

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 underlining to indicate new matter.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
MAY 09 2003

MISCELLANEOUS
& STATE RECORDS

~~County~~
~~City~~ of Rutland
Town
~~Village~~

Local Law No. 1 of the year 2003

A local law Rutland Water District #1 Water Law
(Insert Title)

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

~~County~~
~~City~~ of Rutland as follows:
Town
~~Village~~

(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 20 03 of the ~~(County)(City)~~(Town)(Village) of Rutland was duly passed by the Town Board on April 10 20 03, 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20 _____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ on _____ 20 _____.
(Name of Legislative Body)
(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) (repassed after disapproval) by the _____ on _____ 20 _____. Such local 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.
(Name of Legislative Body)
(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.)

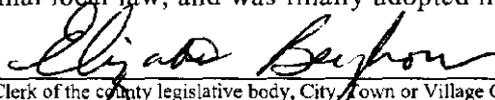
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

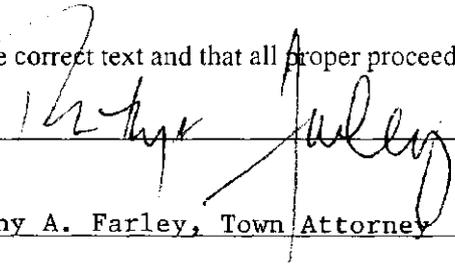
(Seal)

Date: April 10, 2003

(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 Jefferson

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.



Signature
Timothy A. Farley, Town Attorney

Title

~~County~~
~~City~~ of Rutland

Town
~~Village~~

Date: April 10, 2003

**Local Law #1 for 2003
Rutland Water District #1 Water Law
Adopted April 10, 2003**

1. Establishment

The following rules and regulations are established by the Town Board of the Town of Rutland for the provision of water by the Town of Rutland Water District #1 (the "Water District")

2. Definitions

"Connection" shall mean the installation of a Corporation Stop in accordance with this Water Law.

"Consumer" shall mean the owner of the property supplied with water by Rutland Water District #1 as shown on the most recent assessment roll of the Town of Rutland.

"Corporation Stop" shall mean a valve which is a point of connection with the main water line and attached to the water main in accordance with the plans and specifications made by the Town Board on behalf of the Water District from time to time.

"Curb Stop" shall mean a valve at the point of connection between a main water line and a lateral which is controlled by the Town.

"Equivalent Dwelling Unit" (EDU) shall mean an amount of water usage used by a customer equivalent to the usage of one single family residence, (225 gallons per day).

"Operation and Maintenance Contractor" shall mean that entity hired by the Town of Rutland with the responsibility for overseeing the maintenance and operation of Rutland Water District #1 and reporting thereon to the Town Board.

"Property" shall mean real property which is located within Rutland Water District #1 and to which water is supplied by Rutland Water District #1.

“Technical Specification” means Town of Rutland Water District #1 Technical Specifications, General Notes and Details, prepared by GYMO Architecture, Engineering & Land Surveying, P.C. dated 8 November, 2002, and filed with the Town Clerk.

“To Supply” or “Supplied” shall mean the provision of potable water by Rutland Water District #1 to a Consumer.

“To Tap” shall mean to install a Corporation Stop.

“Town” shall mean Town of Rutland, New York.

“Town Board” shall mean the Town Board of the Town of Rutland, New York.

“Town Clerk” shall mean the duly elected and acting Town Clerk of the Town of Rutland.

3. Issuance of Bills; Quarterly Collection

A. Water bills shall be issued by the Water District on a calendar quarter basis.

B. Water bills shall be based upon water usage for the just previous calendar quarter.

C. Water bills shall be addressed to the tax billing address for the parcel of land Supplied.

D. A water bill shall be generated and mailed for each meter located within the Water District.

4. Current Water and Connection Charges

Water charges and connection charges may be changed from time to time by resolution passed by the Town Board of the Town of Rutland. All obligations of any nature due the water district which remain unpaid as of October 1 of each year

may be charged by the Town as special assessments against the Property and collected as the same.

5. Permits/Request for Service

A. Written application for water service from the water main to the Curb Stop must be submitted to the Town Clerk forty-eight (48) hours prior to commencing work.

