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County City Town Village
(Select one.)

of Bayville

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DEC 30 2016

Local Law No. 4 of the year 2016

DEPARTMENT OF STATE

A local law to repeal and replace Chapter 77. Water of the Village Code of the Incorporated Village of
(Insert Title)
Bayville.

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

County City Town Village
(Select one.)

of Bayville

as follows:

See attached.

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

Local Law No. 4 of the Year 2016

Incorporated Village of Bayville, County of Nassau

A local law to repeal and replace Chapter 77 Water of the Village Code of the Incorporated Village of Bayville.

Section 1. Legislative Intent

It is the intent of this Local Law to repeal Chapter 77 Water adopted Article I, 12-27-1937 as Ordinance IV; Article II, 10-1-1974 as L.L. No. 2-1974 and recodify.

Section 2. Authority

This Local Law is adopted pursuant to Section 10 of the Municipal Home Rule Law.

Section 3. Village Code Chapter 77 Water

GENERAL REFERENCES

Plumbing — See Ch. 52.

Water System

§ 77-1. Definitions.

Unless otherwise expressly stated, whenever used in this chapter, the following words shall mean:

AIR GAP

The unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a pool, tank, plumbing fixture or other device and the flood-level rim of the receptacle. The vertical distance shall be not less than two times the diameter of the supply pipe and never less than one inch.

APPROVED

Accepted by the Board of Trustees of the Village of Bayville, and by the Department of Health, where required, as meeting the applicable specification stated or cited in these rules and regulations or as suitable for the proposed use.

ATMOSPHERIC VACUUM BREAKER

A combination check valve in the supply line and valve member opening to atmosphere when the pressure in the water line drops to atmospheric. It must be installed on the discharge side of the last control valve and above the usage point. It cannot be used under continuous pressure for periods exceeding twelve hours.

AUXILIARY SUPPLY

Any water source, other than the Village supply, which may be available in the building or on the premises.

BACKFLOW

The flow of water or other liquids, mixtures or substances from any source into pipes supplying potable water.

BACKFLOW PREVENTER

A device or means to prevent a backflow or backsiphonage.

BACK PRESSURE

A condition whereby pressure higher than the water supply pressure is created on the premises by pumps, thermal expansion from boilers, etc., causing a reversal of flow into the water supply.

BACKSIPHONAGE

The flowing back of used, contaminated or polluted water from a plumbing fixture, vessel, swimming pool or other source into a pipe supplying potable water and caused by a vacuum or partial vacuum in the potable water piping. It may be caused by:

- A. Ordinary gravity. When the water supply is lost and a fixture that is elevated is opened allowing air into the system, water will, by gravity, reverse the flow.
- B. Undersized piping. High velocity water traveling through undersized piping can cause an aspirator effect and draw water out of branch pipes causing a partial vacuum and a reverse flow.
- C. Vacuum. Caused by pumping water from the supply system, causing a pressure drop or negative pressure in the supply or on the premises. A break in the water main or excessive usage at a lower level in the water system or on the premises can also be a cause.

BAROMETRIC LOOP

A loop of water supply pipe rising approximately thirty five feet, at its topmost point, above the highest fixture it supplies.

CHECK VALVE

A self-closing device which is designed to permit the flow of fluids in one direction and to close if there is a reversal of flow.

CONTAMINATION — See "POLLUTION."

CROSS-CONNECTIONS

Any physical connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other contains water of unknown or questionable quality, steam, gases or chemicals whereby there may be a flow from one system to the other.

DEMAND WATER

Water available at a fixed flat rate, previous to or without metering, for temporary use.

DOUBLE CHECK VALVE ASSEMBLY

An assembly of two check valves and test tees designed to open to permit the flow of water in one direction and to close automatically if there is a reversal of flow.

DRAINS

Any pipe that carries wastewater or waterborne wastes in a building drainage system.

FIXTURE, PLUMBING

Installed receptacles, devices or appliances supplied with water or that receive or discharge liquids or liquid borne wastes.

FLOOD-LEVEL RIM

The edge of the receptacle from which water overflows.

HAZARD, HEALTH

Any conditions, devices or practices in the water supply system and its operation which create, or in the judgment of the Board of Water Commissioners, may create a danger to the health and well-being of the water consumer. An example of a "health hazard" is a structural defect in the water supply system, whether of location, design or construction, that regularly or occasionally may prevent satisfactory purification of the water supply or cause it to be polluted from extraneous sources.

