

LOCAL LAW FILING

**New York State Department of State
41 State Street, 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 underling to indicate new matter.

County

City

Town of POMFRET

Village

Local Law No. 4 of the year 2007

A local law enacting water district rules and regulations.

Be it enacted by the Town Board of the

County

City

Town of POMFRET

Village

STATE OF NEW YORK
DEPARTMENT OF STATE
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& STATE RECORDS

Section One: PURPOSE

The Town Board of the Town of Pomfret exercising the authority granted to it under the Town Law of the State of New York does wish to propound water district rules and regulations to be effective in all Town of Pomfret Water Districts.

Section Two: RATES

Rates charged will be set by the Town Board and from time to time amended in conjunction with contractual purchases of water and District maintenance and administrative expenses.

Section Three: METER READING

Meter reading shall begin on or about the 10th of the months of January, April, July, and October of each year and bills sent to all users as expeditiously as possible following the readings.

Section Four: NON-PAYMENT

Bills unpaid by November 1st of each year shall be returned to the Treasurer of Chautauqua County and will become an addition to the next property tax bill and re-levied on the next Town and County levy.

Section Five: CONTRACTS

Contracts for water service will be made only with the owner of the premises to be supplied and the owner in all

cases will be held responsible for all charges for water supplied to said premises. Upon transfer of premises, the new owner must contract for water service with the Town of Pomfret Water District. The new owner will be permitted to do so only upon the payment in full of any outstanding water bill of the former owner.

Section Six: NEW CONNECTION/TAPPING IN

Prior to tapping into the water main, written application must be made to the Town Clerk of the Town of Pomfret and a \$250.00 tapping fee must accompany said application which shall be on a form provided by the Town Clerk. The tapping of any main or lateral within the district shall be done only by a licensed master plumber, who shall have entered into a covenant effective at the time, in a sum not less than \$2,000.00 with one or more sureties to be approved by the Board of the Water District. This shall cover the Water District and the Town of Pomfret from all loss, expense or damages which may result from the work being done carelessly, negligently or not in a workman-like manner, or by reason of his failing to comply with all the rules and regulations as they are now or may hereafter be established by the Water District or the Town Board of the Town of Pomfret, in relation to said tapping of water mains or laterals or excavation in a public highway.

Section Seven: SERVICE LINES

All service lines between the main and the meter are to be of copper pipe or other material acceptable to New York State Building Codes for underground installation. No galvanized, lead or unapproved plastic pipe will be permitted. Any replacement of existing lines shall be made with copper or other acceptable material, as described above.

Section Eight: CONNECTION

Each building to which water is supplied must be connected to the main by a separate service line which must be laid at right angles from the main curb unless specifically authorized, in writing, by the Town Board of the district. Accessory buildings may be supplied from the main building.

Section Nine: INSPECTION

All service or distribution pipes, cocks, service boxes, stopcocks, valves, and all other fixtures between the main and the meter shall be installed in a manner satisfactory to the Town Board/agents of the Water District. This equipment/plumbing is at the expense of the owner of the premises, by whom they must be maintained in good order, and before covering, shall be subject to the

inspection of and approval by said Town Board or agents of the District.

Section Ten: CURB-BOX/METER PIT

The service box must be at the level of the curb or surrounding ground, adequately marked so that it is readily visible, has unhindered access and is operable at all times. The service box shall be a pre-manufactured, watertight pit/box containing the meter connections.

Section Eleven: PRESSURE

The plumbing and service connections must be of such character as to support a working pressure of at least 100 Lbs. per square inch for existing structures and at least 150 Lbs. per square inch for any new structures.

Section Twelve: METERS

Meters, outside indicators and any other metering equipment shall be the property of the Water District. No water service shall be unmetered. Meters shall be located in a safe, readily accessible location.

The property owner has an affirmative obligation to notify the District of any suspected damage or problem with any meter.

All meters shall be read at the time of installation and disconnection which must be made by the agent of the District.

The agent shall place seals on all meters when connected and on all service lines when meters are disconnected.

The agent shall store disconnected meters on Town of Pomfret premises.

Any meter found to be out of service shall be replaced by the Water District and installed in accordance with all applicable rules and regulations of the District.

Any damage done to any meter through intentional misuse or neglect of the property owner shall be replaced by an agent of the District and the property owner shall be charged a two hundred (\$200) replacement charge in addition to the cost of the meter.

Section Thirteen: TURN-ON/OFF

Plumbers or owners are not permitted to turn the water service on or off, as this will be done by an employee or agent of the Water District.

Section Fourteen: SEALS

Plumbers or Owners shall not tamper with or disconnect meters, nor break the seals on the meter or equipment, as this will be done by an employee or agent of the Water District.

Section Fifteen: ACCESS

The Town Board of the Water District, or any of their authorized agents/employees, shall have access at all reasonable times to the meter and equipment and to all parts of the premises to which water is supplied for the purpose of examination, reading, installing, removing, and testing of meters/equipment.

