

Chapter 23

WATER*

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*Cross references—Buildings and building regulations, Ch. 5; sewers and sewage disposal, Ch. 18; underground utilities, 20-76 et seq.

State law reference—General authority relative to water supply, Town Law, §§ 190 et seq., 199, 198(3), 215(12).

ARTICLE I. IN GENERAL

Sec. 23-1. Rates established.

(a) That pursuant to Section 198 of the Town Law and other applicable statutes, the town board does hereby establish that the quarterly rates for water furnished by Consolidated Water District No. 1 to be charged to the consumers shall be as follows:

\$1.99 per one thousand (1,000) gallons.

(b) Notwithstanding subsection (a), the minimum quarterly bill shall be twenty dollars (\$20.00) for the first six thousand (6,000) gallons. (Code 1966, § 41-1; L.L. No. 9-1992, § 1; L.L. No. 2 of 2000, § 4; L.L. No. 13 of 2005, § 1)

Sec. 23-2. Fire lines.

(a) In this section "fire line" means:

- (1) Any iron water line making a connection to the water district system for the purpose of supplying water to fire hydrants on private property around the extension of buildings thereon; or
- (2) Any water line making a connection to the water district system for the purpose of extending the line into buildings on private property for the purpose of supplying sprinkler heads or hose reels.

(b) The quarterly rate to be paid by the property owners to the water district for each fire line connection shall be as follows:

- (1) For each two-inch connection, two hundred fifty dollars (\$250.00).
- (2) For each three-inch connection, three hundred twenty-five dollars (\$325.00).
- (3) For each four-inch connection, four hundred dollars (\$400.00).
- (4) For each six-inch connection, five hundred dollars (\$500.00).
- (5) For each eight-inch connection, seven hundred fifty dollars (\$750.00).
- (6) For each ten-inch connection, nine hundred dollars (\$900.00).

- (7) For each twelve-inch connection, one thousand two hundred dollars (\$1,200.00).
- (8) For each fire hydrant on private property, one hundred fifty dollars (\$150.00).
- (9) The town board, by resolution, may modify the charges set forth above from time to time.

(c) The terms of payment for each line connection shall be net cash; statements shall be rendered by the water district on a quarterly basis for the preceding three (3) months' period. Any fire line connection made within the three (3) months' period prior to the next billing date shall be prorated by the water district and the property owner shall pay only for that period of time during which the connection is made. (Code 1966, § 42-6; L.L. No. 2 of 2000, § 4; L.L. No. 3 of 2008, §§ 1—3)

Sec. 23-3. Hydrant permit fees.

(a) *Restricted.* It shall be illegal for anyone to connect or obtain any water from fire hydrants in the town except as provided herein.

(b) *Seasonal permit.* An applicant may obtain a seasonal permit to be issued by the town engineering department for a tanker containing one thousand (1,000) gallons or less. There must be a separate permit issued for each tanker. The applicant shall pay the sum of one hundred dollars (\$100.00) per year for the permit and may not use in excess of one hundred thousand (100,000) gallons of water per year for each permit issued.

(c) *Water tanker permit.* An applicant may obtain a water tanker permit for tankers containing one thousand (1,000) gallons or more upon the payment of a fee of twenty-five dollars (\$25.00) for each and every load. Payment must be made prior to obtaining each load.

(d) *Designated hydrant.* No water may be taken from any hydrant in the town without the town board designating the specific hydrant from which the water may be obtained.

(e) *Schedule.* No water may be obtained from any hydrant except between the hours of 8:30 a.m. and 4:30 p.m., Monday through Friday, unless written permission is obtained from the water/wastewater superintendent's office in the town.

(f) *Backflow prevention.* All hydrant users must use a reduced-pressure-zone backflow preventer or maintain a physical air gap between their tanker and the town water system.

(g) *Permit denial.* The town reserves the right to deny permits to any applicant who has violated this section, whose use may create an undue risk to the water system of the town or in the event of any water shortage in the town.

(L.L. No. 12 of 1989, § 1)

Sec. 23-4. Meters.