HAZARD, PLUMBING

Any arrangement of plumbing, including piping and fixtures, whereby a cross-connection is created.

HOSE CONNECTION VACUUM BREAKER

A combination check valve and atmospheric vacuum breaker used on sill cocks, hose bibs, water outlets to boat docks or threaded faucets where a portable hose may be attached.

HYDROPNEUMATIC TANK

A pressure vessel in which air pressure acts upon the surface of the water contained within the vessel pressurizing the water distribution piping connected to the vessel.

INLET

The open end of the water supply pipe through which the water is discharged into the plumbing fixture.

IRRIGATED PROPERTY or AVAILABLE PROPERTY TO BE IRRIGATED

That part of each parcel of real property which is not covered or used by a building or structure or deck or driveway.

NONPOTABLE WATER

Water which is not safe for human consumption or which is of questionable potability.

OWNER or CONSUMER

Includes his duly authorized agent or attorney, a purchaser, devisee, fiduciary and any person having a vested or contingent interest in the property in question the service area of the Water Department.

PLUMBING SYSTEM

The water supply and distribution pipes, plumbing fixtures and traps; soil waste and vent pipes; building drains and building sanitary systems, including their respective connections, devices and appurtenances within the property lines of the premises; and water treating or water-using equipment.

POLLUTION or CONTAMINATION

The introduction of any and all foreign substance, organic, inorganic, radiological or biological, in the Village potable water which tends to degrade its quality so as to constitute a nuisance, a hazard or make the water unsafe for human consumption. Hazardous pollutants or contaminants include sewage, lethal chemicals or other substances which, if introduced into the public water supply system, would or may endanger the health of the consumer. Nonhazardous substance would not endanger the health of the consumer but would create a nuisance if introduced into the public water supply system.

POTABLE WATER

Any water which, according to federal and state established standards, is safe for human consumption.

PREMISES

Any building, structure, enclosure or locality to which water is supplied or to be supplied, whether attached to realty or not and further including boats.

PRESSURE VACUUM BREAKERS

A combination check valve in supply line and spring-loaded valve member opening to atmosphere. It may be used under continuous supply pressure and must be installed above the usage point. It cannot be used if it may be subject to back-pressures.

QUARTER and QUARTERLY

Quarterly for water rents shall be the fifteenth of January, fifteenth of April, fifteenth of July, and fifteenth of October for each year.

REDUCED PRESSURE PRINCIPLE BACKFLOW PREVENTER

An assembly of differential valves and check valves, including an automatically opened spillage port to atmosphere, to prevent backflow or backsiphonage.

SERVICE AND INSTALLATION

Supply pipes, taps or other connections, pipes, curb boxes and valves from the main to the valve beyond the meter, inclusive.

STREET

Any public or private street, highway, sidewalk, alley, avenue or other public way or public grounds in the Village, including any property leased by the Village or any easement granted to the Village.

SUPERVISOR

The Supervisor of the Water Department of the Incorporated Village of Bayville or person duly designated by the Board of Trustees of the Village of Bayville.

SURGE TANK

The receiving, non-pressure vessel forming part of the air gap separation between a potable and an auxiliary supply.

VACUUM

Any pressure less than that exerted by the atmosphere.

VACUUM BREAKER, NON-PRESSURE TYPE

A vacuum breaker designed so as not to be subjected to static line pressure.

VACUUM BREAKER, PRESSURE TYPE

A vacuum breaker designed to operate under conditions of static line pressure.

VILLAGE

The Incorporated Village of Bayville.

WATER DEPARTMENT

The Board of Water Commissioners, the Supervisor of the Water Department, employees of the Water Department, Village Clerk, and any person duly designated to act on its behalf.

WATER RENTS, COSTS AND CHARGES

The rates fixed for water supplied or under demand and of any expense in the performance of the functions required by this chapter.

§ 77-2. Private Wells Prohibited.

No water shall be drawn from underground within the geographical confines of the Village of Bayville except by the Incorporated Village of Bayville. Private wells, cisterns or other similar sources of water are prohibited.

§ 77-3. Application for water service.

