincerely held, were inconsonant with the opinions of the great majority of medical and scientific experts in the United States. The trial court referred the case to a master, who, after hearing the evidence, refused to issue an injunction.

The appellate court noted that documentary evidence indicated that the National Cancer Institute saw no danger in the fluoridation of water. Furthermore, although one witness testified that fluoride was a carcinogen, the testimony of respected scientists from the Centers for Disease Control and the National Institute of Dental Research contradicted this assertion. Thus, the

South Carolina court concluded that the record fully supported the master's order denying an injunction against the use of fluoridation.

Charleston Committee for Safe Water v. Commissioner of Public Works, Court of Appeals of South Carolina, May 30, 1985 (AWW/03/N.-\$5)

Property Owner Liable for Water Service

A municipal ordinance that imposed liability on a property owner for water services provided to a tenant does not violate state or federal constitutions, according to an Ohio appellate court.

Philip Morrical Jr. owned property in the village of New Miami that contained an upstairs apartment rented to Geraldine Mills. Mills used the water service provided to the property and incurred the charges in her name. When Mills vacated the apartment without paying the charges, the village disconnected the water service to the premises and, despite Morrical's request, refused service for a new tenant. A New Miami village ordinance provided that the owner of private property, as well as the tenants, is liable for water service. The ordinance also provided for discontinuance of water service upon nonpayment. Morrical sued the village, claiming that cutting off water service to his property was contrary to both state and federal constitutions. The Ohio trial court upheld the ordinance.

The appellate court said that a village had the legislative right to implement such a provision and that an owner of real estate was considered to be charged with notice of the law and the ordinance when he had his premises connected to the water system. The court added that the ordinance imposing liability on the owner was reasonable and did not violate the due process or equal protection clauses of either the state or federal constitutions.

Morrical v. Village of New Miami, Court of Appeals of Ohio, May 31, 1984 (AWW/04/N.-\$5)

Copies of the entire decisions described in this column can be obtained for one year after publication from Cases Unlimited Inc., 2650 Harvard Ave., Evanston, IL 60201, where these summaries were prepared. Please enclose a check for the appropriate amount and specify the code number indicated at the end of the abstract (e.g., AWW/01/N.-\$5).

THE BOARD OF TRUSTEES OF THE VILLAGE OF MEDINA DOES
HEREBY ENACT AND ORDAIN THE FOLLOWING ORDINANCE
FOR ENFORCING THE COLLECTION OF WATER RENT
AND REGULATING THE USE OF WATER IN THE
VILLAGE OF MEDINA, TO BE KNOWN AS
"WATER USE ORDINANCE"

SECTION 1. LIABILITY FOR WATER SERVICE

All water rents shall be chargeable to and assessed against the property owners, and shall be a lien against the real property upon which the water is used; and shall be due and payable at the Office of the Village Clerk as billed by the Water Department on a quarterly basis for domestic and commercial users during the month following the billing, except that in the case of rents for water used for other than domestic and commercial purposes such rents shall be due and payable during the month of billing.

SECTION 2. PENALTY

In all cases when water rents are not paid within ^{fourteen (14)} ~~thirty~~ (30) days after billing, ten (10%) percent of the amount thereof shall be added thereto and collected thereafter; and all water rents remaining due and unpaid at the time the annual tax levy of the village is made out, shall be included therein pursuant to the Village Law and levied against the real property on which the same have been used, and shall be collected with and in the same manner as other village taxes, with additional fees, charges and penalties incident to the collection of such taxes. (Amended May 26, 1970).

SECTION 3. APPLICATION FOR WATER

All applications for the introduction of or use of water on any premises, or for the extension of any water pipe, shall be in writing, and signed by the owner of such premises, or by his duly authorized agent; and must fully and truly state the purposes for which such water is required; and the expenses incident to the introduction of use of water on any premises from the Village mains must be paid by the applicant.

