

# 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 underlining to indicate new matter.

County  
City

of CHAMPION

Town  
Village

Local Law No. 2 of the year 2009

STATE OF NEW YORK  
DEPARTMENT OF STATE  
**FILED**

JUL 29 2009

MISCELLANEOUS  
& STATE RECORDS

A local law A Local Law Establishing Town of Champion Water District #5 Water Law

Be it enacted by Town Board of the

(Name of Legislative Body)

County  
City

of Champion as follows:

Town  
Village

**Section 1. Title and Authority.** This local law shall be known as the "Town of Champion Water District #5 Water Law"

## 1: Establishment of Rules, Definitions

The following rules and regulations are established by the Supervisor and Town Board of the Town of Champion and every person who shall be supplied or whose property shall be supplied automatically accepts said rules and the same shall constitute a part of the contract between such persons and the Town. The word "consumer" shall be used in these rules and regulations. It shall mean the owner of the property.

### 1a: Issuance of Bills; Quarterly Collection

Water bills shall be issued quarterly. Water bills shall be addressed to the tax billing address for the parcel.

### 1b: Current Water and Connection Charges

Water and connection charges may be changed by resolution passed by the Town Board of the Town of Champion. All obligations of any nature due the water district which remain unpaid as of October 31st of each year may be charged by the Town as special assessments and collected as the same.

**2: Permits/Request for Service**

Application for water service from the street main to the curb stop where the shut-off valve will be located must be submitted forty-eight (48) hours prior to commencing work.

**3: Taps**

A separate tap is to be required for each lot supplied with water. However, the tap is the responsibility of the consumer and all costs will be borne by the consumer. The Operation and Maintenance contractor will only oversee and inspect the tap process. Tapping can only be done by an experienced contractor, which will be verified by the Operation and Maintenance contractor.

**4: Cost of installation**

There will be no charge for hook-ups performed during the initial construction of Champion Water District #5. Each initial connection will include one (1) meter per property. All subsequent hook-ups to the Town water lines inside or outside Champion Water District #5 from the main to the consumer property line/curb stop will be \$400.00 plus the cost of the inspection by the Operation and Maintenance contractor. The installation and materials of the service from the main to the consumer is the responsibility of the owner.

The Operation and Maintenance Contractor at no expense to the consumer will perform repair of leaks from the main to the curb stop.

The installation of the service from the curb stop must be borne by the consumer.

**5: Pipe Specifications**

The pipe from the curb stop to the consumer meter will be Type K copper with compression fittings. The Operation and Maintenance contractor or the Town Board of the Town of Champion may revise such pipe specifications.

**6: Laying of Service Pipes & Notification to Operation and Maintenance**

Service pipes will be required to be laid not less than fifty-four (54) inches below the surface of the earth. This applies to the established grade where it has been fixed. No trench will be backfilled in any manner before a

representative of the Operation and Maintenance Contractor makes inspection for leaks and clearances.

**7: Trench Openings and Backfilling**

The trench opening by the owner or contractor for tapping on to the service shutoff for the installation of the water line shall be of sufficient size and have the proper safety precaution to accommodate the work to be accomplished. The owner or contractor will make alterations to the opening as instructed by the Operation and Maintenance representative. The backfilling of the trench will be made by the owner or the contractor. The material used will be sand in the immediate area around the pipe to a depth of one (1) foot. The remainder of the trench will be bank-run gravel, tamped every six (6) inches until the trench is backfilled to original grade.

**8: Maintenance of Service Pipes**

The owner of the property into which water is supplied by a service pipe will be required to maintain in perfect order, at his own expense, said service pipe from the curb stop to his building. Failure to make necessary repairs after due notice, in writing, by the Town Board will result in the water being turned off until such time that satisfactory repairs are made. The Operation and Maintenance Contractor will perform maintenance of the service pipe from the main to the curb stop.

**9: Backflow Preventors**

Where required by the New York State Department of Health Sanitary Code, Part 5, or local ordinance, a backflow preventor of a suitable type that is currently approved by the Health Department must be installed.