- A. Forms. All applications for water service, for the use of water or for any modification or repair of an existing installation shall be made in writing to the Water Department by the owner of the premises and must state all uses to which the water is to be applied.
- B. Compliance. The making of application for water service and the granting of a permit therefore shall constitute an agreement by the owner to comply with all the provisions of this chapter as well as all rules and regulations promulgated by the Water Department.
- C. All applications for lawn sprinkler systems shall contain a plot plan showing said sprinkler system with double-check valves, types of soil, plants, trees, lawn grass, clocks, heads, zone and gallons of water per minute anticipated to be used.
- D. Applications for any water services shall specifically state which licensed plumber or contractor is going to perform such work.

§ 77-4. Granting of permits.

- A. No permit shall be granted under this chapter unless and until the required street and sidewalk opening permits have been obtained in accordance with the requirements of state, county, town, or Village ordinances.

- B. Whenever any public or private street or road shall be so opened for the purpose of making a connection or for laying any water pipe or fixtures, before any permit shall be issued, the owner, contractor or licensed plumber shall post with the Village Clerk a bond or cash in a sum established from time to time, by a resolution of the Board of Trustees of the Village of Bayville so as to ensure that such road or street shall be returned substantially at least to its previous condition.

§ 77-5. Performance of work.

All work performed under this chapter shall be done only by plumbers and/or contractors duly licensed and bonded in accordance with the provisions of Code of the Incorporated Village of Bayville or employees supervised by them.

§ 77-6. Inspection of work.

All work, both new and any modification performed under this chapter, shall be inspected and completed to the satisfaction of the Water Department.

§ 77-7. Notice of change of ownership.

Notification of change of ownership of any premises, property, building, structure, enclosure or locality having a service connection to a main shall be made to the office of the Village Clerk and or the Water Department, with the name and address of the party to whom such is conveyed, within forty eight hours after the conveyance is delivered.

§ 77-8. Right of entry.

Any authorized agent of the Water Department, upon proper identification, shall be permitted to enter upon the premises where there is a service or supply pipe or pipes to make the necessary examinations or repairs.

§ 77-9. Installation of supply or service lines.

The installation, connection or maintenance of a private water supply or service line is the owner's obligation and shall be installed, connected and maintained by the owner of the building or premises serviced in conformity with the regulations as set forth in this chapter.

§ 77-10. Installation regulations.

- A. Installations. Each service pipe, curb cock or box, tap, or tee that is installed, connected, replaced or repaired shall be inspected and approved by a duly authorized agent of the Water Department prior to use. The location of any point of connection to the water system shall be that designated by the Water Department.
- B. Discontinuance. Each service pipe, curb cock or box, tap, or tee that is to be replaced or discontinued shall be inspected and approved by a duly authorized agent of the Water Department at the time of such replacement or discontinuance. The connection, tap or taps of any service line which may be disconnected by reason of replacement, repair, demolition or other cause shall be killed or disconnected at the main at the owner's expense. Charges

for water rents for the old service will continue until the disconnection has been inspected as required by this section. Temporary use of water through the old service may be granted at water rents on file in the Village office and shall be by a special agreement, in writing, with the Water Department.

- C. Private property. The installation, connection, replacement or repair of any service line or part thereof within any private property line is subject to inspection of each such change or alteration of said service line.
- D. Notification. Notice of any proposed tap, connection or modification of service from the main to the meter shall be served at the Water Department no less than forty eight hours in advance of any such tap, connection or modification. Such notice shall be accompanied by tap or inspection receipt. In case of emergency, the Water Department Supervisor or an authorized agent may waive or delay this requirement.
- E. Street openings. All service work beyond the property line requires a street opening or sidewalk permit as set forth in the Code of the Incorporated Village of Bayville. However, no restoration shall start until the limits of restoration are established by the Village Building Department.
- F. Size and depth. All service lines shall have a four-foot cover using the established street grade as a base. Separate taps shall require a minimum street opening of five feet squared and shall be dug to a depth of six inches below the water main. Openings made for multiple taps or any other service shall be made in the dimensions and kept clean as required by the Water Department. Any deviations from these requirements shall be subject to a special ruling by the Water Department. No Water Department employee shall do any work in an opening that is hazardous.
- G. Size of taps. New and replacement taps shall be either three-fourths-inch or one inch and multiples thereof as per the schedule in § 77-12. Connections two inches and larger shall be cut in with a three valve cluster to allow for full shut down of the water service. The minimum service line for residential, commercial and industrial use shall be one inch. For residential use, the size of the tap or multiples thereof and the size of the service shall conform. Three-fourths-inch connections shall be provided to receive a three-fourths-inch meter. For business and industrial use, the size of the service and the size of the meter shall conform, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and angle-type back pressure valves for all but one of the meters. All water service will require installation of a backflow device.
- H. Separate taps and services. There shall be a separate tap and service for each building, except an accessory building, or premises. No service shall be siamesed or otherwise connected to any other building or premises. Each separate store or place of business in one building shall have a separate tap and service. Any deviation is subject to a special ruling by the Water Department.

