

Local Law Filing

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Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

- County
- City of Canadice
- Town
- Village

Local Law No. 2 (intro) of the year 20 17

A local law Amending the Town Code of the Town of Canadice to Add Chapter 90 Entitled:
(Insert Title)
Water

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

- County
- City of Canadice as follows:
- Town
- Village

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

Section I. Title

The law shall be known as the Water Law.

Section II. Authorization

This Chapter is enacted pursuant to the authority and power granted by the Constitution and laws of the State of New York, including without limitation the Municipal Home Rule Law of the State of New York, Articles 2 and 3.

Section III. Purpose and Legislative Finding

The Town created Canadice Water District No. 1 ("District") to provide a continuous and uninterrupted source of potable water to District residents as well as water for fire protection. The Town has now determined that there is an immediate and critical need to provide such water and that comprehensive regulations are necessary to expedite and streamline the water connection process, ensure the efficient maintenance and operation of the District and safeguard the potable water supply by preventing backflow into public water systems.

Section IV. Amendment

Chapter 90 - Water

§90-1 Definitions

CHECK VALVE – An automatically self-closing device which is designed to permit the flow of water in one direction and to close if there is a reversal of flow.

CURB STOP – Buried service valve and access tube used to turn the water supply to a Premises on and off and demarcate the change in ownership of the service line between the Town and the Property Owner.

DWELLING – Any building that contains one or more Dwelling Units used or designed to be occupied for living purposes.

DWELLING UNIT – One or more rooms with provisions for living, sanitary and sleeping facilities arranged for such use by one or more persons.

METER – a device for measuring and registering the quantity of water that passes through a pipe or other outlet

METER PIT – A buried enclosure with a double-walled lid located within five feet of the Curb Stop used for housing a water meter and at a Premises where the meter would otherwise be more than 200' from the Curb Stop or the meter would be at high risk of freezing. The Meter Pit design requirements are specified by the Water District.

POINT OF SERVICE – The point after the Curb Stop where the Water District's responsibility for the Water System ends and the Property Owner's commences.

PREMISES – Any property or location within the Water District, whether or not occupied by one or more Dwelling or other structures, where water service is requested or furnished for any part

thereof, typically identified in Real Property records of the Town of Canadice by a unique property tax identification number.

PRESSURE REDUCER – A control valve that automatically limits the maximum water pressure throughout a Premises.

PROPERTY OWNER – The person(s) or entity that has legal or equitable title to any Premises and responsibility for payment of charges for water facilities and services.

REDUCED PRESSURE ZONE DEVICE (RPZ) – An automatic device specifically approved by the New York State Department of Health that contains a minimum of two independently acting Check Valves, together with an automatically operated pressure differential relief valve located between the two Check Valves. During normal flow and at the cessation of normal flow the pressure between these two checks shall be less than the upstream (public water supply) pressure. In case of leakage of either check valve, the differential relief valve shall operate, by discharging to the atmosphere, in order to maintain the pressure between the checks at less than the public water supply pressure. The RPZ must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.

REMOTE READ DEVICE – Meter interface mechanism that enables collection of Meter data away from where the meter is mounted.

STOP AND WASTE VALVE – A type of valve that when in a closed position drains the piping downstream of it. When the valve is shut it off, a small port or hole in the valve body is uncovered, permitting water downstream of the valve to drain out, preventing a freeze up in cold weather.

SUPPLEMENTAL WATER SOURCE – Any water source or system other than the public water supply that may be available at a Premises including but not limited to water supplied from Honeoye Lake and private wells.

TOWN – The Town of Canadice, administrator and operator of the Water District.

TRACER WIRE – Metallic wire installed with buried pipes to assist in locating the pipes in the future.

VALVE BOX – Enclosure for housing valves.

WATER DISTRICT – The “Town of Canadice Water District No. 1” and any extensions thereto. Includes both the legally defined water distribution service area as well as the administrative and operational functions that are required to provide the water service. Water District agents include employees or contractors of the Town or the Water District, including but not limited to the City of Rochester Water Bureau.

WATER SYSTEM – All piping, pumps, tanks, equipment, meters and appurtenances necessary to provide water services in the Water District, up to and including the Curb Stop.

§ 90-2 Acceptance of rules and amendments.

Every Property Owner or whose Premises shall be supplied with water by the Town of Canadice shall be deemed to have accepted and approved the rules governing and regulating the supply of water, and the same shall constitute a contract between such Property Owner and the Town. Property Owners' continued receipt of water services after amendments or changes to these rules shall be deemed an acceptance of such amendments or changes.

§ 90-3. Eligibility for service.

Structures eligible for service must be located within the Water District.

§ 90-4. System safety and integrity.