SECTION 4. SERVICE LINES

1. The Water Department shall make all taps into the public mains, and furnish and install the corporation stop at the mains, the curb stop and curb box and the connecting line from the public main to the curb box at the expense of the applicant on a cost basis for time and materials used in the accordance with the current billing policy of the Board of Trustees of the Village of Medina adopted by resolution of such Board. The Water Department will maintain the service line from the main to and including the curb valve and box with cost of materials and labor for repairs or replacement to be charged to the property owner in accordance with current billing policy of the Board of Trustees of the Village of Medina adopted by resolution of such Board. Full cost of labor and equipment for excavation and backfill will be borne by the Village. (Amended, May 26, 1970).

2. A deposit of one hundred (\$100.00) dollars shall be required with each application for water to apply on the

Mayor
Fred L. Large
Clerk Treasurer
Beverly M. Bacon
Superintendent of Public Works
Roger L. Woodworth

Village of Lyndonville

Orleans County, New York

Trustees
Richard D. Farwell
Darrel J. Oakes
Kenneth S. Dack
Warren J. Breed

In the Heart of the Lake Ontario Fruit Belt
Municipal Water System with Filtered Water from Lake Ontario

PLEASANT



PROSPEROUS



PROGRESSIVE

Monday June 21, 1976

Resolution made by Richard Farwell and seconded by Clifford Stothers that allows the Village to bill water customers the minimum quarterly rate if they used the service for a period in excess of 15 days. V&C

Monday June 21, 1976

Permission granted for the Clerk-Treasurer to send letters to residents who are 2 quarters in arrears in their water bills giving them 10 days to pay the bill in full or else their water will be shut off.

May 19, 1980

Resolution made by Warren Breed and seconded by Darrel Oakes to charge \$25.00 for frozen meters or tampered with meters. V&C

installation cost of a 3/4" line to be done by the Village Water Department, with any unused portion thereof to be returned. Lines larger than 3/4", the deposit will be increased to cover estimated cost. Any unused portion thereof to be returned. (Amended May 26, 1970). All supply lines from the public mains to the meter on any premises shall be type K soft copper tubing, or equivalent, with bronze flared fittings, Mueller brand or equivalent. Lines larger than 2" will be cast iron. All service lines will be laid with a four (4) foot cover wherever the depth of water main permits. Lines will not be covered until inspected by the Supt. of Public Works or a representative of his, and found to be satisfactory. Water will not be supplied to two or more buildings fronting on the same street from a single service line. A service line, when abandoned for reasons of installing a larger service or for any other reason will be shut off at the main corporation valve by the Water Department and all costs of same to be charged to the property owner. The property owner will be responsible for installing and maintaining the service line from the curb box valve to the meter.

*Approved
Superintendent
Public Works*

- 3.
- 4.
- 5.
- 6.
- 7.
- 8. No person not authorized so to do, in writing, by the Board of Water Commissioners or the Superintendent of Public Works, shall turn on or turn off the water at the curb line box in connection with any premises.
- 9. All joints on copper service lines will be flared fittings (Mueller or equal) between main corporation valve and meter.
- 10. Taps in mains will be made after property owner has made application for water service, received location for water line by the Superintendent of Public Works or the water department and given twenty-four (24) hours advance notice for required tap. Required deposit must be paid in advance of tapping. No tap will be made on Saturday, Sunday or holidays.
- 11. A stop and waste cock for shutting off the water must be located immediately within the wall of the building and between such wall and the water meter; and the pipes must be so arranged that the water can be drawn from them whenever and wherever there is danger of freezing.
- 12. A dresser threadless coupling or sleeve will not be used on a service line between the meter and water main, except for temporary repairs of leaks, for emergency water, and when a service line cannot be threaded a new line must be installed within ten (10) days or as weather and soil conditions permit in the judgment of the Superintendent of Public Works or his representative.