- I. Multiple occupancy. Any building or premises having or designed to have multiple occupancy, be it industrial, business, residential or any combination of recognized uses, shall comply with Subsection H whenever practical and mechanically possible. Where, in the opinion of the Water Department, an exception is necessary and the capacity of the service line is adequate, more than one meter may be installed on a service line, one for each occupancy.
- J. Cross-connections.
- (1) It shall be unlawful to cross-connect any private source of water supply or any liquid supply, source or storage with the piping, plumbing or fixtures connected to the Village potable water supply. Where such a condition is found to exist, the Village water supply will be disconnected and service refused until such cross-connection has been removed or the Village water supply has been protected by a device or devices acceptable to the State Commissioner of Health. All expenses shall be charged to the owner of the premises.
 - (2) If the physical connection is subject to back pressure and a hazardous substance involved, the Village water supply shall be protected by an air gap or a reduced pressure principle backflow preventer. If the physical connection is subject to back pressure and a nonhazardous substance involved, a double check valve assembly may be used.
 - (3) If the physical connection is not subject to back pressure and a hazardous substance involved, the Village water supply shall be protected by an air gap or a reduced pressure principle backflow preventer. If the physical connection is not subject to back pressure and a nonhazardous substance involved, a double check valve assembly may be used. Only devices acceptable to the State Commissioner of Health may be used.
- K. Service lines.
- (1) All service lines two inches in diameter and smaller are to be Type K seamless copper tubing.
 - (2) Service lines larger than two inches in diameter may be either in copper, cast iron or ductile iron. No sweat joints, lead goosenecks or galvanized connections shall be installed in any part of any water service.
- L. Sanitary trench. Any water service line located in the same trench as a sanitary line must be located above and to one side of the sanitary line and at least ten feet away from the sanitary line.
- M. Sleeved services. All services under concrete slabs, floors or other solid material on the street side of the meter shall be sleeved.
- N. Curb stops. A curb valve, the same size as the service line, must be installed on each service and be complete with curb box and cover. Curb valves must have a full round way for straight through water flow and conform to the American Water Works Association standards.

- (1) Curb valve fittings:
 - (a) Curb valves one inch and smaller shall be fitted with a stationary rod and enclosed in an extension-type two-piece curb box with the upper section not less than one and one fourth inches inside diameter, with a heavy cast-iron top marked water, into which a brass bushing is embedded and tapped for the cast-iron access plug.
 - (b) Curb valves one and one half inches and two inches shall be fitted with a solid tee head and enclosed in an extension-type two-piece curb box with a lock-type cover marked water and with the smaller section not less than two and one half inches inside diameter.
 - (c) Curb valves three inches and larger shall be fitted with a two-inch square operating nut and enclosed in a screw-type three-piece curb box with a lock-type cover marked water and with the smallest section not less than five and one fourth inches inside diameter.
- (2) Curb valves two inches and smaller shall be brass or bronze of the free turning plug- or ball-type. Plug valves shall have a straight self-lubricated balanced plug with sufficient low friction washers and O-rings to assure a permanent watertight seal. Ball valves shall have a brass or bronze self-lubricated perfect sphere ball with rubber seat ball support and two O-rings in the stem to assure a permanent watertight seal.
- (3) Curb valves three inches and larger shall be cast-iron gate valves with non-rising stem, bronze disc and two O-rings in the stem.
- (4) Curb valves shall be located approximately two feet inside the curb line and five feet from any tree or pole with the top of the curb box and cover at the established grade of the curb cut or the established grade of the curb and sidewalk. No curb boxes are to be installed in the concrete sidewalk without the approval of the Water Department. Other locations must be approved by the Water Department.
- O. Underground sprinklers. Any underground sprinkler (irrigation) system connected to the Village water system shall include a double check valve assembly, installed directly after the water meter, acceptable to the State Commissioner of Health.
- P. Automatic fire sprinklers. The water available for any automatic fire sprinkler system shall be supplied by a separate water service from the water main not less than four inches in diameter and equipped with a check valve. No antifreeze or foreign substances, either liquid or dry, shall be introduced into the system except as specifically provided by Section 5500, NFPA No. 13, of the National Fire Protection Association recommendations, dated May, 1969, or later revision thereof. The water service connection to the water main shall be cut in with a three valve cluster allowing for full shut down of fire service. Drawings showing and describing the automatic fire sprinkler system and bearing the stamp of approval of the New York Fire Insurance Rating Organization and/or the Factory Mutual Engineering Division shall be filed with the Water Department prior to the cut in.

