

**Local Law Filing**

NEW YORK STATE DEPARTMENT OF STATE  
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**  
SEP - 1 1993  
*[Signature]*  
Secretary of State

COUNTY  
CITY of Prattsville  
TOWN  
VILLAGE

Local Law No. 1 of the year 1993

A local law Establishing Rules And Regulations Governing The Water  
*(Insert Title)*  
Service In The Town Of Prattsville Water District

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

COUNTY  
CITY of Prattsville as follows:  
TOWN  
VILLAGE

**INTRODUCTION**

It is recognized that a water district must employ standards and a system of practices to serve the public in an orderly and effective manner. The supplying of water to a populace from a common pipe system is a communal function. The water district and the individual consumer is involved in business transactions and other obligations which mutually affect not only the individual and the utility but also others in the community. The purpose of these printed regulations is twofold; first, to define the authority and responsibility of the water district in its relations with the consuming public; and second, to provide the consuming public with a written statement of conditions under which water service will be furnished and continued by the water district.

**SECTION 1.00 APPLICABILITY OF LOCAL LAW**

(a) The Rules and Regulations set forth in this local law shall be applicable to all consumers, property owners, or water users (hereinafter "customer") within the entire area served by the water supply and distribution facilities of the Prattsville Water District (hereinafter "District") and as shown on the Water District Map dated May 25, 1945.

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

(b) The Rules and Regulations shall be considered as part of any and all agreements or contracts with each consumer, property owner, or user of water furnished directly, indirectly, or otherwise from the mains of said District.

(c) Every consumer, property owner, or water user shall be bound by and shall be considered to have agreed to the Rules and Regulations and schedules of water rates and other charges as hereinafter set forth, or as amended or modified, as a condition precedent to the rights of service from said water system.

#### SECTION 2.00 APPLICATION FOR WATER SERVICE

(a) All persons desiring a water supply from the District must first make written application on forms provided by the District. Such application shall be signed by the owner of the property or his duly authorized agent.

(b) On acceptance by the District, the application shall constitute a contract between the District and the applicant, obligating the applicant to pay the District its established rates and to comply with its Rules and Regulations.

(c) An application will be accepted subject to there being an existing water main in the street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the District to extend its distribution system to serve the premises.

(d) A separate application shall be made for each premises which shall be served by one water service line and one meter. The word "premises" as used herein shall be defined as follows:

- (i) A building under one roof owned by one customer and occupied as one residence or place of business.
- (ii) A building under one roof owned by one customer having a number of apartments, lofts or offices which are rented to tenants and using in common one hall and one or more means of entrance.
- (iii) A building of two or more stories high under one roof owned by one customer having an individual entrance for the ground floor tenants and one for the tenants of the upper floors.

(e) At the election of the owner of the premises defined in (ii) or (iii) above, for the purpose of ~~allocating the cost of water equitably among tenants,~~ each apartment, loft or office may have a separate sub-meter, provided that water to the premises is monitored by a single meter which shall be the master meter for billing purposes. Where sub-metering service is desired, the owner shall at the time of application, provide to the District a detailed plumbing plan showing service supply, fixtures, equipment and any and all other water use facilities. All water used in connection with such premises and recorded by the master meter shall ~~be the billable quantity and shall be billed to the owner.~~

(f) A separate application for a "mobile home park" shall be made by the owner of the mobile home park. At the election of the owner, for the purpose of billing, each mobile home site may be considered to be an individual customer and may have a separate water service line and meter. All water used in connection with such mobile home site shall then be billed to the occupant of the site with a copy of the bill being sent to the owner of the mobile home park upon the owner's request.

### SECTION 3.00 SERVICE CONNECTIONS.

(a) A service connection from the District's water main in the street or right-of-way to the customer's property line shall be installed by the District, or its authorized representative, at the expense of the applicant. The service connection shall consist of a corporation stop inserted at the water main, sufficient copper pipe to reach the applicant's property line, and a curb stop with a box and cover. The fee for this service connection shall be in accordance with the District's rate schedule in effect at the time of installation. Payment shall be made at the time the application is approved by the District and prior to actual installation of the service connection.

(b) Once installed, the curb stop box and cover shall be adjusted to changes in grade and shall be kept accessible and in repair by the property owner.

(c) The service connection shall not be trespassed upon nor interfered with in any respect. The curb stop may not be used by the customer for turning on or shutting off the water supply. In case the customer shall be absent from the premises for a length of time, the applicant shall make a request in writing to the District who shall then shut off the water supply at the curb stop.