SECTION 5. NOTICE FOR INSTALLING SERVICE LINES

The Board of Water Commissioners may serve a written notice either personally or by mail as provided in Section 330 of the Village Law upon the persons mentioned herein, or cause a notice to be published in the official newspaper of the Village, requiring the owners or occupants of any and all property fronting or abutting on any street or portion thereof

in or upon which any public water main or distributing pipe is about to be laid or is being laid or has been laid by the said Board to make and lay connection pipes to and from the water mains or distributing pipes in said street or any portion thereof in front of each separate piece of property or to repair such connection pipes to and from the water mains or distributing pipes in said street or any portion thereof in front of or upon each separate piece of property and where directed by said Board, within such time and in such manner and under such inspection as said Board shall prescribe, and whenever any such owner or occupant shall have made default in making such connections with said water mains or distributing pipes opposite the lands and premises owned or occupied by him or whenever such owner or occupant shall have made default in repairing supply pipes connecting with mains opposite or upon the land and premises owned or occupied by him as directed in and required by said notice therefor in the manner and within the time specified, the said Board shall have power and authority to so make, extend and complete the same and the actual expense thereof, including all labor done and materials used in doing and completing the same, shall be assessed by the Trustees of the Village upon each separate piece of property opposite or upon which the same shall be done and completed and shall be a lien and liens on said premises and lots of land respectively, and the same shall be collected in the same manner as other local assessments or assessments for local improvements as provided by the general village laws of the state, and when so collected the amount thereof shall be paid into the water fund of the village. Nothing herein contained shall be construed to prevent the financing, in whole or in part, pursuant to the local finance law, of any expense incurred by the Village pursuant to this section.

If the notice published by the Board of Water Commissioners, pursuant to the provisions of this section, contains a statement that the failure to comply with such notice shall cause the Board of Water Commissioners to discontinue the water supply to the property concerned, the Board of Water Commissioners may, after mailing a copy of the notice to the owner of the property at his last known address, discontinue the water supply within thirty (30) days after the time for making the repairs which was set forth in the notice elapsed, and if the written notice served in lieu of publication, as provided herein, contains such statement the same provisions relative to the discontinuance of water supply shall apply.

SECTION 6. SHUT-OFF AND TURN-ON CHARGE

If the meter at any individual service is shut off at the request of the property owner or for any reason set forth in this ordinance or in Article 9 of the Village Law, except for emergency repairs made by the Water Department or for repairs made by the consumer, there shall be a shut-off charge of \$8.00 made to the property owner and \$8.00 charge for turning on water. (Amended, May 26, 1970).

SECTION 7. CHECK VALVES

In all places where steam boilers, hot water tanks, refri-

gerating or air conditioning units, are supplied with water from the water systems, the owner or consumer must see that the plumber places a suitable safety valve, vacuum valve, or other proper device, to prevent damage from collapse or explosion when water is shut off. The Village shall not be liable for any damage resulting from sudden shutting off of the supply of water from any steam boiler or other fixture deriving its supply from the water system.

SECTION 8. CROSS CONNECTIONS

Cross connections will not be permitted between lines supplied with village water and any other source of water supply, such as cisterns, wells, reservoir, or storage tank.

*back thru
to boiler
at power
off power*

SECTION 9. LEAKS IN SERVICE LINES

The owner of the property into which water is introduced by a service pipe will be required to maintain in perfect order and repair at his own expense the said service pipe and its fixtures and appurtenances, including all fixtures therein provided for delivering or supplying water for any purpose, and in case said service and fixtures are not so kept in perfect repair, the Superintendent of Public Works or other village employee may shut off the Supply of water therefrom without notice or may make necessary repairs, and the expense incurred shall be a lien against the property.

SECTION 10. FREEZING

Frozen service lines will be thawed once from each Nov. 1st to April 30th without charge by the Village. For each additional thawing the charge shall be based on the use of materials, equipment and labor, and such charge shall be computed in accordance with the current billing policy of the Board of Trustees of the Village of Medina adopted by resolution of such Board. Privately owned equipment will not be used on Village or service lines without a Water Department representative to supervise. The labor cost for supervision will be charged to the property owner. (Amended May 26, 1970).

SECTION 11. FIRE LINE SERVICE

Stand pipes, or other pipes for automatic suppression of fires in buildings, which fixtures are only intended for such use, may be permitted to be attached to the water supply system. Application for such permits, accompanied by a plan of the proposed pipe system, must be submitted to the Superintendent of Public Works for his approval. No additional fixtures, connections or extensions, shall be made in any fire protection system without the approval of the Superintendent.