B. Such application for water service shall contain such information as shall be required by the Town Board from time to time, including, but not limited to a copy of the deed for the property; address and telephone numbers for the Owner of the Property; the name, address and telephone number of the contractor to be used for the installation of such items as shall be necessary to supply the Property with water.

C. The installation of all such items necessary to Supply the Property and the tapping of the water main owned by Rutland Water District #1 shall be at the sole cost and expense of the Consumer.

6. Corporation Stop

A. A separate Corporation Stop is to be installed for each Property Supplied. The purchase and installation of the Corporation Stop is the responsibility of the Consumer and all costs of such installation will be borne by the Consumer. The Operation and Maintenance Contractor will oversee and inspect the installation of the Corporation Stop. Tapping and connection to the Water District will only be done by a contractor acceptable to the Operation and Maintenance Contractor and all such installation will be monitored, inspected, and approved by the Operation and Maintenance Contractor prior to water being Supplied.

B. In addition to the Corporation Stop, the Consumer shall supply, at the Consumer's sole cost and expense, such piping, valves, and each and every other item of equipment which shall be of sufficient quality, and of the type required by the Town and approved by the Operation and Maintenance Contractor, as shall be necessary to provide water service to the Property.

C. Such tap shall be made in a location as determined by the Operation and Maintenance Contractor, and all such items of equipment to be installed shall be done in a good and workman-like manner and under the supervision and inspection of the Operation and Maintenance Contractor.

D. Tapping of the Water District system shall be performed only by a qualified and experienced contractor hired by the Consumer and shall be done under the supervision and oversight of the Operation and Maintenance Contractor, all at the sole cost and expense of the Consumer.

7. Cost of installation

A. There will be no charge for installation of a Corporation Stop performed during the initial construction of the Water District, provided that the Consumer shall execute and deliver to the Town of Rutland an easement, in such form as shall be required by the Town of Rutland, providing for access to the Property for installation of improvements necessary to operate the Water District. Such easement must be executed and delivered prior to the beginning of the construction of the improvements in the Water District.

B. Except as provided at paragraph 27 herein, each initial connection will include one (1) meter per Property.

C. In the event that a Consumer shall desire to install a Corporation Stop after the initial construction of the improvements in the Water District, or should a Consumer wish to install a Corporation Stop after the time that the contractor on the initial construction period has passed the subject premises, then in that event, the connection charge to such Consumer shall be \$400.00 plus the cost of inspection of installation by the Operation and Maintenance Contractor.

D. The installation and cost of any and all materials necessary to transmit water from the water main to the Consumer is the responsibility of the Consumer. All such installation shall be done under the supervision of the Operation and Maintenance Contractor.

8. Pipe and Improvement Specifications

The Water District shall from time to time, make specifications for the piping and improvements to be installed by Consumers within the Water District. The pipe to be installed by the Consumer from the Curb Stop to the Consumer meter will be Type K copper utilizing compression fittings. No other type of pipe shall be installed by the Consumer without the permission of the Town Board. Refer to the Town of Rutland Water District #1 Technical Specifications, General Notes and Details pertaining to service laterals, prepared by GYMO Architecture, Engineering & Land Surveying, P.C. dated 8 November 2002, and filed with the Town Clerk.

9. Installation of Service Pipes & Notification to Operation and Maintenance (Refer to Technical Specifications, Notes and Details in Paragraph 8 above)

A. Service pipes will be required to be installed not less than sixty (60) inches below the surface of established grade of the earth.

B. No trench in which service pipes have been installed will be backfilled in any manner prior to inspection and approval by the Operation and Maintenance Contractor.

C. All installation governed by this Section 10 shall be made in accordance with current Technical Specifications.

10. Backfilling (Refer to Technical Specifications, Notes and Details in Paragraph 8 above)

A. The contractor hired by the Consumer will make such alterations to the ditch or opening into which the Corporation Stop and piping are to be installed as the contractor or Consumer shall be instructed by the Operation and Maintenance Contractor.

B. The backfilling and replacement of fill material into the trench into which the Corporation Stop and piping have been installed will be made by the contractor retained by the Consumer.