- Q. Nonconforming. Any fire sprinkler system in use and not conforming to the requirements of this chapter shall be made so to conform within sixty days after notice by the Water Department. Failure to comply with the notice of the Water Department shall be a violation of this chapter, and any and all penalties under § 77-23 of this chapter are applicable.
- R. Backflow and backsiphonage devices. The Village potable water supply system shall be protected against contamination from backflow and backsiphonage by the owner of the premises by providing and maintaining suitable devices acceptable to the State Commissioner of Health. Approved devices may be installed at each outlet or cross-connection, which threatens contamination from backflow, or an approved device, may be installed in the water service adjacent to the water meter. The owner of any existing water service or connection that threatens contamination from backflow or backsiphonage shall install such device or devices within thirty days after notice. All devices must be installed in an accessible location and exposed to view for ease of inspecting and testing.
- S. Hose bibs. All hose bibs shall be protected from backflow or backsiphonage by barometric loops, vacuum breakers, check valves and/or backsiphonage/backflow preventers.
- T. Water outlets. Water outlets to boat docks, swimming pools, industrial process or chemical lines, tanks or vats, pumps and/or steam lines shall be protected from back pressure, backflow or backsiphonage by air gaps and/or backsiphonage/backflow preventers. Potable water connections to boiler feed water systems in which boiler water-conditioning chemicals are introduced shall be made through an air gap or provided with a reduced pressure principle backflow preventer assembly.

§ 77-11. Repair and maintenance.

- A. Repairs. It shall be the owner's responsibility to repair and maintain the entire line from the water main tap or connection into the building or premises and to keep the service line protected from frost, heat, leaks and breaks. Any defects must be promptly repaired or replaced and the curb gate and/or valve must be kept in working order, free of dirt or any other obstruction.
- B. Owner's failure to repair. If the owner fails to observe the maintenance requirements of this chapter within twenty four hours after notification by the Village Clerk to the owner of the premises, the Village may shut off or cause to have shut off the water supply, or it may repair or replace or cause to have repaired or replaced the defective parts of the service line. All costs shall be a charge against the premises serviced.

§ 77-12. Tapping charges.

- A. Charges for tapping for each service shall be established from time to time, by a resolution of the Board of Trustees of the Village of Bayville.
- B. All water available as a result of an installation of a firematic sprinkler system shall be used for firematic purposes only, and any use of this available water for other than firematic purposes shall be in violation of this chapter, and any and all penalties under § 77-23 of this chapter are applicable.

- C. Two-inch services and over shall be direct connection to Village water main with a three valve cluster to full control of the fire service. Wet cuts are not allowed. Each is subject to inspection by the Water Department at a charge established from time to time, by a resolution of the Board of Trustees of the Village of Bayville.

§ 77-13. Service to be metered.

All water services shall be metered by straight gallon register-type meters as approved by the Board of Trustees of the Village of Bayville. Upon notification by the Water Department, the owner of any premises serviced with water and not metered shall, if required, make such repairs or alterations to the plumbing and premises necessary for the proper installation of a water meter.

§ 77-14. Meter installation.

