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DEPARTMENT OF STATE

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ANDREW M. CUOMO
GOVERNOR

ROSSANA ROSADO
SECRETARY OF STATE

RECEIVED

MAR 02 2017

February 24, 2017

VILLAGE OF NUNDA

Village Clerk
4 Massachusetts Street
PO Box 537
Nunda NY 14517-0537

RE: Village of Nunda, Local Law 1 2017, filed on February 22, 2017

Dear Sir/Madam:

The above referenced material was filed by this office as indicated. Additional local law filing forms can be obtained from our website, www.dos.ny.gov.

Sincerely,
State Records and Law Bureau
(518) 473-2492



**Department
of State**

Resolution No. 2017-010

BE IT RESOLVED, the Nunda Village Board of Trustees adopt Local Law No. 1 of 2017, Water Rules and Regulations and rescind Local Law No. 1 of 2004 Water Rules and Regulations.

Mayor Robert Cox	Yes
Deputy Mayor Fritz Amrhein	Yes
Trustee Melvin Allen	Yes
Trustee Darren Snyder	Yes
Trustee Jack Morgan	Absent

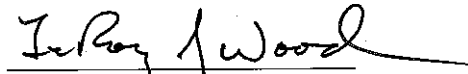
The motion was made by Deputy Mayor Amrhein, seconded by Trustee Allen. Carried 4-0.

I, LeRoy J. Wood, Village Clerk-Treasurer, of the Village of Nunda, do hereby certify that the resolution set forth above, is a true and accurate copy of the resolution adopted by the Nunda Village Board of Trustees at the regularly scheduled meeting of the board on February 13, 2017.

I further certify that said resolution has not been rescinded, amended or modified and is in full force and effect as of the date hereof.

In witness, whereof, I have executed this certificate this 24th day of February 2017 and affixed the Village of Nunda seal.

LeRoy J. Wood



Village Clerk-Treasurer
Village of Nunda
Nunda, New York

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

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

County City Town Village
(Select one.)

COPY

of Nunda

Local Law No. 1 of the year 20 17

A local law Water Rules and Regulations
(Insert Title)

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

County City Town Village
(Select one.)

of Nunda as follows:

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2017 of the ~~(County)(City)(Town)~~(Village) of Nunda was duly passed by the Nunda Village Board of Trustees on February 13 2017, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ and was deemed duly adopted *(Elective Chief Executive Officer*)* on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. Such local *(Elective Chief Executive Officer*)* law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph, 1 above.

LeRoy J. Wood
LeRoy J. Wood Village Clerk-Treasurer
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

(Seal)

Date: February 15, 2017

**LOCAL LAW NO. 1-2017
VILLAGE OF NUNDA
WATER RULES AND REGULATIONS**

SECTION 1 PURPOSE

The following rules and regulations adopted by the Village Board of the Village of Nunda, Livingston County, New York, shall be a part of the contract with any person, firm or corporation supplied with water by the Village of Nunda or water improvements authorized by the said Village. Each person, firm or corporation supplied with water, or whose property is supplied with water, shall be required to comply with the following rules and regulations.

SECTION 2 DEFINITIONS

As used in these rules and regulations the words and phrases listed below shall be deemed to have the following meaning:

"BOARD" shall mean the Village Board of the Village of Nunda, Livingston County, New York.

"CONSUMER/CUSTOMER" shall mean the person legally or equitable responsible for payment of charges for water or other facilities and services furnished.

"OCCUPANT" shall mean the person actually in possession or control of any premises or part thereof who is a consumer.

"OUTSIDE CUSTOMERS" shall mean persons located outside the Village, but not in a Water District.

"OWNER" shall mean the person who has legal or equitable title to any premises.

"PERSON" shall mean an individual, firm, association or corporation.

"PREMISES" shall mean a building, structure, mobile home or other like facility under one roof regardless of whether the same is occupied or not or whether it is used as a residence for more than one person or as a place of business for more than one business.

"SUPERINTENDENT" shall mean the Water Superintendent of the Village of Nunda.

"DIG SAFELY NEW YORK" shall mean Underground Facilities Protection Organization.

"VILLAGE" shall mean the Village of Nunda, Livingston County, New York.

“WATER DISTRICT CUSTOMERS” shall mean a person located in a designated Water District.

“WATER MAIN” shall mean any water mains owned and operated by the Village.