(d) The applicant shall, at his or her own expense, install the service line from the curb stop to the premises.

including a shut-off valve just inside the building wall thus permitting the customer to control the supply of water to the premises. This service line and valve shall be maintained, and when necessary, replaced by the customer at his or her own expense. All installation, maintenance and replacement work shall be performed in a manner satisfactory to the District. The size of the service line, material, depth of cover and method of installation shall be the same as specified for a service connection installed by the District.

(e) All service lines shall have a minimum of five (5) feet of cover. Minimum size of service lines for single dwelling homes shall be 3/4 inch and shall consist of Type K copper. All service lines in excess of 1 inch shall consist of ductile iron pipe in accordance with American Water Works Association standards and suitable for a working pressure of 150 pounds per square inch.

#### SECTION 4.00 METERED SERVICE

(a) METERS: In the case of a new metered service after September 30, 1991, the District shall furnish, install and maintain a meter, including the meter setter, up to two (2) inches in size, but customer shall install on the premises, at the customer's expense, the necessary piping, fittings, valves and pipe couplings to receive the meter setter and meter. The District shall maintain the meter as stated, insofar as ordinary wear and tear is concerned, but in case of any damage which such meter may sustain resulting from the carelessness or neglect of the customer to properly secure and protect the same, or any damage that may result from the customer allowing the meter to become frozen, or to be damaged by hot water or steam setting back from a boiler, or for any other cause, said damage shall be paid by the premises owner on demand and in case such payment is not so made, the water may be shut off from the premises without notice and will not be turned on again until all charges are paid and the amount of the charges shall be a lien against the property.

The District recommends, but does not require, the installation of suitable equipment, properly located and installed, to prevent "back flow" of hot water which may cause damage to the meter or other portions of the customer's plumbing.

(b) Location and Reading of Meters: The customer shall provide a place acceptable to the District for the location of the meter and the outside remote reader box. The meter and outside remote reader shall be accessible for inspection and reading by the Water Superintendent, or authorized representative, at any reasonable hour during the day.

(c) **Right to Remove and Test Meter:** The District reserves the right to remove and test any meter and outside remote reader at any reasonable hour during the day and to substitute another meter in its place.

(d) **Testing of Meters:** If a customer requests that the meter be tested, the testing shall be in accordance with the American Water Works Association (AWWA) standards for testing meters. If the meter is not in conformance with the AWWA standards, an adjustment of the water bill may be made and/or a new meter shall be installed at the expense of the District.

(e) **Non-Registering Meters:** The reading of a duly installed meter showing the amount of water consumed shall be used for all metered billing purposes, except where it appears that a meter has ceased registering or has registered inaccurately.

In cases where it is found that a meter has ceased to register or has registered inaccurately, an estimated bill for the billing period may be rendered to the customer. The estimated bill shall be based upon the amount of water consumed in the corresponding period in prior years, except where it appears that there has been a change in the occupancy of the premises or in the use of water, in which an equitable adjustment shall be made by the District.

(f) **Sub-Meters:** In the case of sub-metered service, each premises shall have a master meter as set forth in sections "(a) - (e)" above. The owner shall, at his expense, purchase, install, maintain and repair all sub-meters and the necessary piping, fittings, valves and couplings. Detailed methods of connecting sub-meters shall be in accordance with instructions and approval of the District, with all sub-meters being of a manufacturer approved by the District. The District shall assume no responsibility for the proper operation of sub-meters.

#### SECTION 5.00 PAYMENT FOR WATER SERVICE

(a) **Schedule of Water Rates:** Water rates are a part of these Rules and Regulations and are appended as Appendix "A". The Town Board shall establish, from time to time and by Resolution, the water rates to be paid by customers. Water Rates may be obtained from the Water District upon request.

(b) **Responsibility for Payment of Charges:** All bills or charges provided for in and by these Rules and Regulations, and any others provided by laws of the State of New York, shall be the responsibility of the owner of record of the real property (premises) against which the bills or charges are levied.

(c) **Delinquent Water Bills and Charges:** All water bills and legitimate charges are due and payable, net cash, within thirty (30) days after they are rendered. Any accounts paid after the 30 day period shall be charged a ten percent (10%) penalty, and accounts paid after 60 days shall be charged an additional eight percent (8%) penalty.