At the option of the Board of Trustees, no charge will be made for the use of water for that purpose; but all such pipes must be provided with a suitable valve, outside of the building, under the exclusive control of the public Works Department, also, in the case of stand pipes, a valve must be provided, placed at the bottom of the standpipe.

Where such installations include long sections of pipe line underground, or wherever directed by the Superintendent of Public Works, detector check valves with metered by-pass connection shall be installed to determine unauthorized use of leakage.

The entire cost of installing the fire service shall be borne by the owner of the building supplied.

2. Fire Services Maintained. The owners of the premises where pipe lines are in service for fire protection shall maintain such service pipes in perfect order over their entire length from the street main into the premises, and they shall be responsible for any damage that may be caused by leakage, or the breaking or bursting of such pipes.

SECTION 12. FIRE HYDRANTS AND VALVES

No person or persons except the Superintendent of Public Works or employees of the Water Department shall open or close any valve or gate in the street mains or molest or interfere with the same in any manner whatever. No person or persons shall open, interfere with or draw water from any fire hydrant in the Village Water System without a permit, except that hydrants may be opened by or on order of any member of a Fire Department or any fire commissioner in case of fire. Whenever a hydrant has been opened and used notification of such a fact shall be promptly given the Superintendent of Public Works.

SECTION 13. WATER FOR BUILDER'S USE

No contractor shall take non-metered water from the village without a builder's permit for every separate job and any person who permits others to obtain non-metered water from his premises without first exhibiting a permit shall be held strictly liable. When any person desires to use the village water on any premises for building purposes of any description, the owner of said premises or his agent having such premises in charge must, before using village water for such purposes, make a regular application at the office of the village clerk for permission therefor, and agree to pay such rates therefor as the Board of Trustees may prescribe.

SECTION 14. METERS

1. The Water Department shall furnish and install and keep in repair at its cost all meters up to and including ^{one} ~~two~~ inch meters".
2. Wherever a meter is to be installed larger than a ~~one~~ ^{two} inch meter the customer shall pay the difference in price above the cost of a one inch meter, such difference in cost to be considered a connection or service charge, and the Village will keep such meters in repair.
3. The title to all meters installed by the Water Department to be and remain in the Village Water Department.
4. Where a meter is installed outside of the Corporate limits of the Village the consumers shall pay an installation charge of an amount equal to the prevailing cost of a new meter to the Village and new meter so installed shall remain the property of the Village Water Department.
5. Where any meter is damaged by freezing, back wash of hot water, or for any cause through neglect or act of the consumer, the cost of repairing such a meter so damaged shall be a charge upon the property owner where the meter is located.
6. Meters over ~~2~~ ⁴ in size will be valved on both inlet and outlet side with bypass and valve when requested by the

Handwritten:
\$150.00
P. J. [unclear]

Water Department. No addition to or alteration in any public or private pipe, conduit, or other fixtures, between the public water main and the individual water meter, shall be made by any person.

- 7. Location of meters will be determined by the Superintendent of Public Works.
- 8. Meter heights will not be more than four (4) feet above floor level, and not less than two (2) feet above floor level.
- 9. Meter size will be determined by the Superintendent of Public Works.
- 10. Meter will be set with water inlet and outlet in a horizontal position.
- 11. The Village will keep in repair all Village owned meters at Village expense unless damaged as in Section 14, (6). (Amended July 14, 1966).

SECTION 15. INSPECTION OF SERVICES

Every owner or occupant of premises where village water shall be used shall, at all reasonable times permit the Water Commissioners, the Superintendent of Public Works, or anyone duly authorized by either of them to enter any and all portions of the premises or building where necessary, for the purpose of examining the meter, the water pipes or fixtures, or the manner in which the water is used, and this provision shall be inserted in every application for the use of water and consented to by the applicant therefore.

SECTION 16. EMERGENCY SHUT-OFF

In case of fire, or an alarm of fire, or when necessary in making repairs or in making additions to the water works system the Board of Water Commissioners reserve the right to shut off the water from the whole or any portion of the water works system, as they deem necessary and to keep it shut off for such length of time as may be necessary.