(a) *Use required; damage to meters.* No water service shall be given to any person except through a meter which may be purchased from the town or a town approved meter. After the meter is attached, any damage which such meter may sustain resulting from the carelessness of the owner, agent or tenant or from the neglect of any of them to properly secure and protect the same, or any damage that may result from allowing the meter to become frozen or to be injured by hot water or steam, or from any other cause, shall be paid by the owner on demand of the town. In case such payment is not so made, the water may be shut off from the premises and not turned on again until all charges are paid. Upon request of the property owner, the town will provide a written statement as to the bases of such charge.

(b) *Meters one (1) inch or less in diameter.*

(1) *Installation and maintenance.* The town will install and maintain all meters up to and including one (1) inch in diameter. Meters shall be set as near as possible to the point of entry of the service connection pipe to the building and shall be kept unobstructed and easily accessible to town employees at all times. In cases where the town believes access is not adequate, it can by written notice compel the meter to be moved to a more accessible location. In cases where the customary location of the meter is distant from the property line of the premises or under such other circumstances as deemed appropriate by the water/sewer maintenance department, it may require the meter to be set in a pit or box approved by the water/sewer maintenance

department at the expense of the consumer and located near the appropriate property line of the premises. Valves must be placed before and after the meter to facilitate service of meters as deemed appropriate by the water/sewer maintenance department. All proposed meter locations must be previously approved by the water/sewer maintenance department.

(2) *Testing.* Meters may be tested by the water/sewer maintenance department at any time, and meters up to one (1) inch in diameter will be tested upon application of the consumer and the making of a deposit of twenty-five dollars (\$25.00). If the meter shall test less than five (5) percent fast on full or half flow, the deposit is to be forfeited to the town. If the meter tests more than five (5) percent fast, the meter will be repaired or replaced at town expense and the deposit returned. If a meter tests five (5) percent or more slow, the town shall, at its option, bill for the amount of water not previously billed for as a result of meter malfunction.

(c) *Meters greater than one (1) inch in diameter.*

(1) *Installation and maintenance.* The consumer will install, under the water/sewer department's supervision, and maintain all meters of greater than two inch in diameter. Said installations shall be provided with a valved bypass around the meter and valved spur pipe on the building side of the meter for test purposes. In cases where the customary location of the meter is distant from the property line of the premises or under such other circumstances as deemed appropriate by the water/sewer maintenance department, it may require the meter to be set in a pit or box approved by the water/sewer maintenance department, at the expense of the consumer and located near the appropriate property line of the premises. Valves must be placed before and after the meter to facilitate service of meters as deemed appropriate by the water/sewer maintenance department. The design of such

special meter settings and location shall be submitted to the water/sewer maintenance department for approval before construction is undertaken by the consumer. The consumer will replace at his expense defective parts in improperly operating meters, including meters damaged by virtue of any reason enumerated in subsection (a) hereof, and will at his expense replace meters that have worn out or are not capable of being repaired. No meter may be removed, for any cause, without written permission from the town.

(2) *Testing.* The town water/sewer maintenance department will from time to time test meters larger than one (1) inch in diameter to determine their accuracy. In the event that an owner shall request additional testing, the same shall be provided by the water/sewer maintenance department and paid for by the consumer in an amount established and modified from time to time by resolution of the town board. If any test of a meter larger than one (1) inch in diameter shall show that meter to be reading more than three (3) percent slow by normal town testing standards, then that meter shall be deemed to be malfunctioning and shall be subject to repair as described in subsection (c)(1) of this section. The town shall also, at its option, bill for the amount of water previously not billed for as a result of meter malfunction.

(3) *Charges.* A meter testing charge based on meter size shall be charged upon commencement of billings for water service for all meters larger than one (1) inch in diameter. This charge, which shall be based upon the size of the meter, shall be established and modified from time to time for each size meter by resolution of the town board.

(d) *Failure to register.* If any meter becomes damaged and fails to register, or if the same registers improperly, the user will be charged at consumption to be determined by the town based on the best information available to it. (L.L. No. 3 of 2008, § 4)

Sec. 23-5. Fees.