"WATER IMPROVEMENT" shall mean any water improvement authorized Pursuant to the Village Law of the State of New York as amended.

“WATER SERVICE” shall mean any individual connection from the water main to the premises.

“LIVING UNIT” any unit of residence in which a profit is made by owner, i.e. apartment.

SECTION 3 CUSTOMER AGREES TO ABIDE BY PROVISIONS

Any customer accepting water from the water system subscribes to and agrees to abide by all provisions, rules, regulations, etc., of this ordinance. Failure to do so will render the customer liable to the penalties hereinafter defined. Additionally, any customer accepting water from the water system agrees that the Village is not liable for damages, loss of income, etc., as a result of the Village’s failure to supply adequate quantities of water.

SECTION 4 TERRITORIAL LIMITS

The rules, regulations, rates, charges and fees herein prescribed shall be applicable to the supply of water and the furnishing of services and facilities within the Village of Nunda and all water customers.

SECTION 5 APPLICATION FOR SERVICE

- A. All applications for use of water must be made in writing on forms provided by the Village. On acceptance by the Village, the application shall constitute a contract between the Village and the applicant obligating the applicant to pay to the Village its established rates and charges and to comply with all rules and regulations.
- B. A separate application must be made for each Living Unit. Sub-metering within a premise will not be permitted. Each living unit shall be metered separate – therefore separate application.
- C. No agreement will be entered into by the Village with any applicant for service of any type until all charges due from the applicant for water and/or services at any premises, including those for which the application is made, now or heretofore owned or occupied by the applicant and which are in arrears or are due at the time of making the application shall be paid.

Charges, including by way of illustration but not limitation, for tapping the water main, installing the water meter, inspection, water service rates, shut-off and turn on charges, etc., shall be as established from time to time by the Board and on file with the Village Clerk.

SECTION 6 INSTALLATION OF SERVICE

- A. Permit Required - No person shall make any connection to or opening into a water main or in any way perform work, service or maintenance which shall affect a water main or any connections thereto without a written permit. A permit shall be issued after the filing of the application as above provided and the payment of all fees and charges. The Permit shall be signed by the Superintendent or his duly authorized agent and shall specify the type of tapping, service work, maintenance, construction or other activity authorized, with notation on authorizing permit.
- B. Inspection - No water main shall be tapped nor any service connection made, laid, constructed or covered except in the presence of the Superintendent or his authorized representative. No tapping, connection, line or work thereon shall be covered until the Superintendent or his duly authorized representative shall have approved all such work and materials and authorized the tap, the connection and the covering thereof.
- C. Turn on and off - No person, except the Superintendent or his duly authorized representative, shall turn the water on or off at any connection to the water main.
- D. Permanent Connections-
 - 1. The Village shall make all taps into the public mains and furnish and install the corporation stop at the mains, the curb stop and the curb box and the connection line from the public main to the curb box. The cost, therefore, shall be a part of the construction contract prior to the completion of any water main in any water improvement. The cost for such service, after the conclusion of the construction of any water main, shall be made at the expense of the applicant on a cost basis for time and materials used in accordance with the current billing policy of the Village existing at the time of said tap. The Village shall maintain the service line and tap from the main to and including the curb valve and box and shall retain full ownership and control thereof at all times.
 - 2. The curb stop and box will be generally located at the property line unless determined otherwise by the Superintendent.
 - 3. All supply lines from the curb box and curb valve shall be a

minimum of 3/4 inch without reduction in size from the curb box to the meter, except that larger service connections will be permitted upon proper application and upon approval of the Superintendent and shall be surrounded on all sides by at least 6 inches of sand fill material not coarser than 1/4" screened. Service pipe materials and installation shall be in accordance with all applicable regulations.

4. Service pipes shall be type "K" copper tubing or approved high pressure plastic, except in the case of larger than 2 inch services; ductile iron pipe shall be permitted. All joints on copper service lines shall be bronze compression fittings (Mueller or equivalent). No underground joints will be permitted except where distances are greater than the lengths available from the manufacturer.
5. A stop cock for shutting off the water must be located immediately within the wall of the premises and between such wall and the water meter. A waste valve must be arranged downstream of the meter so that the water can be drawn from them whenever and wherever there is danger of freezing.
6. Taps in the water main will be made only after issuance of a permit as above provided and only after not less than four (4) days advance notice of the time desired for the tap as well as the payment of all costs thereof. No taps will be made on Saturday, Sunday or holidays.