C. The material to be used to backfill said trench will be sand in the immediate area around the pipe and Corporation Stop including six (6) inches below the pipe to twelve (12) inches above the pipe. The remainder of the fill material to be installed in said trench will be bank-run gravel, tamped every six (6) inches until the trench is backfilled to the original grade. The bank-run gravel shall be brought up to a level equal to the bottom of the existing layer material, i.e., topsoil, asphalt, or run-of-crusher stone. The surface materials shall match the existing layers, as approved by the Operations and Maintenance Contractor.

D. All installation governed by this Section 10 should be made in accordance with current Technical Specifications.

11. Maintenance of Service Pipes

A. The Operation and Maintenance Contractor will perform maintenance on the service pipe from the Main to the Curb Stop and from the Curb Stop to the building being Supplied.

12. Backflow Preventers

Where required by the New York State Department of Health Sanitary Code, Part 5, or local ordinance, a backflow preventer of a suitable type as approved by the Health Department must be installed. Refer to Backflow Preventer Detail, prepared by GYMO, P.C. dated 8/15/02 attached.

13. Cross-connection Control

A. No Consumer is allowed any cross-connection from any other source of water to the Water District system. When such cross-connections are found, the water from the Town water system will be turned off immediately to prevent contamination of the Town water system. The Consumer will immediately disconnect the alternate source.

B. All costs incurred by the Water District in investigating and halting such cross-connections shall be costs borne by the Consumer, and charged to the Consumer as such other charges as set forth in paragraph 4 above.

14. Operation of Curb Stop Water Shutoff and Fire Hydrants

A. No Curb Stop will be operated by anyone except a representative of the Operation and Maintenance Contractor.

B. No fire hydrant will be operated by any party except a representative of the Operation and Maintenance Contractor or the representative of a Fire Department for the purpose of fighting a fire or for the purposes of a planned fire fighting training exercise as approved by the Town Board.

15. Meters (Refer to Technical Specifications, noted and details in paragraph 8 above).

A. All water services except those used exclusively for fire purposes shall be metered. Meters shall be obtained from the Operation and Maintenance Contractor and all municipal repairs and testing must be made by the Operation and Maintenance Contractor.

B. Residential and commercial water meters shall be furnished by the Operation and Maintenance Contractor at cost to the Consumer and maintained by the Operation and Maintenance Contractor. Damage to the meter not caused by the Operation and Maintenance Contractor is the responsibility of the Consumer, including cost for removal, repair, testing and replacement.

C. Meters shall be 5/8 x 3/4 Invensys SR type, ECR III with exterior touch pad. The Consumer is responsible for purchasing the meter after the initial construction.

D. After the initial construction, the costs of metering systems shall be borne by the Consumer.

E. All meters installed and governed by this Law shall be installed, maintained and operated in accordance with the Technical Specifications.

16. Testing and Repair of Meters

A. The Operation and Maintenance Contractor shall conduct periodic tests on all meters so as to maintain the meter in proper working condition. The Water District will pay all costs for routine testing and maintenance. The Consumer will pay all repair costs of meters.

B. The Town Board will have all meters larger than two (2) inches in size routinely tested periodically but no less often than every two (2) years. The Consumer will pay all costs of testing and repairing.

C. All charges made under this paragraph 16 should be collected in the same manner as those charges at paragraph 4 above.

17. Location of Meters

- A. All water meters must be placed in an accessible part of the building or basement so that they may be read or removed, as approved by Operation and Maintenance Contractor.
- B. When installed in a meter pit specifications for such a pit must be obtained from the Operation and Maintenance Contractor.
- C. Immediately inside of the basement or pit wall into which the service pipe extends, a shutoff valve must be placed ahead of the meter.
- D. On all water meters two (2) inches and larger, a backflow preventer must be installed when connecting equipment or a building which has a potential of backfeeding contaminants into the system.
- E. (All new, repaired or replaced services, two inches (2) or larger, will be required to have a Department of Health approved backflow prevention device after the water meters) Refer to Backflow Preventer Detail attached.
- F. All water meters must be installed in a heated environment to eliminate the danger of freezing.

