

Village of Margaretville

Local Law Number 12 for the year 1985

**A Local Law regulating the management, maintenance
and water service of the Water Department
of the Village of Margaretville**

BE IT ENACTED by the board of trustees of the village of Margaretville as follows:

Section 1. That all and any ordinance or ordinances, part of parts or ordinances, rules and regulations or local laws heretofore made or ordained for the supervision of the Water Department of the Village of Margaretville, New York, are hereby repealed.

Section 2. Charges for water, water service, water hook-ups, meter rates, repairs, inspections, maintenance and the like shall be set by order of the Board of Trustees of the Village of Margaretville at a regular public meeting on the first Monday in April of each year. Said charges shall be published in a local newspaper as soon as practicable thereafter.

Section 3. When any owner of an interest in real property desires to connect with the water main belonging to the Village of Margaretville for water service, or to retap or replace existing water pipe leading to said water main of said Village, he shall be required to make written application upon the form promulgated by the Village Clerk and when such tap is desired at least forty eight hour's notice must be given and a ditch must be properly prepared as directed by this local law by the applicant for the purpose of making the connection and tapping the main. The cost to each water user for tapping said main and making water available at the user's curb or inside of the sidewalk at the water superintendent's discretion, including any curb box, shall be set by order of the Village Board as described herein. No tap or connection will be made unless the ditch is dug and pipe is laid to a depth of at least five (5) feet and if the Village Board deems it necessary to further protect said pipe from frost or freezing, such pipe must be laid at a depth as directed by the Village Board. Taps in all mains shall not exceed one-half inch. All owners of interests in real property so acting under this local law shall furnish their own service pipe which must be not less than one-half inch standard copper tubing for underground use and a stop and waste cock shall be properly located inside the building; except, however, the Village Board at their sole discretion and pleasure may determine by resolution that the Village shall supply any copper pipe, labor and tools necessary to lay water feed pipes up to the foundation, through the foundation and up to the meter, and may set the charges and fees therefore by resolution as stated herein. All owners

of interests in real property so acting under this local law shall have pipes so arranged within said building that the water can be drawn off to prevent freezing, and shall keep the curb box uncovered and exposed to view and on a level with the top of the curb stone. All fixtures shall, at the owner's expense, be protected from frost and kept in order to prevent waste of water. (Should any users of water wish to discontinue the use of Village water and remove their fixtures, they may do so upon giving written notice to the Village Clerk and obtain a permit permitting them to do so, subject to the rules and regulations set forth herein, and any other such rules and regulations promulgated by the Board of Trustees or committees thereof, but in all cases property of the Village including service pipe, curb cock and curb box must be left undisturbed.) When hot water boilers are used, suitable vacuum and air valves must be applied to prevent collapsing of pipe. In all commercial water hook ups it shall be mandatory that all water feed pipes shall have a back flow converter attached thereto and said back flow converter shall be installed after and beyond the water meter. All trenches dug for service connections must be roped or chained off when not being actively worked at or upon, and fluorescent orange markers set down around the perimeter thereof to provide for warning to passers-by, and such trenches shall not be left open so as to present a dangerous conditions to passers-by. Intentional flooding of trenches for any purpose is forbidden, and any persons so intentionally flooding a trench for any purpose shall be subject to a fine not to exceed twenty-five dollars (\$25.00). When application is made in proper form to the Village Clerk, and all other conditions are complied with as set forth herein, the main shall be tapped. All connections between the main and the curb stop controlling the house supply must be one-half ($\frac{1}{2}$) or three-fourth ($\frac{3}{4}$) inch standard copper tubing for underground use or an acceptable substitute.

Section 4. The Board of Trustees reserves the right to install or furnish a water meter, on the service pipe of any consumer whenever they deem it advisable. The meter will be furnished by the Water Department. Every water meter installed shall be connected to a true horizontal pipe, perpendicular to such pipe with the recording face thereof uppermost. Every water meter installed must have a separate curb stop and water pipe line unless the property in which more than one meter is installed is owned by the same person, firm or corporation, and in such event each water meter and connection thereto must be in an accessible place, all meters in such cases to be grouped as closely as they permit. The place of installation of any and all meters must be indicated and designated by the Village Clerk, or duly authorized Agent of the Water Department, before any installation is made.

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Section 5. No person, firm, partnership, corporation or association shall lay, re-lay or repair any water pipe, conduit or other means of transporting drinking water that is connected with the Village mains of the Village of Margaretville, New York, either directly or indirectly, which said pipe, conduit or other means of transportation is situate below and underneath any public road or thoroughfare within said Village of Margaretville, New York, without first obtaining the written consent and permission of the Village Clerk of said Village before so doing, in addition to any other permission or consent that may be law be required.

Section 6. Any curb stop or curb stops that shall at the present time or hereafter be installed or re-installed, placed or replaced, shall be so installed or placed that the same shall be without the bounds of any public road or thoroughfare in said Village of Margaretville, and shall be upon the same side of any road or thoroughfare as the house or property to be served by such curb stop is situate.

Section 7. Any curb or curb stops that shall at the present time or shall hereafter be installed or re-installed shall be placed in or within 1 foot of the public sidewalk upon the premises of the applicant; in the event that there is no such sidewalk, then, the placing of such curb stop shall be made under the special and direct supervision of the Village Clerk or duly authorized Agent of the Water Department. If any curb stop, curb box or rod therein shall at any time become defective in its or their operation, the same shall be repaired or replaced by the owner of the property served within three days after written notice of the existence of the defect shall have been given by the Village Clerk or Agent of the Water Department; in the event of failure of the owner so to do after such notice, the same will be repaired or replaced by the Water Department and the charge thereof payable by the owner and paid before water is again turned on.