The homeowner shall be responsible for notifying the Dig Safely New York at "811" for utility stakeouts prior to excavation. Dig Safely New York requires that a minimum of two (2) days advance notice be given for a stakeout.

7. The water at the mains and/or curb box or curb valve shall be turned on or turned off only by authorized persons as herein provided. No turn on or turn off of water shall be made on Saturday, Sunday, or holidays and only after at least twelve (12) hours notice and on payment of all charges and fees.
8. After the completion of construction of a water main, as above provided the charge for tapping the water main, connections, installation of curb box, curb valve and like items, as above provided, shall be the actual cost as determined by the superintendent for both short side and long side water services, which said charge shall be paid by the applicant prior to the commencement of such work.
9. Where a premises is occupied by more than one (1) consumer, a

separate water meter shall be installed for each consumer. In an instance where owner of premise is charging to live – with proof or not-is a living unit.

10. In the case of any excavation for the installation of any water pipe or connection under authority of a permit from the Village, the owner will be held responsible for the trench excavation. Public safety and conveniences shall be duly regarded and conserved by the construction of such bridges across open trenches as may be required to insure safety to the public. Lights, barricades and all such other means of protection against accident must be provided. Before trenches are backfilled, materials and workmanship shall be inspected by the Village and approved in writing, and added to the authorizing permit.
 11. Meter pits shall be required if the water service is greater than 150 feet from the water main, at the discretion of the Water Superintendent.
 12. Meter pits shall be required if the ceiling height in a basement or crawl space is less than 5'6", at the discretion of the Water Superintendent.
- E. Temporary Connection - Temporary service connections shall consist of, but not be limited to, temporary agricultural use, construction jobs, fairs and circuses, emergency connections, and temporary service to a property upon which no permanent structure is or has been erected. No such temporary service connection shall be made until the issuance of a permit after application and payment of all costs and fees as provided in this ordinance. The connections, type of pipe, size of meter, backflow preventers, length of time of service, use of water and all other applicable factors shall be specifically enumerated in the application, and no permit shall be issued until the Superintendent shall have approved thereof and the approved condition set forth in writing on the permit. The costs and fees for such temporary service, including deposit for meters shall be established by the Board, from time to time, and on file in the Office of the Village Clerk.
- F. Special Services - Any service, not otherwise specifically provided for in these rules and regulations, shall be subject to separate agreement with the Village, which agreement shall contain such terms and conditions as the Board may deem necessary upon advice and counsel of the Superintendent.
- G. Irrigation Services - All persons desiring to draw water from a hydrant for irrigation or other agricultural use shall use an approved hydrant meter,

backflow preventer and screw type gate valve. The cost of the meter shall be borne by the user and paid to the Village prior to installation, which costs shall be the Villages actual purchase price of the items in question. No water shall be drawn from a hydrant for said purpose until the installation shall have been approved by the Superintendent. Irrigation services shall be defined as a temporary service.

- H. Spray Rig Services - All persons desiring to use a public source of water to fill a spray rig or other apparatus using chemicals shall, in addition to applying for the correct type of service and in addition to complying with all other applicable rules and regulations, equip the service with an approved type backflow preventer.

SECTION 7 INSTALLATION OF METERS

- A. All water used in the Village shall be metered except that used for firefighting purposes. Except as otherwise provided for, no charge shall be made for water used in domestic firefighting sprinkler systems as long as the same are installed and maintained after authorization and approval of the Board. Such domestic firefighting sprinkler systems shall meet such standards as shall be from time to time established by the Board, and if none are so established, in accordance with the acceptable standards approved by the Fire Underwriters or their successor organization.
- B. All water meters shall be of the type approved by the Board and will be furnished and installed by the Village in accordance with these rules and regulations. All meters and meter couplings shall, at all times, remain the sole property of the Village. All meters will be maintained by and at the expense of the Village insofar as ordinary wear and tear are concerned, but the owner shall be responsible for all damage due to misuse of the meter, to freezing, to fire, to external damage and other like causes. In such case or cases, the damage will be repaired by the Village or the meter will be replaced and the cost of such repair or the replacement of the meter shall be paid by the owner.
- C. The Superintendent or his authorized agent, at any reasonable time, may enter any building or upon any premises, whether public or private, where there is located a water service connection pipe or pipes connected with a Village water main, and make any necessary examinations and/or repairs. Examination may include, but is not limited to, the service connection pipes and equipment including meters thereon, outlets, the quantity of water used and the manner of its use.
- D. All complaints concerning correctness of meter registration or water bills on which an overcharge is claimed must be made to the Superintendent in writing within fifteen (15) days after such bill has been received or