18. Breaking of Seals

All water meters, when installed, shall be sealed to prevent tampering. No person except an authorized employee of the Operation and Maintenance Contractor shall break such seals or tamper with said meter.

19. Inspections

Any employee of the Operation and Maintenance Contractor, upon proper identification, shall have the right to enter any premises where water is being Supplied for the purpose of inspecting, installing, removing or reading a meter, plumbing and fixtures of the water service and to perform all work necessary in connection with the service.

20. Schedule of Charges

In addition to any and all other fees and charges provided by law, every person who shall be Supplied or whose Property shall be Supplied water by Rutland Water District #1 shall pay charges for the water Supplied. The charges shall be as follows:

A. Inside Rutland Water District #1 rates shall be as set forth in the schedule of charges attached hereto as Schedule 1

B. The Rutland Water District #1 rates may be changed by the Town Board by resolution.

C. Water bills which remain unpaid thirty (30) days after the billing date shall have an additional 10% interest charge assessed on the balance due for the current quarter. Bills that remain unpaid as of October 1 of each year may be charged by the Town as special assessments and collected as the same.

D. Any Property owner requesting that the water be either turned on or off at the Curb Stop shall pay a fee of \$25.00 with each request.

E. The Town Board is hereby authorized to terminate water service to any user of said service who has not paid all lawful charges within 60 days from the date due.

- (1) Notices – Water users who have failed or neglected to pay for charges incurred in the provision of water shall be served with a notice prior to termination of the service containing the following: (a) address of the premises; (b) a statement of the amount due for water service provided; (c) a statement that service may be terminated on a specified date; (d) a statement that the costs of provision of water will be assessed against the land or improvements on the particular tax parcel which has benefited from the water service.

F. Service of Notice of Termination – The above notice shall be served by mailing said notice by first class mail to the owner of the Property, at his or her address, as well as to the occupants of the Property, if any. Service shall be deemed complete upon such mailing.

G. Reconnection Charge – If water service is restored to a parcel after being disconnected pursuant to the terms of this local law, all unpaid charges, together with any interest and penalties must be paid before service is restored. In addition thereto, a reconnection charge of \$50.00 shall be imposed for all single or double residential structures. Any and all other users shall pay a reconnection charge equal to one-third of the total of the bills of the just prior three months of full service.

21. Liability

In the event of an emergency, including but not limited to breaks in a water main, the Town shall not be liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatever, even in cases where notification is not given.

22. Fire Prevention Services; Costs

Where on-premises fire prevention services are permitted, the entire cost of materials, installation and maintenance of the service from the main to the premises and within the limits of the premises shall be borne by the Consumer. The Consumer will pay a connection charge as listed. Failure to make proper repairs of the system, after due notice, will result in the water being turned off. When the Consumer or a representative of the Consumer desires to make flow tests or to make repairs to the fire service system, except in emergencies, the Consumer or the representative of the Consumer must give the Operation and Maintenance Contractor forty-eight (48) hours advance notice before commencing such testing or repairs. The connection charges per billing shall be adopted by the Town Board from time to time:

SCHEDULE

Type of Service Fee

Hydrants on private property:

Inside the District	\$5.50
Outside the District	\$7.76

Sprinkler System

(inches)

1 ½ and 2	\$ 5.00
4	\$10.00
6	\$15.00
8	\$20.00
10	\$25.00

23. Abandonment of Services

A. When a building is demolished and the water service is no longer required to the Property, the Consumer of said Property is required to excavate at the water main so that the abandoned water line can be disconnected from the water main and have the meter removed. The Consumer is responsible for refilling the excavation in the manner set forth at paragraph 10 above.

B. If the employees of the Operation and Maintenance Contractor shall do the actual disconnection and remove the meter as required by paragraph 23(A) above then the Consumer will be responsible for any costs associated with disconnection by the Operation and Maintenance Contractor, and/or if the Consumer hires a contractor to disconnect, the Consumer will pay the costs for the Operation and Maintenance Contractor to inspect the disconnection. Charges that remain unpaid as of October 1 of each year may be charged by the Town as special assessments and collected as same pursuant to paragraph 4 above.