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Section 8. An owner, desiring to turn on or off water from the main or lay pipe between the meter and the main shall make application in writing to the Village Clerk for a permit to do such work and repairs until a written permit is given. No such pipe in any ditch shall be covered until permission is given in writing by the Village Clerk or duly authorized Agent of said Water Department to cover such pipe. All meters shall be installed and removed by the Village Clerk or duly authorized Agent of the said Water Department. All water meters shall be furnished and maintained by the Village. Any such maintenance fees shall be fixed by resolution of the Board of Trustees as provided for herein.

Section 9. The Village Clerk or duly authorized Agent of the Water Department of said Village shall have proper access at all reasonable hours to and from the portion of the premises where the meter of said Water Department is situated.

Section 10. No person or persons shall open any fire hydrant or draw water therefrom, except the Village Clerk, and a person or persons acting under his/her direction or permission, except the Chief Engineer of the Fire Department, his/her assistants and officers, and members of said Department who are hereby authorized to use the hydrants for the purpose of extinguishing fires within the limits of said village, or testing of the hose of said Department, but in all such cases the same shall be done under the supervision of the Chief Engineer or his assistants; in no case shall an inexperienced or incompetent person be permitted to open, close, manipulate or control in any way any hydrant, plug or other fixture of said Water Department.

Section 11. An owner of the property will be charged for water used in the construction of any new building. The charge will begin when the tap or connection is made, or if taken from other sources of the Village Water Supply, will commence as soon as the water is used. The rates to be charged for water so used will be fixed and determined by the Village Clerk.

Section 12. In all cases where the established rates do not provide for special extraordinary use of water, the Water Board of said Water Department of said Village may make rates as in their judgement shall be proper.

Section 13. The Board of Trustees of the Village of Margaretville reserve the right to add to or modify its local laws, rules, regulations and rates at any time.

Section 14. No person shall break the seal on any meter, or the seal on any connection left for a meter, or in any way interfere with the same, except the Village Clerk or duly authorized Agent of the Water Department of said Village.

Section 15. If the Village Clerk or duly authorized Agent of the Water Department is satisfied that there is a leak between any curb stop and any meter, he shall shut off the water supply to said meter at the curb stop until necessary and proper repairs are made, after giving reasonable notice to owner, tenant or occupant of his intention so to do; if the leak be between the main and the curb stop, such Village Clerk or Agent shall immediately cause to be given to the owner, tenant or occupant of the premises served a five (5) day written notice of the existence of such leak, and request that the same be repaired; in the event of the failure of such owner, tenant or occupant to make repairs to such leak within the time prescribed in the noticed, the Water Board of said Village will proceed at once to make necessary repairs, and the cost thereof shall be paid by the owners of the premises before the water is again turned on. All repairs or new work from the water main to the meter shall be at the owner's expense.

Section 16. No person taking water shall supply other parties or families not entitled to its use, nor take village water from a hydrant not on the premises except by special

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permit from the Commissioners in writing, and if such permit is not obtained, the persons using same will be held responsible for the whole amount of water illegally used, under penalty of having their supply terminated.

Section 17. An owner of property will be held responsible for all arrearages unpaid by tenants. All expenses, charges, fees, water rates, fines, forfeitures or penalties which may accrue from or be imposed upon owners, tenants or occupants for water use, service, or otherwise, shall be a lien for ten (10) years on the real property to which said water service shall have been rendered, and the collection thereof may be enforced in the same manner and method as provided for the collection of the same pursuant to Village Law §11-1118.

Section 18. Any person, firm or corporation who has made application for and received water service shall be chargeable with and pay for all damages caused to any meter or meters by reason of his/her carelessness or negligence.

Section 19. All curb boxes connected with the water supply of the Village of Margaretville shall be so placed so that the the same shall be at a level with the top of the ground, curb stone, sidewalk or curb wherein such curb stop is placed, and the owner of the premises served by such curb box shall at all times keep the same visible and accessible.

Section 20. No person shall prevent, by the erection of any device or construction, or by any other means, free access to any such meter by the Village Clerk or the duly authorized Agent of the Water Department of the Village of Margaretville; or interfere, obstruct or prevent, by any means, the reading, inspection or removal of such meter.

HERE Section 21. Any work, either installation, repair or otherwise, that hereafter shall become necessary, or any circumstance or circumstances that shall hereafter arise, which said work or circumstances are not provided for in the foregoing sections, shall not be done, adjusted, arranged for, or settled in any manner whatsoever until after special provision for such work or circumstances shall have been made, after reference and decision by the Water Board of the Village of Margaretville.

Section 22. The water may be shut off from the mains of the entire village or of any street or streets thereof, when repairs, connections or changes are to be made or when necessary for any purpose. When practicable, notice will be given in advance when water is to be off, by publication in the village newspaper or otherwise, but the Board of Water Commissioners shall not be responsible for failure to do so in any case, and neither shall the Commissioners in any case be liable for any damages that may result from such termination of said water service, where such notice be given or not.

Section 23. It is specifically provided that the invalidity, due to any cause, of any section or sections hereof, shall not affect the validity of the remaining sections of this Ordinance.

Section 24. Any person, persons, firm or corporation who shall violate any provision of the foregoing Ordinance, or any lawful amendment thereto, shall for each offense forfeit and pay to the Village of Margaretville, New York, a penalty and sum of not less than TEN DOLLARS (\$10) or more than FIFTY DOLLARS (\$50). Nothing herein shall be construed to limit the remedies which the Village shall avail itself in the event that this Local Law shall be violated.

This local law shall take effect immediately.