- A. Cost. Meters shall be installed by the Water Department without charge for meter or installation. Title to these shall remain in the Incorporated Village of Bayville.
- B. Size. For residential installations (single-family dwellings), three fourths of an inch fittings shall be provided to receive three fourths of an inch meter couplings furnished by the Water Department. For multiple dwellings, business, commercial and industrial installations, the size of the meter shall conform to the size of the water service, except where headers for battery installation of meters are made or where expansion is anticipated. Battery settings of meters shall include horizontal headers, two gate valves for each meter and back pressure valves for all but one of the meters.
- C. Location. Meters shall be installed no higher than four feet from the floor and as near as possible to where the service enters the building. Passage to the meter should be at least five feet in height. Area surrounding the meter must be kept free of obstructions and should be of sufficient width to enable the Water Department representative to inspect, maintain and read the meter. Installation should be in the cellar or utility room. Installation in a crawl space, garage, except heated commercial garages, or under the floor is prohibited. Upon notice, the owner of any premises having a meter improperly located shall have said meter relocated in accordance with the requirements of this section. If such meter is not properly relocated within ten days after the receipt of the notice, the owner shall be considered in violation of this chapter, and any and all penalties under § 77-23 of this chapter are applicable.
- D. Facilities.
- (1) The owner shall provide facilities and support for the setting of the meter in each installation or alteration of water service according to the Water Department.
 - (2) The Village will furnish the jumper for any meter not greater than one inch in diameter.
- E. Valves. Each meter shall be connected to any service line by meter couplings or flanges to a shutoff valve on each side of the meter.

- F. Connections. There shall be no connection to the service line between the main and the meter. Connections discovered by the Water Department between the main and the meter shall be considered in violation of this chapter, and any and all penalties under § 77-23 of this chapter are applicable.
- G. Sub metering. The sale or charge for water by any owner to any consumer is prohibited.
- H. Pits. Outdoor meter pits may be installed, upon approval of the Water Department, when inside location of a meter is shown to be mechanically or practically impossible. Each pit for three fourths of an inch and one-inch meters shall be of standard-type and material, a minimum of twenty inches in diameter, thirty nine inches in depth and with standard cast-iron cover and shall provide unobstructed access to the meter. Such meter shall be located at least one foot above ground water level. Pit sizes for all meters shall be subject to the approval of the Water Department to provide adequate space for maintenance of the meter. Installations and maintenance of all pits shall be at the expense of the owner.
- I. Licensed plumbers. All work performed under this section shall be done by a plumber licensed by the Village of Bayville or by employees under the plumber's supervision, except that actual installation of meters shall be done by the Water Department.
- J. Seal. Upon installation, each meter shall be sealed by the Water Department. Thereafter, no seal shall be broken nor any meter removed without written permission from the Water Department or the owner shall be considered in violation of this chapter, and any and all penalties under § 77-23 of this chapter are applicable.
- K. Replacement. The Water Department shall replace all meters that have been properly maintained and protected as called for in this code. Failure to protect said meter pursuant to this code will result in a meter replacement charge. This charge will be equal to any materials and labor required to replace the damaged water meter.
- L. Winter storage. Meters may be winter stored with the Water Department. Breaking of the seal and removal of the meter shall be by or under the direction of the Water Department. The Water Department will seal the meter after it has again been placed in service.
- M. Testing. All meters may be tested periodically by the Water Department, and the Water Department may remove a meter at any time for such testing and substitute another meter therefore either temporarily or permanently.

§ 77-15. Responsibility for damage to meters.

- A. Negligence. The owner of any premises wherein a meter has been installed shall be responsible for the meter or for any damage to the meter caused by carelessness, freezing, hot water, backflow intrusion, tampering, theft or any other violation of this chapter. The cost for the repair or replacement of a damaged meter or replacement of a stolen meter shall be those established from time to time, by a resolution of the Board of Trustees of the Village of Bayville and shall be charged against the owner of the premises serviced.

- B. Repairs. Routine repairs of meters not resulting from carelessness or negligence on the part of the owner of the premises shall be made by the Water Department without charge.

§ 77-16. Water rents.