**10: Cross-connection Control**

No consumer is allowed any cross-connection from any other source of water under the rules and regulations, Part 5, of the NYS Department of Health. 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 disconnect the alternate source as required by Part 5 of the rules and regulations.

**11-1: Operation of Curb Stop Water Shutoff**

No curb stop will be operated by anyone except a representative of the Operation and Maintenance Contractor.

## **11-2: Operation of Fire Hydrants**

No fire hydrant will be operated by anyone except a representative of the Operation and Maintenance Contractor or Fire Department for the purpose of fighting a fire or a planned fire fighter training exercise.

## **12: Meters**

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 homeowner, including cost for removal, repair, testing and replacement.

C. Meters shall be 5/8 x 3/4 ECR Sensus Meter with remote 1000G meter read. The consumer is responsible for purchasing the meter with remote after the initial construction.

## **13: Testing and Repair of Meters**

The Operation and Maintenance Contractor shall conduct periodic tests on all meters so as to maintain the meter in proper working condition. The Town Board will pay all costs for routine testing and maintenance. The consumer will pay all repair costs of meters and components broken. The Town Board will have all meters larger than two (2) inches in size routinely tested every four (4) years or as needed. The consumer will pay all costs of testing and repairing.

## **14: Location of Meters**

All water meters must be placed in an accessible part of the building or basement so that they may be read or removed. When placed in a pit specifications for such a pit must be obtained from the Operation and Maintenance Contractor. Just inside of the basement or pit wall into which the service pipe extends, a shutoff valve must be placed ahead of the meter. On all water meters two (2) inches and larger, a backflow preventor must be installed when connecting equipment or a building which has a potential of backfeeding contaminants into the system as determined under the Operation and Maintenance specifications. [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.] All water meters must be in a heated environment to eliminate freezing.

**15: Breaking of Seals**

All water meters, when set, 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.

**16: Inspections**

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

**17: 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 Champion Water District #5 shall pay water rent for the water supplied. The rents shall be as follows:

A. Inside Champion Water District #5 rates shall be as follows:

1) Metered services

\$4.50/KG of metered water and;  
\$105.00 quarterly flat rate per Equivalent Dwelling Unit (EDU)

2) Unmetered parcels

\$105.00 quarterly flat rate for residential parcels per Equivalent Dwelling Unit (EDU)

\$25.00 quarterly flat rate for undeveloped parcels per Equivalent Dwelling Unit (EDU)

B. The Champion Water District #5 rates may be changed by the 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 31<sup>st</sup> of each year may be charged by the Town as special assessments and collected as 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 for 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.

G. 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. Service shall be deemed complete upon such mailing.

H. 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.

## **18: 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.

**19: 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 as 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 1/2 and 2	\$ 5.00
4	\$10.00
6	\$15.00
8	\$20.00
10	\$25.00

**20: Abandonment of Services**

When a building is torn down and the water service is no longer required to the property or properties, the owner of said property is required to excavate at the water main so that the abandoned water line can be disconnected from the water main. The owner is responsible for refilling the excavation.

If the employees of the operation and maintenance contractor shall do the actual disconnection then the owner will be responsible for any costs associated with disconnection by the operation and maintenance contractor, and/or if the owner hires a contractor to disconnect, the owner will pay the costs for the operation and maintenance contractor to inspect the disconnection. Charges that remain unpaid as of October 31<sup>st</sup> of each year may be charged by the Town as special assessments and collected as same.

**21: Estimated Use**

If a meter fails to accurately record the amount of water used, the consumer will be charged at the average daily consumption, the average of the last 4 quarters. The same practice shall be followed in the event that the meter cannot be read.

**22: 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. When there are two (2) or more tenants occupying a property equipped with only one (1) meter, the water rent shall be billed and collected directly from the property owner and in no case from the tenant.