In the event water bills remain unpaid sixty (60) days from the date due, the District may, upon 15 days written notice of its intention to do so to the owner of the premises thereby affected and to any person, firm or corporation to whom or which the last preceding bill has been rendered and from which the District has received past payment therefore, discontinue water service until all charges and penalties have been paid. Such notice of discontinuance shall be served either personally on the person, firm or corporation to which it is directed, or by mailing the same in a postpaid wrapper to the address of such person, firm or corporation.

Billings, charges or penalties which have not been paid by October 31st of each year shall be added to the regularly assessed Town Tax of the property owners of record and levied upon said real property as an additional tax and when collected, shall be paid to the clerk of the District who shall add them to the general account of the District. The proper amounts shall then be credited to each of the delinquent accounts.

(d) **Change of Occupancy:** The customer shall notify the District in writing of any change in ownership. No adjustment of bills or charges shall be made between owners unless due notice in writing has been given to the District within 10 days of the change in ownership.

(e) **Vacancies:** In cases where a customer requests that the water service be shut off or discontinued for any length of time, the customer shall still be assessed the minimum charge per billing period unless otherwise approved by the District.

#### SECTION 6.00 FAILURE IN SUPPLY

The District undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure, but reserves the right, at any time, after due notice (unless an emergency occurs), to shut off the water in its mains for the purpose of making repairs and extensions, or to change the pressure thereof. In no event shall the District be responsible for property damage or personal injury caused by failure of water supply or by abnormal water pressure, except if resulting from gross negligence.

**SECTION 7.00 HYDRANTS: PUBLIC AND PRIVATE**

No person shall open, interfere with, or draw water from any fire hydrant without the permission of the District, the Chief of the Prattsville Fire Department, or other authorized assistants.

**SECTION 8.00 CROSS CONNECTIONS**

It shall be unlawful for anyone to introduce or maintain a service that could potentially introduce contaminants of any kind to the system of the District. All physical connections which may constitute potential cross connections to another water supply are prohibited unless constructed, maintained and operated in accordance with the provisions of the New York State Sanitary Code, Chapter I, Part 5, Section 5-1.31 as now in effect or as hereinafter amended.

**SECTION 9.00 INTERFERENCE WITH DISTRICT WATER SYSTEM**

(a) It shall be unlawful for any person to:

- (i) use water other than as represented in the application for service or through branch connections on the street side of the meter or place reserved thereof;
- (ii) willfully waste or use water through improper and imperfect pipes, or by any other means;
- (iii) tamper with any service pipe, seal, meter or other equipment or appurtenances owned by the District;
- (iv) cross connect pipes carrying water supplied by the District with any other source of supply or with any apparatus which may endanger the quality of the water supply, except as permitted by Section 8.00 herein;
- (v) refuse reasonable access at any reasonable hour during the day to the property for the purposes of inspecting fixtures or piping or for reading, repairing, testing or removing meters;
- (vi) redistribute, sub-meter or resell water in a manner not in accordance with these Rules and Regulations.

#### **SECTION 10.00 WATER RESTRICTIONS**

There may be times when, in the opinion of the District, it may be necessary to restrict the use of water service to certain definite periods in accordance with procedures established by the District. In this event, customers shall be notified by public notice.

#### **SECTION 11.00 VIOLATIONS AND PENALTIES**

(a) Any person who shall violate any provision of this local law, other than nonpayment of water bills or charges, shall be served by the District with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall within the period of time stated in such notice, permanently cease all violations.

(b) Any person who shall continue any violation beyond the time limit provided for herein, shall be guilty of a misdemeanor and on conviction thereof by the Court, shall be fined in an amount not exceeding five hundred (\$500.00) dollars for each violation. Each day in which any such violation shall continue shall be deemed a separate offense.

(c) In lieu of and/or in addition to the penalties set forth herein, the District may discontinue service to any person violating the provisions of this local law pursuant to the procedures set forth in Section 12.00 of this local law.

#### **SECTION 12.00 DISCONTINUANCE OF SERVICE FOR VIOLATIONS; SERVICE OF NOTICE**

(a) Notwithstanding any of the foregoing provisions, except nonpayment of water bills or charges, cases of emergency, temporary interruption necessitated by repairs, extensions or maintenance operations, shortage of water or similar situations, no service shall be terminated by the District for violations of this local law without complying with the following procedures.