delivered to the consumer. A deposit of twenty and 00/100 (\$20.00) dollars shall be made to the Village Clerk with the written request to have the meter tested. Should the meter be found to be correct or to under register, the said deposit shall be retained by the Village to defray the removal and testing cost.

Should the meter be found to over register, the twenty and 00/100 (\$20.00) dollars shall be returned to the complaining party and proper correction made upon the bill for which the complaint is made. Bills on which no complaint shall have been filed within the said fifteen (15) day period shall be paid in full as rendered. The Village may correct any charges on its own initiative due to fault in the meter or to incorrect dial reading without cost of expense to the consumer.

SECTION 8 HYDRANTS AND FIRE REGULATIONS

- A. In case of fire or alarm of fire, all consumers are requested to cease the use of water except for emergency purposes in the interest of keeping up a strong and effective pressure and water flow for fire fighting purposes.
- B. No person, except the Superintendent or his duly authorized representative or the chiefs of fire departments or their authorized assistants shall be authorized to operate, open, close or work upon any hydrant or to draw water there from for any purpose whatsoever. In the event of the opening, closing or work done upon any hydrant or to draw water there from for any purpose whatsoever from such hydrant by anyone who is not so authorized, that said person shall be liable to the Village for all damage to the hydrant, water main, water system and for the water estimated reasonably to have been consumed and shall further save harmless and indemnify the Village from any other damages resulting from the unauthorized use of the hydrant or the drawing of water there from.
- C. In addition to any civil damages which might exist for unauthorized or improper use of a hydrant or drawing of water there from, any person who shall so improperly or without authorization use the said hydrant or who shall deface, injure or disturb or in anyway interfere with any part of the water system used or calculated to be used for fire protection shall be subject to prosecution to the fullest extent of the law.

SECTION 9 PAYMENT FOR SERVICE

- A. All bills are payable in accordance with the terms of applicable service classification. Meters will be read quarter annually and customers will be billed quarter annually. Quarterly water billing dates are: February 15th, May 15th, August 15th, and November 15th.

- B. All bills are due and payable in cash when rendered. In case any water bill or charges provided in these rules shall not be paid in thirty (30) days following the rendering of the bill, such bill shall be delinquent. If not paid sixty (60) days following the billing date (amended 08/13/17), the Village may shut off the water service to the customer, and the service will not be reestablished until such unpaid charges together with all interest and penalties thereon and the charge for restoration of service in the amount of thirty and 00/100 (\$30.00) dollars are paid in full. A \$30.00 fee will be assessed for any returned checks for insufficient funds.

- C. Liability for Water Service, Penalties, and Liens - All water bills shall be chargeable to and assessed against the owner and shall be a lien against the real property upon which the water is used. All water rents are due and payable at the Office of the Village Clerk as billed. In the case that water rents are not paid within thirty (30) days after billing, 10% of the amount thereof shall be added thereto and collected thereafter and shall become a part of the lien against real property. All water rents remaining due and penalties thereon after May 1st shall be included thereon and levied against the real property upon which the same has been used and shall be collected with and in the same manner as the Village taxes, with additional fees, charges and penalties incident to the collection of such taxes.

- D. The owner or applicant shall pay or caused to be paid all costs for services as provided by these rules and regulations in addition to water rentals.

SECTION 10 DISCONTINUANCE OF SERVICE

- A. Water service may be discontinued by the Village for any of the following reasons:
 - 1. For use of water other than represented in the customer's application, or through branch connections on the street side of the meter or place reserved for the meter.
 - 2. For willful waste of water by improper or imperfect lines or by other means.
 - 3. For tampering with or damaging any service pipe, seal, meter or other appliance owned by the Village.
 - 4. For nonpayment of bills for water or services rendered by the Village.
 - 5. For cross connecting pipes carrying water supplied by the Village with any other source of supply or with any apparatus which may

endanger the quality of the Village's water supply.

6. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters or inspecting water piping and other fixtures.
 7. For violation of any other water rules and regulations promulgated from time to time by the Village.
- B. Where two or more customers are supplied with water through one (1) service pipe, under the control of one curb stop, if any of the parties so supplied shall violate any of the above rules, the Village reserves the right to apply its shut off regulations to the joint service line, but such action shall not be taken until the innocent customer shall have been given notice of the violation and shall have had an opportunity to either correct the violations or to cause an attachment from the service pipe leading to his particular portion of the premises to be separately controlled through a separate service connection, which opportunity shall not exceed fifteen (15) days from notice given by the Village.
- C. The Superintendent on behalf of the Village shall have the right to shut off the water from any street or to any premises that he may deem necessary and neither the Village nor the Superintendent shall be responsible for any damage that may result there from. It shall not be necessary for the Superintendent or the Village to give notice that the water will be shut off.
- D. Water service may also be terminated after seventy-two hours notice has been given to the owner that a leak exists in any service line to the premises, provided the owner has not repaired this leak within the above mentioned period of time. This provision shall not be construed to limit the right of the Superintendent to immediately discontinue service in the event of willful waste of water as above provided.
- E. The Village reserves the right to refuse to supply water service to any applicant or consumer unless such service is to be furnished to a permanent residence or dwelling including a mobile home erected and attached to a permanent foundation.

SECTION 11 EXTENSION OF MAINS

- A. The Village Board will review any request for the extension of water mains outside the village pursuant to Section 11-1122 of the Village Law.

SECTION 12 GENERAL RULES

- A. Supply of Water - The Village undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to customers, but reserves the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs, testing or making improvements to the system, or for other purposes, and it is expressly agreed that the Village shall not be liable for any deficiency or failure in the supply of water, or the pressure thereof, for any cause whatsoever or for any damage caused thereby, or for the bursting or breaking of any main or service pipe or any attachment to the Village's property. All properties supplied with Village water shall be fitted with a suitable check valve or other device by the owner so as to fully prevent all damage and injury that may occur by the sudden shut-off of water service. All customers having installations upon their premises depending upon pressure in the Village's pipes to keep them supplied are cautioned against danger of collapse and all damage shall be borne exclusively by the customer.

The Village shall not be liable for any damage or loss of any kind of 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 whatever.

No metered service shall be allowed to supply or connect to another unit, household or water user without an agreed upon emergency that is acceptable to the Village. (Any existing well water connections shall be disconnected.) All such agreements shall be in writing and be time limited. A single water service unit shall be established within the established agreed upon time limit, not to exceed a six (6) month period. Service charges shall be established for such an emergency status service. If a metered water service unit is not established within the agreed upon time limit, the water service shall be discontinued.

- B. Public Health - In the interest of public health, the Village will not permit its mains or services to be connected with any service pipe or piping which is connected with any source of water supply not approved by the Department of Health or the Department of Environmental Conservation of the State of New York. The Village will also not permit its mains or service pipes to be connected in any way to any piping, tank, vat, or other apparatus which contains liquids, chemicals, or any other matter which might flow back into the Village's service pipe or mains and consequently endanger the supply. All services supply lines, meters, valves connections and other pipes shall be disinfected after installation and/or repair and before use according to Department of Health practices.
- C. Emergency - The Village reserves the right, in periods of drought or emergency or when deemed essential to the protection of public health,

safety and welfare, to restrict, curtail or prohibit use of water for secondary purposes, such as sprinkling, car washing, filling swimming pools and like activities, and shall have the right to fix hours and periods when water may be used for such purposes and may have the right, if need be, to restrict the use of water for any other non-essential purposes temporarily or permanently.