**23: 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 readings if the meters are not accessible.

**24: Penalties For Offenses**

Any persons or person, firm or corporation violating any of the provisions of these rules, regulations and ordinances hereby enacted shall, upon conviction, be fined a minimum of twenty-five dollars (\$25) and a maximum of two hundred fifty dollars (\$250) or imprisoned in the county jail for not more than fifteen (15) days, or be both so fined and imprisoned, and further, these rules and regulations and ordinances may be enforced by injunction.

**25: 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.

**26: 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 31<sup>st</sup> of each year may be charged by the Town as special assessments and collected as same.

**27: Filling of Swimming Pools**

No swimming pools shall be filled from any hydrant within the water district.

**28: Water Shortage Measures**

In the event of a major break in a water main or drought condition that deplete the Town water levels, the Town of Champion 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.

The Town may have to issue a "boil water" advisory through the media, which could be caused by a major break, drought, or contamination of the water supply. The "boil water" advisory will stay in effect until such time as the Department of Health, through tests, has declared the water safe to use.

**ADDENDUM**

Table of Equivalent Dwelling Units  
(EDU's)  
Town of Champion  
Water District No. 5

DESCRIPTION	EDU Assessment
Apartments:	
1 Bedroom	0.5
2 Bedroom	0.75
3 Bedroom	1
Bowling Alley - per lane	0.2
Carwash	As determined by metered sales
Church	1
Factories	As determined by metered sales
Food Service:	
Restaurant - per seat	As determined by metered sales
Tavern-minimal food service-per seat	0.05
Mini Mart	As determined by metered sales

Hair dresser /Barber	1
Hotel - per room	0.3
Laundromats - per machine	1.5
Mobile Home	1
Motels:	
Per Living Unit	0.25
With Kitchen	0.40
Office Building - per square foot	0.001
Veterinary Clinic	As determined by metered sales
Dentist - per dentist	1
School	As determined by metered sales
Service Stations - per toilet	1
Shopping Center - per square foot	0.001

**Section 2 - Severability.** If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

**Section 3. Effective Date.** This law shall be effective upon filing with the Secretary of State.

(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 2009 of the ~~(County)(City)(Town)(Village)~~ of Champion was duly passed by the Town Board on July 6, 2009, in accordance with the applicable ~~(Name of Legislative body)~~ provisions of law.

**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 2009 of the (County)(City)(Town)(Village) of      was duly passed by the      on      2009, and was (approved)( not approved)  
(Name of Legislative Body)

(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted

(Elective Chief Executive Officer)

on \_\_\_\_\_ 2009, 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 2009 of the (County)(City)(Town)(Village) of \_\_\_\_\_ Champion

\_\_\_\_\_ was duly passed by the \_\_\_\_\_ on

and was (approved)(not

(Name of Legislative Body)

approved)(repassed after disapproval) by the \_\_\_\_\_ on

(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 \_\_\_\_\_, 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 2009 of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly

passed by the \_\_\_\_\_ on \_\_\_\_\_ 2009, and was

(approved)( not approved) (repassed after disapproval)

(Name of Legislative Body) by the \_\_\_\_\_ on \_\_\_\_\_ 2009

(Elective Chief Executive Officer\*)

Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 2009, in accordance with the applicable provisions of law.

**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 2009 of the Town 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 town voting thereon at the (special)(general) election held on \_\_\_\_\_ 2009, became operative.

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

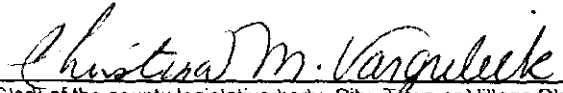
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 2009 of the County of \_\_\_\_\_ State of New York, having been

<sup>1</sup>\* 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.

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 \_\_\_\_\_, above.



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

Christina M. Vargulick

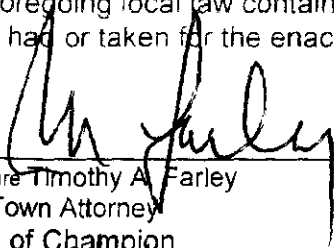
(Seal)

Date: 7/8/09

**(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

Title: Town Attorney

Town of Champion

Date: 7/8/09