In order to ensure the safety and integrity of both the water supply and the Water System the New York State Uniform Fire Prevention and Building Code and New York State Sanitary Code shall apply, in addition to the requirements contained herein. This includes design and construction standards intended to prevent contamination of the Water System by Supplemental Water Sources.

§ 90-5. Right of entry.

Agents of the Town and the Water District, upon presentation of proper credentials and with the Property Owner's permission, may enter upon any Premises where water is supplied by the Water District or upon any Premises where an application for water services is pending to inspect the Premises. Water service may be denied if the Property Owner does not grant permission for entry.

§ 90-6. Agent of Property Owner.

A plumber or any other person designated and/or hired by the Property Owner to perform water services at the Premises will be considered the agent of such Property Owner and shall not be deemed agents of the Water District. The Town and Water District shall not be responsible for the acts of such persons.

§ 90-7. Application for service.

Every Property Owner desiring a supply of water from the Water District must make an application at the office of the Town Clerk for a service connection. Such application shall be submitted upon a blank form furnished by the Town which must be signed by the Property Owner or their duly authorized agent, and all fees for account setup and connection, as determined and published by the Town, must be paid at the time the application is submitted.

§ 90-8. Installation of service connections to principal mains.

All service connections with the principal mains and service pipes from said principal mains to within approximately two feet from a property line, easement boundary or right-of-way boundary, including tapping of the main, service pipe and Curb Stop for same, shall be installed only by properly authorized persons acting under the direction of the Water District or Town at the expense of the Property Owner pursuant to the Town's fee schedule.

§ 90-9. Connections from Curb Stop to Premises.

All connections from the Curb Stop to the Premises, including the Meter Pit, meter yoke, Pressure Reducer, Check Valve and/or Reduced Pressure Zone Device, shut-off valves/stops and other appurtenances related to the connection shall be made by the Property Owner or their agent at the Property Owner's cost and expense, pursuant to the provisions of the Town Code and subject to inspection by the Water District before the water service is turned on.

§ 90-10. Service pipe specifications.

The service pipe between the Curb Stop and the Premises shall be high density polyethylene (HDPE).

§ 90-11. Laying of service pipe.

Service pipe will be required to be laid not less than four feet six inches below the surface of the earth at any point to the inside of the foundation wall of the building into which the water service is introduced. If the building is not on a foundation wall that is at least 5 feet high then a Meter Pit is required and the service pipe shall be laid not less than four feet six inches below the surface of the earth until it is within the perimeter of the building's crawl space or adjacent to the building's slab or pad.

§ 90-12. Tracer Wire.

All non-metallic service pipe installations shall also require the installation of a Tracer Wire.

§ 90-13. Meter Pits.

Property Owners may use Meter Pits at their discretion. Meter Pits are required if the structure where service is to be provided is:

- A. greater than 200' from the Curb Stop; or
- B. not on a basement that is at least 5' high; or
- C. subject to freezing temperatures (structure is on pilings, slab, crawlspace or basement less than 5' high).

§ 90-14. Open trench; protection; inspection.

In the case of any excavation for the introduction of any water pipe or connection under authority from the Town, the Property Owner will be held responsible for the trench opened. Warning lights, flags, signs, barricades or other means of protection against accident shall be provided by the Property Owner. Before trenches are backfilled, materials and workmanship shall be inspected by the Town and approved in writing except in the case where the trench crosses a right-of-way used for emergency or deeded public access. In the case where the trench crosses a right-of-way used for emergency or deeded public access, the section of trench crossing the right-of-way may be immediately reburied as long as the trench on either side of the right-of-way remains open for inspection.

§ 90-15. Stop and Waste Valves.

A Stop and Waste Valves shall be conveniently located in order to drain the meter and service pipe inside the basement wall of the building into which the service pipe extends, or in such other convenient place as the Water District or Town may approve.

§ 90-16. Pressure Reducers.

Pressure Reducers shall be required for all Points of Service that are east of County Road 36 (Honeoye West Lake Rd.). The Pressure Reducer shall be of a type and kind acceptable under current plumbing and building codes. The Town of Canadice shall not be liable for any damage or loss of any kind to property or persons which may arise from or be caused by any change, either increase or decrease, in pressure of water supplies from any cause.

§ 90-17. Cross-connection.

There shall be no cross-connection of the public water supply with any Supplemental Water Source at any Premises.

§ 90-18. Reduced Pressure Zone Devices (RPZ's).

Reduced Pressure Zone Devices (RPZ's) shall be required within structures in which a Supplemental Water Source is also present even though the Supplemental Water Source is not cross-connected with the Water System. The RPZ shall be of a type and kind approved by the New York State Department of Health. Premises with a Supplemental Water Source present are subject to annual inspection to assure compliance with this requirement and subject to additional Town service fees for said inspections.