- D. Qualified Persons - No person shall perform work upon any service line from the curb box or curb valve to and including the water meter unless the said person has been determined by the Superintendent to be duly qualified to perform such work and services taking into consideration technical knowledge, experience and ability, other comparable work performed, the usual occupation of said person, and other factors. The Superintendent shall have as his main concern the proper installation, maintenance and repair of all service lines so as to eliminate insofar as possible any malfunction or disruption of water service in accordance with the terms of these rules and regulations.
- E. Leakage - All liability for damage on account of leakage of water service pipes from the curb box to the consumer shall be assumed and charged against the user and owner of the property.
- F. Cross Connections - No installation of any nature whatsoever shall be permitted which has any connection in any manner whatsoever with any private pumping system regardless of how the same is valve or piped. No installation shall be permitted whereby the water is to flow or pass into any system or container which is or may become pressurized as a result of its construction and/or operation in which there is any likelihood that the water and/or any other liquid or solid may flow back into the water main. Any potential cross connection arrangement shall be protected with an acceptable backflow preventer. A current list of acceptable backflow prevention devices is available at the offices of the County Health Dept. Backflow prevention services are subject to periodic inspection by the Superintendent for satisfactory operation.
- G. Winter Provision - The Village shall not be required to install any service lines or make service connections between November 15th and April 15th except by special arrangement, in which case the customer shall pay for the excess over normal costs. In those cases, where the service pipes or mains become frozen, the thawing thereof shall be done by the Village at the expense of the Village one time only. To avoid reoccurrence of freezing, the Village may order an examination of the service pipe or main and if the same is not to be the proper depth or has not been installed to Specifications as provided in these rules, the Village reserves the right to require that the service pipe or main be relocated and properly installed before service is resumed. All such relocation and reinstallation shall be

at the cost of the customer.

1. The Village may ask consumer to leave tap running to keep flow of water moving to keep from refreezing during very cold time.

2. If consumer decides to use approved plastic water line, the Village is not liable for any freezing and will not bear expense of thawing line out.

- H. Penalties - A violation of any of the provisions of these rules and regulations shall constitute a violation and shall be actionable by the Superintendent in accordance with all of the appropriate provisions of the Penal Law, the Code of Criminal Procedure and of the Civil Practice Law and Rules of the State of New York.
- I. Sale of Water by Consumer - No water flowing through the Village Water System shall be sold or furnished to any person or entity outside of the Village without the written consent of the Village.
- J. Easements - Applicants for service shall deliver without cost to the Village, permanent easements or rights-of-way when necessary for the installation and maintenance of the service lines and service connections, in a form which is satisfactory to the Village.

The Village shall not be obligated to commence any construction until applicants have obtained for it, satisfactory easements or rights-of-way.

- K. Dead ends - There shall not be any water taps past the last hydrant or within 30 feet of a dead-end water main.
- L. Amendments - The Board may from time to time amend or revise these rules, adopt new rules or regulations, change the charge for installation of water services, or rates for water without notice and any charge shall be binding upon the owner and consumer after notice thereof.

SECTION 13 WATER SERVICE RATES

- A. The water service charge shall be fixed annually, or more frequently if deemed necessary by the Village Board of Trustees upon due deliberation and after public hearing called upon notice of not less than ten days published in the official paper of the Village. The said water rates as amended from time to time shall be contained in a current rate schedule affixed to and made a part of these rules and regulations. In fixing water service charges, itemization will be made for each of the following:

- 1. Gallonage rate for service for customers within the Village.

2. Minimum charge for service for customers within the Village.
3. Gallonage rate for outside customers.
4. Minimum charge for outside customers.
5. Gallonage rate for Water Districts.
6. Minimum charge for Water Districts.
7. Maximum gallonage to be sold (for outside Water Districts).

B. Current Water Rates are as follows:

1. Village Customers: \$48.30 base for the first 5,000 gallons. \$3.30 for each thousand gallons thereafter.
2. Water District Customers: \$58.20 base for the first 5,000 gallons. \$4.40 for each thousand gallons thereafter.
3. Outside Customers: \$63.30 base for the first 5,000 gallons. \$4.95 for each thousand gallons thereafter.
4. All customers will be charged a quarterly annual calculated debt charge owed for that calendar year.

C. In cases where it is found that a reading cannot be obtained, an estimated bill will be rendered to the consumer. The quantity will be determined by the average registration of the meter in a corresponding past period except where it appears that there has been a change in occupancy or use of the premises, in which case the estimated bill will be rendered to take such factors into consideration. Adjustments will not be made prior to the next actual reading of the meter.

D. The Board may from time to time establish, change and modify the rates for services other than water rates as provided in these rules and regulations without public hearing. The said charges shall be from time to time enumerated in the current rate schedule affixed to and made a part of these rules and regulations.

E. In the case of a zero gallons used meter read, with exception to equipment malfunction, for a living unit at the time when quarterly meter reads take place, only the current debt charge will be charged to the consumer according to the services they receive.

SECTION 14 CONSTITUTIONALITY

In the event, 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.