C. Abandoned service laterals shall not be utilized for future hook-ups.

24. Estimated Use

If a meter fails to accurately record the amount of water used or if the Water District shall be unable to view the meter, the Consumer shall be charged at the average daily consumption based upon the total, the average of the last 4 quarters of usage. The same practice shall be followed in the event that the meter cannot be read.

25. Responsibility for Water Rents

The owner of any premises which is Supplied with water shall be liable for charges of the water used or other expenses in connection with such water service.

26. Shut off Valves in Buildings with Multiple Meters

In any building with multiple meters, there shall be a main water shutoff just inside the wall and individual shutoffs for each meter in the building. It shall be the responsibility of the owner to provide the reading if the meters are not accessible.

27. Trailer Parks

Each dwelling unit in the trailer park shall receive a meter. All charges for water Supplied to each trailer in said trailer park shall be charged to the owner of the property upon which the trailer park is situated. All such charges that remain unpaid shall be collected in accordance with paragraph 1(A) of this Water Use Law. Trailer Park owners requesting that water to a particular meter be shut off must do so in writing to the Operation and Maintenance Contractor.

28. Penalties for Offenses

Any person or persons, firm or corporation violating any of the provisions of these rules, regulations and ordinances hereby enacted shall, upon conviction, be find a minimum of twenty-five dollars (\$25.00) and a maximum of two hundred fifty dollars (\$250.00) or imprisoned in the county jail for not more than fifteen (15) days, or be both fined and imprisoned, and further, these rules and regulations and ordinances may be enforced by injunction.

29. Enlargement of Service

When a Property owner or tenant requires more water than the existing water pipe can deliver, it is the responsibility of the Property owner to pay the cost of the enlargement of said waterline from the water main to the building. The cost of modification or replacement of the waterline will not be paid by the Water District.

30. Repair and Maintenance of Lines; Costs

No person or contractor will attempt to dig up or repair any waterline prior to the service meter valve at any time other than during the normal working hours of the employees of the Operation and Maintenance Contractor. If and when an employee of the Operation and Maintenance Contractor is required to respond to turn off the water due to attempted repairs, either internal or external, the owner requesting the Operation and Maintenance employee to respond will be billed for the actual call out cost to the Town Board. Charges that remain unpaid as of October 1 of each year may be charged by the Town as special assessments and collected as same.

31. Filling of Swimming Pools

No swimming pools shall be filled from any hydrant within the Water District.

32. Water Shortage Measures

A. In the event of a major break in a water main or drought condition that deplete the Town water levels, the Town of Rutland Town Board may order a conservation of water declaration. The Town Board will set times for the restriction. The order prohibits the use of water to wash cars, driveways, homes, water gardens, shrubs, flowers and the filling of pools, etc.

B. The Town may issue a “boil water” advisory caused by a break, drought, or contamination of the water supply. The “boil water” advisory will stay in effect until such time as the New York State Department of Health has declared the water Supplied safe to use.

APPENDIX #1

Table of Equivalent Dwelling Units
(EDU's)
Town of Rutland
Water District No. 1

DESCRIPTION	EDU ASSESSMENT
Abandoned Building	In accordance with use
Apartment	1
Campground (per RV site)	0.444
Church (per seat)	0.0133
Diner, Restaurant (per seat)	0.156
Fire Station	1
Hair Salon/Barber Shop (per station)	0.756
Hotel (per room)	0.533
Insurance Company (per employee)	0.0667
Junkyard/Garage (per employee)	0.0667
Laundromat (per machine)	2.58
Market (per employee)	0.0667
Motel (per room)	0.444
Multi Family (per unit)	1
Office Building (per employee)	0.0667
Post Office (per employee)	0.0667
Retail (per employee)	0.0667
School (per student)	0.0667
Service Station (per employee)	0.0667
Single Family Residence (per)	1
Testing Lab/Const. Co. (per employee)	0.0667
Town Hall (per sq. ft.)	0.000444
Tavern (per seat)	0.0939
Trailer (per)	1
Undeveloped Parcels (vacant, non-habitable structure) (per 1000' of road frontage)	1

Notes: 1. One EDU is based on water usage of 225 gallons per day.

2. For uses not identified in above table, refer to NYS Department of Environmental Conservation Design Standards for Wastewater Treatment Works, 1988 or current.