SECTION 17. DISCONTINUANCE OF WATER SERVICE

Should the owner of property or consumer of water fail to pay water rents or to comply with any of the provisions of this ordinance and any amendments thereto, except Section 5, the Board of Water Commissioners, in addition to any other remedies granted to it, may discontinue the water supply to such premises. *After 30 days we will be required to shut water*

SECTION 18. BILLING

In any case where a meter fails to register the water used, the consumer shall be required to pay for such quarter or monthly billing period at least as much as the cost of the amount consumed at the premises during the corresponding billing period the previous year, at the latest prevailing rates.

SECTION 19. DEFINITIONS

Wherever the words "Board of Water Commissioners" and "Water Commissioners" are used in this ordinance they shall mean respectively "Board of Trustees" and "Trustees" and shall continue so to mean until a separate Board of Water Commissioners shall have been appointed by the Village Board of Trustees.

James H. ...
James H. ...
James H. ...

Section 20. RATE SCHEDULE

Water rents or rates shall be as established from time to time by the Board of Trustees. The present rate schedule is as follows:

<u>QUARTERLY RATES PER M GALLONS</u>					
Min.	to	5,049 Gal.	{ 675 cu.ft. }	per 1000 gal.	\$8.00
Next		20,196 Gal.	{ 2,700 cu.ft. }	per 1000 gal.	2.14
Next		20,196 Gal.	{ 2,700 cu.ft. }	per 1000 gal.	2.05
Next		100,980 Gal.	{ 13,500 cu.ft. }	per 1000 gal.	1.83
Next		1,009,800 Gal.	{ 135,000 cu.ft. }	per 1000 gal.	1.31
Next		1,156,221 Gal.	{ 154,575 cu.ft. }	per 1000 gal.	.86

<u>MONTHLY RATES PER M GALLONS</u>					
Min.	to	1,683 Gal.	{ 225 cu.ft. }	per 1000 gal.	\$8.00
Next		6,732 Gal.	{ 900 cu.ft. }	per 1000 gal.	2.14
Next		6,732 Gal.	{ 900 cu.ft. }	per 1000 gal.	2.05
Next		33,660 Gal.	{ 4,500 cu.ft. }	per 1000 gal.	1.83
Next		336,600 Gal.	{ 45,000 cu.ft. }	per 1000 gal.	1.31
Next		385,407 Gal.	{ 51,525 cu.ft. }	per 1000 gal.	.86

Outside rates shall be one and six tenths (1.60) times the rates inside the Village.

Dated
Adapted 11/22/77

SECTION 21.

If any part or section of this ordinance shall be held to be unconstitutional or invalid, the remaining provisions thereof shall not fail but shall remain in full force and effect.

Section 22

The Water Ordinance, adopted February 20, 1958 and all ordinances rules and regulations, or parts thereof in conflict with the provisions of this ordinance are hereby repealed.

Section 23.

This Local Law shall take effect immediately upon the filing in the Office of the Secretary of State as required by law.

Legal Notice

LEGAL NOTICE

PLEASE TAKE NOTICE, that a Public Hearing will be held by the Board of Trustees of the Village of Lyndonville, New York, on February 16, 1981 at 7:30 PM at the Council Chambers, Village Hall, Lyndonville, New York, on the adoption of a local law known as Local Law No. 2 for the Year 1981 entitled a Local Law for Enforcing the Collection of Water Rent and Regulating the Use of Water supplied by the Village of Lyndonville, New York, Water System, which said Local Law provides for the applications and installation of water service and service connections, payment for water service, metering of water service, termination of service, fire line service and fire hydrant use, leaks and freezing of service line, water rents and fee schedules, and inspection of service.

At such Public Hearing, all persons interested in the enactment, either for or against the same, shall be heard.

By order of the Board of Trustees of the Village of Lyndonville, New York.

Dated: February 2, 1981.

Beverly M. Bacon
Village Clerk

Village of Lyndonville

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