If the meter reader/agent is unable to gain access to a meter for reading, or the property owner fails to return the self-addressed response card, the bill for the quarter in question will be estimated and may include a minimum additional charge of \$50. An adjustment will be made in the following quarter, after an actual reading.

Section Sixteen: ESTIMATION FOR EQUIPMENT FAILURE

If a meter fails to register properly, the consumption for the period may be estimated by the District from the consumption of a preceding period when water was supplied under similar conditions and correctly measured.

Section Seventeen: TESTING

The Town Board may periodically cause the meters to be tested for accuracy. Any meter found to be more than 2% in error (fast or slow) shall be deemed out of service by the District and shall be replaced in accordance with these regulations at the earliest possible time.

The cost of testing meters shall be charged to the Water District.

Property owners may request a test. The cost of this testing will be charged to the property owner unless previously agreed upon by the Town Board.

Section Eighteen: SHUT-OFF

The Water District will shut off the water service within 48 hours of receipt of written notification from the property owner. The property owner will be responsible for all water service.

Section Nineteen: SEASONAL METER REMOVAL/INSTALLATION

In the event that the property owner desires to have the meter removed for an extended period, they must contact a water district agent to have the meter read and removed. There will be a thirty (\$30) dollar removal/installation fee charged to the property owner. For the time that the meter has been removed, the property owner shall be charged only the maintenance/administrative portion of their quarterly water charges. This charge shall be a percentage of the normal quarterly charge as determined by the Town Board of the Water District. Upon contacting the Water District Agent and having the meter re-installed and read, the property owner shall be charged a pro rated amount of the quarterly charge, as applicable.

Section Twenty: WASTE

Property owners are required to keep the service line pipe and fixtures in good order and repair at their own expense. Water must never be allowed to run to waste.

Property owners are warned against neglecting leaky fixtures, as the Water District will make no allowance or reduction of large bills resulting from leakage or other waste.

Section Twenty-One: LEAKS

If leaks occur in the service line pipes and are not repaired promptly by the property owner after notification, the water may be shut off at the main or curb, at the property owner's expense, until the necessary repairs are made.

Leakage ahead of the meter, in the service line, will be estimated and billed to the property owner. Repairs not made within 5 days of written notice will be made by the District at the property owner's expense.

The property owner has an affirmative obligation to notify the District of any suspected leaks.

Section Twenty-Two: RE-SUPPLY

No owner or tenant of any premises supplied with water by the Water District will be allowed to supply any other person or premises unless specifically authorized, in writing, by the Town Board of the Water District.

Section Twenty-Three: FIXTURES

All property owners having boilers and water heaters upon their premises, who are depending upon the pressure in the pipes of the Water District to keep them supplied, are hereby cautioned against danger of collapse, and all such damage must be borne exclusively by the property owner.

Section Twenty-Four: HYDRANTS

Fire hydrants in the Water District shall be under the exclusive control of and operated only by an employee or

agent of the Water District, and shall not at any time be tampered with by any other person.

The exception being any properly trained Emergency Response Personnel in an emergency.

Section Twenty-Five: VIOLATION

Violation of any of the above shall be sufficient grounds for termination of services without further notice.

Section Twenty-Six: INTERRUPTION

All Town of Pomfret Water Districts undertake to use reasonable care and diligence to provide a constant supply of water to consumers, but reserve the right at any time without notice, to shut off the water in the mains for the purpose of testing, flushing, making repairs, extensions, or for any other purposes. It is expressly understood that the Water District, or its Town Board, shall not be liable for a deficiency or failure in the supply of water for any cause whatsoever, nor for any damage caused thereby, or by the bursting or breaking of any main, or service pipe, or any attachment to the water system, subject to all clauses and provisions in any contract between any Municipal Supplier of water and the Town of Pomfret, on behalf of the Water District, relative to supply, quality, quantity, etc., which said contract is on file with the Town Clerk of the Town of Pomfret.

The furnishing of water by the District to all property owners within the District is subject at all times to purchase contracts and no liability or obligation to any particular user of water is to be charged against the District on account thereof.

Section Twenty-Seven: Amendment

The Town Board of the Town of Pomfret, serving as the Board of all town of Pomfret Water Districts, reserves the right to modify, amend, or change the above rules and regulations, including any fees set forth herein by resolution after a Public Hearing. A copy of all such modifications, amendments, and changes will be sent to each property owner within the District affected, promptly after its adoption and/or posted on the Town Bulletin Board and published once in the official Town newspaper.

Section Twenty-Eight: Effective Date

This Local Law shall become effective upon filing with the office of the Secretary of State.

I. I hereby certify that the local law annexed hereto, designated as local law No. 4 of 2007 of the Town of was duly passed by the Town Board of the Town of Pomfret on August 8, 2007, in accordance with the applicable provisions of law.

(Seal)


Roberta Valentine
Clerk of the Town of Pomfret

Date: 8/13/07

(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 CHAUTAUQUA

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.


Attorney

Town of Pomfret

Date: August 13, 2007