(b) Upon the determination by the District that a violation has occurred pursuant to this local law, the District shall notify in writing the property owner, consumer, or occupant of the premises affected either personally or by certified mail at the last known address of such persons, setting forth specifically the nature of the violation and a reasonable time limit for satisfactory correction thereof. Such notice shall contain a warning that any person who shall continue any violation beyond the time limit provided for herein, may have water service terminated without further notice.



(c) The property owner, consumer or occupant may, within forty-eight hours after receipt of the notice regarding the termination of water supply, request a hearing before Hearing Officers designated by the District. At the hearing, the property owner, consumer or occupant may appear personally or by attorney and present any relevant information or material which are relevant to the question of the discontinuance of water service. The District may present such information as it has bearing on the question. At the close of the hearing, the hearing officers may order the termination of service or other appropriate action as they may determine.

(d) Notwithstanding the foregoing, the District may, without notice to the property owner, consumer or occupant of the premises, discontinue water service if, in the judgment of the District, it is necessary to discontinue the water supply to prevent immediate serious and substantial injury to the waterlines or to persons or property located on or near the premises to which the water is supplied.

(e) Any person aggrieved by the action of the hearing officers shall have the right to appeal to the Town Board. Such appeal shall be taken by filing within fourteen days after the determination of the hearing officers, a written statement setting forth fully the grounds for the appeal. The Town Board shall set a time and place for the hearing on such appeal and notice of such hearing shall be mailed to the applicant at his or her last known address at least five days prior to the date for the hearing. The decision and order of the Town Board shall be final and conclusive.

#### SECTION 13.00 SEVERABILITY

The invalidity of any word, section, clause, paragraph, sentence, part or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

#### SECTION 14.00 EFFECTIVE DATE

This local law shall become effective immediately upon filing in the office of the Secretary of State of New York.

APPENDIX "A"

WATER RATE SCHEDULE

PRATTSVILLE WATER DISTRICT  
TOWN OF PRATTSVILLE, GREENE COUNTY, NEW YORK

Effective \_\_\_\_\_

METERED SERVICE

Minimum Charge per Billing Period (Allows for 35,000 Gallons)	\$ 80.00 per 6 Months
For Usage Over 35,000 Gallons	\$ 0.95 per 1,000 Gal.
Purchase Meter Only (For Sub-Metered Services)	\$ 50.00 per Meter

UNMETERED SERVICE

Minimum Charge per Billing Period	\$ 240.00 per 6 Months
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BILLINGS

All bills are due and payable within 30 days.

For all bills unpaid after 30 days, a PENALTY OF 10% shall be added.

For all bills unpaid after 60 days, a PENALTY OF 25% shall be added.

SERVICE CONNECTIONS

For installation of service connection and meter (from water main to property line plus meter):

3/4-inch and 1-inch size	\$ 550.00 per Service
larger than 1-inch in size	Actual Cost Plus 10%

(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. .... of 19.... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19...., 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 1923.. of the ~~(County)(City)(Town)(Village)~~ of Prattsville ..... was duly passed by the TOWN BOARD ..... on August 7, 19 23 and was (approved)(not approved)(repassed after disapproval) by the TOWN SUPERVISOR ..... and was deemed duly adopted on August 7, 1923, in accordance with the applicable provisions of law.

  
Alan Huggins, Town Supervisor

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19...., and was (approved)(not approved)(repassed after disapproval) by the ..... on ..... 19.... 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 ..... 19...., in accordance with the applicable provisions of law.  
(Elective Chief Executive Officer\*)

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 19.... of the (County)(City)(Town)(Village) of ..... was duly passed by the ..... on ..... 19...., and was (approved)(not approved)(repassed after disapproval) by the ..... on ..... 19.... Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of ..... 19...., in accordance with the applicable provisions of law.  
(Elective Chief Executive Officer\*)

\* 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 19\_\_\_\_ 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 \_\_\_\_\_ 19\_\_\_\_, 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 19\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 19\_\_\_\_, 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 \_\_\_\_\_, above.

*Mildred Harkness*

Clerk of the County Legislative Body, City, Town or Village Clerk  
or officer designated by local legislative body  
Mildred Harkness, Prattsville Town Clerk

(Seal)

Date: Aug. 9, 1993

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Greene

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

*Daniel W. Peckham*

Signature Daniel W. Peckham  
Prattsville Town Attorney

Title

EMERY  
EMERY  
Town  
EMERY  
of PRATTSVILLE

Date: Aug. 9, 1993