- A. Rents. The rates payable for the water supplied by the municipal water system to consumers within the Village and to those outside its boundaries shall be designated as water rents and shall be those established from time to time, by a resolution of the Board of Trustees of the Village of Bayville.
- B. Commencing on January 15, 2017, there shall be imposed upon each property owner in the Village a water tax based upon assessed value of each parcel of real property, improved or unimproved, equal to a value established from time to time, by a resolution of the Board of Trustees of the Village of Bayville, which water tax shall be equivalent to the imposition of a Village tax.
- C. Method of payment. All water rents are payable quarterly at the office of the Village Clerk. Metered rents are payable at the end of each quarter. Other charges are payable when bill is rendered.
- D. Minimum rent. The minimum rent shall be payable, though no water be consumed, as long as the service remains connected with the Village main.
- E. Failure to read. When a regular quarterly reading of a meter is not available, each quarterly rent shall be billed as per similar calendar quarterly reading of past year. Estimated bills may be used on new accounts where no similar calendar quarterly bill is available. No more than one regular quarterly reading shall be skipped or estimated, except in the discretion of the office of the Village Clerk.
- F. Unauthorized use. When water has been used without authorization or compliance with the terms of this chapter, bills shall be rendered to the owner retroactive to the date when such unauthorized use began as determined by the Water Department. Payment of such bills shall not release the owner from penalties for such violation as established from time to time, by a resolution of the Board of Trustees of the Village of Bayville.
- G. Billing. The owner of premises connected to the Village Water System shall be responsible for all bills for water rents, charges, penalties and interest, and such bills shall be sent to each such owner as they become due. Billing for demand water shall start on the date when the tap or connection to the main is made. Meter billing shall start when the meter is installed.

§ 77-17. Temporary water supply; accessories.

- A. One-family. The rent for temporary water supply for the construction of each one-family building with accessory buildings and appurtenances shall be at a rate established from time to time, by a resolution of the Board of Trustees of the Village of Bayville.

- B. Other buildings. The rent for construction of other buildings with their accessory buildings and appurtenances shall be established by the Water Department using the estimated water usage of a similar sized building of similar use.
- C. Accessories. The water supply for accessories and appurtenances constructed on the same premises or for expansion of or addition to an existing building at a later date may be by metered service already in use on said premises.
- D. Expiration. The maximum period for an unused temporary permit shall be one year, otherwise for the life of the building permit.
- E. Refund. Failure of the applicant to use water due to lack of construction or any other reason shall not entitle the applicant to any refund.
- F. Payment. Payment for all temporary water supply shall be at the time of the granting of the building permit and shall be made at the office of the Village Clerk.

§ 77-18. Water furnished outside Village.

- A. Responsibility. Consumers of water serviced from Village mains to buildings or premises outside the Village boundaries shall be subject to all the terms and conditions of this chapter.
- B. Rents. Water rents to consumers outside the Village boundaries shall be twenty percent greater than those paid by consumers within Village boundaries.
- C. Deposit. Applicants for use of water outside the Village boundaries shall pay, to the office of the Village Clerk, for their own meter, together with an estimated rent for a six-month period as determined by the Water Department. This deposit may be used by the Village as payment for any unpaid rent or other charge.
- D. Failure to maintain deposit. When a consumer outside the Village boundaries whose deposit balance falls below fifty percent of the established deposit amount, the Village Clerk shall, on the next quarterly bill, reestablish the deposit estimated by the Water Department.
- E. Failure to make payment. When a consumer outside the Village boundaries fails to make payments for two consecutive quarters, and does not have any deposited funds remaining, may have their water service discontinued, and the Village may place a lien against the property. Service will not be reactivated until the consumer outside the Village boundary makes full payment and reestablishes the six-month deposit.

§ 77-19. Payment of water rents.

- A. Location; time. Payment for water rents and other charges payable to the Water Department shall be made at the office of the Village Clerk during established business hours within thirty days of the rendition of the bill. All bills, including those paid by mail, shall be considered in arrears if not received in the Village Clerk's office within said thirty days.

- B. Penalty for charges remaining unpaid for thirty days after becoming due and payable. To all rents and other charges remaining unpaid for thirty days after they become due and payable, there shall be a penalty established from time to time, by a resolution of the Board of Trustees of the Village of Bayville.
- C. Penalty for rents. Charges remaining unpaid as of the seventh day of May will be added to the tax bill, there shall be additional penalty as established from time to time, by a resolution of the Board of Trustees of the Village of Bayville for said transfer.

§ 77-20. Lien for rents.

- A. Attachment. All unpaid water rents with charges, penalties and interest, as provided for by this chapter, shall be a lien on the real property upon which or in connection with which water has been used, a service line connected or work performed on the meter or service line for such premises. All such liens shall be prior and superior to every other lien or claim, except the lien of an existing tax levy and levied against the real property in default.
- B. Date for lien. All amounts unpaid as of the seventh day of May for water rents, with charges, penalties and interest for which bills have been rendered prior to the seventh day of May, will become a lien on and, after the seventh day of May, placed on the next tax roll.