(a) This section sets forth a schedule of fees to be charged by the town water department as listed on annexed schedule A.

(b) The said schedule of fees may be amended by resolution of the town board from time to time as necessary.

(c) In the event of a conflict between any of the other provisions of this Code, and this section, the charges listed in this section shall prevail.

(d) The determination of the water superintendent as the existence of any "emergency" shall be binding.

SCHEDULE A

Service	Fee	Ref. Code
Meter test		
3/8 to 1"	\$50.00 deposit ¹	23-4
1 1/2 to 2"	\$100.00 deposit ¹	23-4
Frozen meter		
3/4" or less		23-4
Crew hours M—F 7:00 a.m. to 3:30 p.m.	\$50.00 and cost of meter	23-4
After hours	\$100.00 and cost of meter	23-4
1" or greater		
Crew hours M—F 7:00 a.m. to 3:30 p.m.	\$50.00 and cost of meter	23-4
After hours	\$100.00 and cost of meter	23-4
New water service		
3/4"	\$1,475.00 and cost of meter	23-26
1"	\$1,625.00 and cost of meter	23-26
>1"	Time and materials	
Turn water on/off		
Crew hours M—F 7:00 a.m. to 3:30 p.m.	No charge	
After hours	\$100.00	
Service/lateral inspections		
Crew hours M—F 7:00 a.m. to 3:30 p.m.	No charge	
After hours	\$100.00	
Street taps	Time and materials	
Hydrant repairs due to collision	Time and materials	
Hydrant flow test	\$100.00	
Delinquent backflow test	\$50.00 fine and water termination ²	23-24
Delinquent account	Water termination ³	
Tax liens on account	\$100.00 filing fee	
Returned check	\$20.00	

<i>Service</i>	<i>Fee</i>	<i>Ref. Code</i>
Non-emergency call out after hours	\$100.00	
Sewer call out	No charge	

¹ Meter will be tested at office and may be witness by customer. If meter is:

- a. Accurate, town will retain deposit.
- b. Under-registering by more than three (3) percent, town will retain deposit.
- c. Over-registering by more than three (3) percent, town will credit customer account for deposit and over usage amount for that quarter.

² One hundred dollar (\$100.00) fee for delinquent backflow test. Backflow tests must be done by the anniversary date of the previous test and be received by the water office no later than thirty (30) days after test. All fines and fees must be paid before service is restored.

³ One hundred dollar (\$100.00) fee for water termination. An account will be considered delinquent after two (2) consecutive quarters of no payment or one thousand dollars (\$1,000.00), whichever comes first. Partial payments may be accepted without water termination at the discretion of the water superintendent as long as the account is not delinquent.

(L.L. No. 1 of 2010, §§ I, II)

Secs. 23-6—23-20. Reserved.

ARTICLE II. WATER MAIN INSTALLATION

Sec. 23-21. Purpose.

The purpose of this article is to establish provisions governing installation of water mains, service connections, water meters, fire lines, lateral connections, together with specifications therefor, and for other related matters appertaining thereto, to be effective throughout the town in all existing water districts and extensions thereof and in additional districts or extensions of districts hereafter established by the town.

(Code 1966, § 42-1)

Sec. 23-22. Approval of materials.

All pipes, valves and other materials used in the installation of water mains shall be as approved by the water superintendent or the town board.

(Code 1966, § 42-2; L.L. No. 2 of 2000, § 5)

Sec. 23-23. Procedure generally.

(a) No installation of water mains shall be commenced by the contractor or other persons making the installation until the proposed installations are plotted by the water superintendent on three (3) maps furnished by the contractor, and stamped approved by the water superintendent; one (1) map to be on the job of installation, one (1) for the water superintendent and one (1) for the town board file.

(b) All installations shall be made under the supervision of the water superintendent and must be approved by the water superintendent or by an authorized representative of the water district before covering.

(c) All water mains must be laid fifteen (15) feet from property line and all lines to be laid at a depth of not less than five (5) feet.

(d) All lines must be tested at not less than one hundred (100) pounds' pressure before ditch is backfilled.