§ 90-19. Check valves.

Due to possible syphoning caused by short term high flow events on the Water System (such as large fires), Check Valves are required for Premises west of County Rd. 36 (Honeoye West Lake Rd.) that do not already have a Reduced Pressure Zone Device installed. The Check Valve shall be of a type and kind acceptable under current plumbing and building codes.

§ 90-20. Operation of Curb Stops.

Curb Stops shall only be operated by agents of the Town and Water District. In case of building construction operations, special permission may be obtained from the Town under such conditions as may be prescribed.

§ 90-21. Maintenance of service connection.

The Property Owner receiving water service shall maintain service pipes and connections from the Point of Service to the point water is drawn in good working order at their own expense. In case such services and fixtures are not so kept in repair, the Town may cause all necessary repairs to be made or may discontinue service to the Premises. The expense of such work including costs for unmetered water, materials and labor may be recovered by the Water District from the Property Owner.

§ 90-22. Liability for damage.

Any person responsible for any damage to any water main, pipe, hydrant or other portion of the Water System shall reimburse the Water District therefor and for the loss of water caused thereby. They shall also be liable for damage caused by such escaping water.

§ 90-23. Shutting off water; liability for damages.

The Town reserves the right to shut-off the water to any Premises, without notice, for as long a period as may be necessary for new construction, repairs or leakage tests. When possible, in non-emergency situations, advance notice will be provided. Service interruptions will be minimized to the greatest extent possible. The Water District and the Town shall not be liable for any damage which may result to any person or property as a result of a water shut-off.

§ 90-24. Metering required.

All water furnished through service pipes shall be metered. Meters will typically include a remote read device to enable meter reading without entry inside the Premises. No meters, including remote read devices, shall be set or removed or disturbed without the permission of the Town. All meters and remote read devices shall be furnished by the Water District after payment of the account setup and the connection charge. The Town shall approve the location

of meters. Property Owners or their agents shall install the meter and remote read devices subject to inspection and approval by the Town.

§ 90-25. Curb Stop and Meter Allocation.

Only one Curb Stop and one Meter are provided for each Premises. The Property Owner is responsible for operation and maintenance of any water distribution system to and within all structures beyond the Curb Stop and meter.

§ 90-26. Testing of Meter.

Meters shall be taken out and tested upon complaint of the Property Owner and payment of a fee set forth in the Town's fee schedule. If the tested Meter is not within 3% accurate, the Meter shall be repaired or replaced and the fee returned to the Property Owner.

§ 90-27. Damage to Meter.

Property Owners are responsible for any damage to Meters or Remote Read Devices and shall reimburse the Water District for the cost of such damage. This includes, but is not limited to, any damage that may result from allowing Meters to become frozen or damaged by hot water or steam back flowing from a boiler or hot-water tank. The District may repair or replace damaged Meters, charge Property Owners for said repair or replacement and collect using all acceptable methods.

§ 90-28. Access to Meter.

The space occupied by the Meter, Meter box and Remote Read Device shall at all times be kept free from obstructions of any kind. The Property Owner shall provide ready and convenient access to the Meter and the Remote Read Device.

§ 90-29. Meters for construction purposes.

Water meters for construction purposes shall be set by the Water District at the expense of the contractor or person making such application therefor. If it is impracticable to place meters for such construction purposes, water may be supplied to the contractor or owner at a flat rate to be determined by the Town.

§ 90-30. Rates, fees and penalties.

Generally, all water consumed shall be recorded and paid for by meter registration and at rates to be fixed by the Town. Such rates, fees and penalties shall be included in the Town's Fee Schedule and may from time to time be changed.

§ 90-31. Bills.

Bills for metered water shall be payable quarterly and if not paid within 30 days, shall be subject to a penalty set forth in the Fee Schedule. Failure to receive a bill shall not act as a waiver of said penalty. In case of inability to read the meter, an estimated bill will be submitted to the Property Owner.

§ 90-32. Abatement of charges.

No abatement of the charges for water rents shall be allowed on account of the vacancy of any Premises supplied with water unless the water supply is turned off by the Water District and the meter removed. For such suspension of service (service turn-off/turn-on), there shall be a Fee set forth in the Town's Fee Schedule.

§ 90-33. Charges against Premises; failure to pay.