§ 77-21. Use of water; waste.

- A. Waste. Unless in actual use, all outlets must be securely shut off. The unnecessary waste of water is prohibited. Excessive lawn sprinkling with water running in a street gutter shall be construed as a waste and subject to a fine established from time to time, by a resolution of the Board of Trustees of the Village of Bayville.
- B. Freedom of use. Each consumer shall have unrestricted reasonable use of water, without waste, for business and homes during the entire twenty four hours of each day, subject to the provisions of Subsection C of this section.
- C. Emergency. If the Board of Trustees of the Village of Bayville, Board of Water Commissioners, or the Water Department at any time determines that an emergency exists threatening a shortage of the water supply, they may prescribe emergency rules for the regulation and restriction of the use of water. Such emergency rules shall have the full force and effect of an ordinance duly adopted.

§ 77-22. Fire hydrants.

- A. Purpose. Fire hydrants are provided for fire protection only.
- B. Permit. No person, other than members of the Fire Department/Company or Village employees or agents in the performance of their duty, shall draw water from a Village hydrant unless a permit therefor has been granted by the Village Clerk with the approval of the Water Department.

- C. Charge. The charge for any special permit for the use of any hydrant shall be in accordance with its intended use as determined by the Water Department. The minimum charge shall be established from time to time, by a resolution of the Board of Trustees of the Village of Bayville. The cost of repairing any damage caused to a hydrant by such a user shall be paid to the Water Department by said user at the office of the Village Clerk.
- D. Connections. No connection shall be made in hydrant outlets except by valves or couplings which are readily detachable in an emergency. The connection shall have a control valve, and all connections must be detached immediately after use has ceased and always at the end of the work day.
- E. Fire. Hydrants must be made immediately available to the Fire Department/Company upon demand.
- F. Wrench. The wrench used on a fire hydrant shall be only of a design approved by the Water Department.
- G. Freezing. No hydrant shall be used for any purpose other than that of supplying water for firefighting when the temperature is below 32° F.
- H. Moving of hydrants. The moving of any hydrant by request of an owner of a building or premises shall be by or under the supervision of the Water Department and at the expense of the owner.
- I. Caps. Cap chains and caps must be protected against breakage and loss, and caps must be replaced after every use of a hydrant.
- J. Damage. The cost of repairing any and all damage to a hydrant shall be paid to the Water Department at the office of the Village Clerk, whether such damage was caused by accident or intent. The Village retains the right to render bills for repairs of fire hydrants caused by motor vehicle accidents to the responsible parties.
- K. Obstruction of hydrant. No person shall obstruct any fire hydrant or throw or pile snow, ice or other substances or materials in close proximity thereto or otherwise obstruct the full vision and use thereof. Substructures, trees, bushes and poles or other objects must be kept at least ten feet from any hydrant.
- L. Exception. Any exception or deviation from these rules and regulations because of mechanical or practical difficulties may be permitted by the Water Department.

§ 77-23. Penalties for offenses.

- A. Penalty. Any person, firm or corporation violating any of the provisions of this chapter shall be subject to a fine established from time to time, by a resolution of the Board of Trustees of the Village of Bayville. In addition, any violation of this chapter shall constitute disorderly conduct, and the person violating the same shall be declared a disorderly person.

- B. Disconnections. For violation of any provision of this chapter, in addition to the penalties generally applicable, the Water Department is authorized to disconnect the service to the premises and to withhold restoration of the service until the violation has been removed. The cost of such action shall be charged against the premises.
- C. License revocation. The license of any duly licensed plumber or contractor may be suspended or revoked for violation of this chapter.

§ 77-24. Authority to make rules and regulations.

Authority is vested in the Board of Water Commissioners or the Water Department to make such further rules and regulations as it deems necessary for the proper enforcement of the purposes of this chapter, including emergency repairs.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This Local Law shall take effect immediately upon filing with the Secretary of State.

(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. 4 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Bayville was duly passed by the Board of Trustees on December 19, 2016, 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 20____ of the ~~(County)(City)(Town)(Village)~~ of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) ~~(Name of Legislative Body)~~ (repassed after disapproval) by the _____ and was deemed duly adopted ~~(Elective Chief Executive Officer*)~~ on _____ 20____, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

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

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

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

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

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

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

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

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

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

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

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

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

Date: 12/20/16

(Seal)