(e) All lines must be tamped by hand on both sides of pipe and to a depth of two (2) inches above pipe before ditch is backfilled by bulldozer.

(f) Hydrants must be installed every five hundred (500) feet. All hydrant laterals must be gated. Where hydrants are installed in hardpan or clay, they must be filled in around them with gravel to a depth six (6) inches above the drain ports of the hydrant. All hydrants to be set in the street six (6) feet from the property on the side the property line is extended.

(g) For sanitation purposes the chemical calcium hypochloride shall be used in each length of pipe laid. The line shall be charged and allowed to stand for twelve (12) hours. Upon completion the line should be flushed under supervision of authorized water district representative.

(h) All hydrants and fittings must be properly braced.

(i) At a three-way intersection of pipes, three (3) valves shall be installed.

(j) At a four-way intersection of pipes, four valves shall be installed.

(k) A valve must be installed on every one thousand (1,000) feet of line.

(Code 1966, § 42-3; L.L. No. 2 of 2000, § 5)

Sec. 23-24. Additional rules, regulations.

(a) Connections into existing mains of Consolidated Water District No. 1 will only be made by an authorized representative of the water district and by no other person. When connections are made into an existing main, the contractor or other person making the installation must notify the property owners and/or residents in the immediate area of the connection to be made that there will be no water service during the time of the work. If water service is to be withheld for a period in excess of one (1) hour, then and in that event, the contractor must provide temporary service to the properties thus affected.

(b) All ditches must be guarded day and night, until safe, to protect the public and maintained for one (1) year by the contractor after installation. Certificates of public liability insurance must be filed with the water district before work is begun, indemnifying Consolidated Water District No. 1 and/or the town from all personal injury or property damage claims arising in connection with the work.

(c) After completion of work, the contractor or subcontractor must furnish the water department a profile map showing complete installation. The map must show the location of water mains, valves and hydrants, with correct size of main, valves, and hydrants, also the total footage of line, type of fittings used and correct number of valves and hydrants installed, together with other data as may be required.

(d) All work in connection with the installation of the water mains shall be done in a workmanlike manner and in accordance with all applicable rules, regulations, ordinances and laws, of Consolidated Water District No. 1 and/or the town and/or the county and/or the state.

(e) All commercial water services must be protected from cross connection from the public water supply (as per part 5 of the New York State Sanitary Code) in the following manner:

- (1) Installing a device designed to protect the public water supply from the hazard posed

by the water use at that location. The degree of hazard posed shall be determined by the Broome County Health Department. Any commercial water service not having a device installed may be disconnected until brought into compliance.

- (2) All devices will be installed as close to the water service connection to the public water supply as possible. All devices shall be approved by the water superintendent, town engineer, Broome County Department of Health engineer and state department of health engineer. All plans for these devices shall be submitted to the water department for review. Any devices require the stamp of a New York State licensed engineer or architect and New York State health department approval prior to installation.
- (3) All devices must be tested annually by a New York State certified backflow prevention device tester. In addition, all devices must be rebuilt every five (5) years. All reports of the results shall be submitted to the town water superintendent. Any commercial customers not conforming to the above requirements shall be subject to a fine of fifty dollars (\$50.00) per billing period. In addition, the water service may be terminated until it is brought into compliance.
- (4) After backflow devices are installed, the customer is responsible for containing internal backflow.

(f) If residential property has a use that is considered commercial, this property must comply with the above section (e).

(Code 1966, § 42-4; L.L. No. 2 of 2000, § 5)

Sec. 23-25. Water meters.

(a) A property owner or occupant shall during any reasonable hour permit the entrance on the premises of a duly authorized representative for repair and/or testing and shall permit the entrance on the premises of the representative for the purpose of reading and/or inspecting a water meter.

(b) It shall be the responsibility of every property owner or occupant to keep water meters in an accessible location where the authorized representative may conveniently inspect, read or remove the water meter.