- A. All rates, fees and penalties for water, water services, installation, repairs and damages charged to the Property Owner, if not paid, shall be a lien on the Premises. All such unpaid charges shall be added to the next general tax against the property.
- B. In the event a water bill remains unpaid for more than 60 days, or any charge as set forth in Subsection A above, the Town Board may, by resolution, cause the supply of public water to the Premises to be shut off after giving at least 10 days' written notice to the Property Owner and occupant(s) of the Premises by conspicuously posting at the Premises a notice specifying the water shall be shut off on a date not less than 10 days thereafter, and mailing by certified mail addressed to the owner and occupants at least 10 days prior to the proposed shut-off date. For multi-unit/multi-family structures the notice period is 15 days rather than 10 days. Such notice shall advise the Property Owner and occupants that the water supply to the Premises shall be shut off on the specified date for nonpayment of a water bill unless the unpaid water bill and penalty are paid in full to the Town Clerk prior to the specified date. The water supply to such Premises shall not be restored after shut-off until the unpaid water bill and penalties are paid in full.

§ 90-34. Debt service cost allocation.

To retire the debt incurred by the Water District, the Town Board assesses, levies, and collects funds from each Property Owner on a benefit formula basis with each Benefit Unit responsible for a proportionate share of the annual debt payments. All Property Owners are responsible for a proportionate share of the annual debt payments, even if there is no service connection on the Premises in accord with the following formula:

- On improved parcels, the first Dwelling Unit is assessed 1 Benefit Unit.

- Additional Dwelling Units on improved parcels are assessed at 0.5 Benefit Units per Dwelling Unit.
- Vacant parcels with sufficient building area as defined by Town Code are assessed 0.25 Benefit Units.

The total number of Benefit Units in the Water District is adjusted annually, as parcels are subdivided or recombined, and as additional Dwellings are added to or removed from a Premises pursuant to the Real Property records of the Town of Canadice.

§ 90-35. Hydrant control.

All fire hydrants are under the control of the Water District. No person, except authorized agents of the Town, Water District or Fire Departments shall operate, use or disturb any hydrant, or any part thereof, or take any water therefrom.

§ 90-36. Use of hydrants.

No person shall use any fire hydrant for construction or other purposes without first obtaining a permit for such use from the Town and making a payment in advance in the amount set by the Water District. The hydrant shall be operated only by a proper hydrant wrench, which shall be obtained from the Water District. A Reduced Pressure Zone Device is required when a hydrant is used for any purpose other than firefighting or Water System maintenance. All persons using hydrants shall immediately obey any instructions or orders that may be issued by the Water District to regulate the use of these hydrants. If required by the Town, a Meter shall be applied to the connection made with the hydrant at the expense of the person using same, and said person shall pay for all water by meter measurement at the stipulated rates.

§ 90-37. Damage to hydrant.

In the event of any damage to a hydrant by any person or their agent, having a permit for taking water from said hydrant, the holder of the permit shall pay such damages and all costs and expenses that may be incurred by reason thereof, on demand, to the Water District, including loss of water.

§ 90-38. Private fire protection devices and lawn sprinklers.

Connections of private fire protection devices and lawn sprinklers are only allowed by building permit and must be connected to metered services.

§ 90-39. Valve control.

No persons except a duly authorized representative of the Town or Water District shall open, close or in any way interfere with any valve or gate in any water main or pipe, including individual service connection Curb Stop valves. Any person who has disturbed or displaced a

Valve Box or who has covered a Valve Box with dirt, paving, plank or other material shall immediately replace the Valve Box or remove the obstruction.

§ 90-40. Sale of water.

Resale of water from the Water System for off-premises consumption is prohibited. Sub-metering by Property Owners within a private water distribution system connected to the public Water System is permitted, at the Property Owner's expense to allocate water service costs among tenants.

§ 90-41. Sale of water outside of Water District.

No water through any connection, pipe or main shall be sold or furnished outside the Water District, without the approval of the Water District and the Town.

§ 90-42. Consent required for connections.

No connection shall be made by any person between the facilities of the Water District and any other water system, public or private, without the approval of the Water District and the Town Board.

§ 90-43. Discontinuance of service; delivery of notices.

Property Owners are responsible for providing written notice to have service discontinued to the Town Clerk and will be liable for all water charges against said Premises if said notice is not received by the Town Clerk.

§ 90-44. Service turn-off/turn-on.

A Property Owner may request that their water service is turned off and on at the Curb Stop for one or more quarters in any one year. If not installed in a Meter Pit, the meter is removed when the water is turned off and then reinstalled when the water is turned on by the Water District. Service is turned-off and on at the Curb Stop and fees to turn-off and turn-on are set forth in the Town's Fee Schedule.

§ 90-45. Penalties for offenses.

Any person committing an offense against any provision of this chapter shall be guilty of a violation punishable by a fine. The continuation of an offense against the provisions of this chapter shall constitute, for each week the offense is continued, a separate and distinct offense hereunder.

Section V. Validity and Severability

Should the removal of any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Canadice that conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.