(c) If a water meter cannot be inspected and/or read and/or removed with convenience, the owner or occupant of the property will be notified by a duly authorized representative of the water district to correct the existing condition with regard to the water meter. If the owner or occupant fails or neglects to correct the condition as specified by the duly authorized representative of the water district, the water district shall discontinue water service to the property until such time as compliance is made with the direction of the representative.

(d) All water services shall be provided with shutoffs on both sides of the meter to allow access to remove or repair the meter.
(Code 1966, § 42-5; L.L. No. 2 of 2000, § 5)

Sec. 23-26. Connection charges.

The town board by resolution shall set the charges to be made by all water districts in the town for connection from property to a water main in the public street or proposed public street in accordance with such rules and regulations as shall be promulgated by the town board for the water districts within the town.
(Code 1966, § 42-7; L.L. No. 2 of 1989, § 1; L.L. No. 2 of 2000, § 5; L.L. No. 8 of 2006, § 1)

Sec. 23-27. Work to be done by subdividers.

A subdivider on receiving a permit from the town water superintendent shall be allowed to connect from a water main in a proposed public street. This right is only given to a subdivider and to no other person. The subdivider must use materials and meters as approved by the water superintendent in installing the water connections. The cost of the permit is one hundred fifty dollars (\$150.00). Such cost includes the cost of the water meter and the installation thereof.
(Code 1966, § 42-7A; L.L. No. 2 of 1989, § 1)

Secs. 23-28—23-40. Reserved.

ARTICLE III. EXTENSIONS

Sec. 23-41. Application.

This article shall govern all extensions of all water districts within the town after January 12, 1966, where a petition has been filed requesting an extension of water district.
(Res. (1) of 1-12-66)

Sec. 23-42. Residential extensions—Fee established.

Where public water facilities are installed in public streets and available to a residential extension of district without further expense for connection thereto by the petitioner, the district shall charge the petitioner the sum of three hundred dollars (\$300.00) for each residential lot or proposed residential lot within the extension, plus a sum equal to five dollars (\$5.00) per year for each year beginning January 1, 1960 for each residential lot or proposed residential lot situated in the extension. Residential lots shall have maximum frontage of one hundred twenty-five (125) feet.
(Res. (1) of 1-12-66, § 1)

Sec. 23-43. Same—Petitioner's expense.

Where a proposed residential extension of water district is to install its own public water distribution system within the proposed extension at the petitioner's expense or extension expense (assessment), the district shall charge the petitioner a sum equal to five dollars (\$5.00) for each acre thereof in the extension for each year since January 1, 1960.
(Res. (1) of 1-12-66, § 2)

Sec. 23-44. Agricultural districts.

The provisions of sections 23-42 and 23-43 shall also apply to agricultural districts as designated under chapter 24.
(Res. (1) of 1-12-66, § 5)

Sec. 23-45. Nonresidential extensions—Fee established.

Where public water facilities are installed in public streets and available to a commercial or industrial extension without further expense for

connection thereto by the petitioner, the district shall charge the petitioner the sum of five hundred dollars (\$500.00) for each commercial or industrial lot within said extension, plus a sum equal to five dollars (\$5.00) per year for each year beginning January 1, 1960, for each acre thereof in the extension for each year since January 1, 1960.

(Res. (1) of 1-12-66, § 3)

Sec. 23-46. Same—Separate determination.

The town board shall make a separate determination based upon relevant facts and circumstances in the event a proposed extension of water district is to include commercial and/or industrial properties within the extension, where the improvements petitioned for are to be installed either at the petitioner's expense or at extension expense (special assessment).

(Res. (1) of 1-12-66, § 4)

Sec. 23-47. Deposit to utility account.

All moneys received from payments made to a water district pursuant to the provisions of this article shall be deposited by the supervisor in the utility account for the water district or as the town board may direct.

(Res. (1) of 1-12-66, § 6)

Sec. 23-48. Annual assessments.

After the establishment of an extension to a water district, a property owner therein shall thereafter pay the annual district-wide ad valorem assessments for both maintenance and debt reduction as shall be determined and levied by the town board, acting for and on behalf of the water district.

(Res. (1) of 1-12-66, § 7)

