

Adopted 1/12/99

VILLAGE OF MAYVILLE
LOCAL LAW #3 OF THE YEAR 1999

"A Local Law Establishing Regulations
Regarding the Village of Mayville Water Department"

Be it enacted by the Board of Trustees of the Village of Mayville as follows:

SECTION 1. Intent.

This Local Law is hereby adopted pursuant to Article 11 of Village Law and is intended to clarify terms and conditions, authorize establishment of water rates, outline operating procedures and set penalties for violations. Nothing contained herein is intended to be inconsistent with Article 11 of Village Law which shall remain in full force and in its entirety.

SECTION 2. Repealer.

This Local Law shall operate to repeal any rules and regulations heretofore adopted which may be inconsistent herewith. This Local Law shall not, however, have any effect to repeal any other Local Law which may be duly established.

SECTION 3. Application for service.

For the introduction of water into any premises or for the extension of any pipe for the conveyance of water, application in writing must be made to the Village of Mayville Water Department by the owner of the real property, or a duly authorized agent, on the application form furnished for that purpose by the Village of Mayville.

SECTION 4. Connections with mains; street valves.

Each and every property to be supplied water shall have a separate water service pipe. The Water Department shall make all connections to mains and street valves, or shall directly supervise said connections. No person, other than an employee of the Water Department, shall be permitted to turn water on or off at any street valve unless written permission has first been given by the Water Department. No person shall tamper with any water main or street valve.

SECTION 5. Location of street valves; curb boxes.

Each street valve and curb box location shall be determined by the Public Works Superintendent of the Village of Mayville. Generally, the location of the street valve will be established at the property line of the customer to be served.

SECTION 6. Service pipe; materials.

All service pipe installation and maintenance shall be the responsibility of the property owner. Pipe may be type K copper or PVC plastic as may be determined by the Public Works Superintendent. Use of bushings or other fittings prone to failure due to rust or corrosion are strictly prohibited.

SECTION 7. Installation; inspection

All service pipes must be at a depth below the frost line and not less than four (4) feet below finished grade and laid in a straight line at a right angle to the street. Every service pipe must be inspected and tested by the Water Department before it is covered or concealed. No connections are permitted in a service pipe between the street valve and the meter in order to serve another structure. PVC plastic pipe shall be installed with a metallic pipe locating tape or wire as approved by the Public Works Superintendent.

SECTION 8. Meter installations.

(A) Each meter installation shall be made so that there exists a gate or globe shut-off valve both on the intake and on the discharge sides of the meter. These valves will facilitate future meter replacements and will serve as a point to allow drainage of the building's water system, if necessary.

(B) A copper jumper wire conforming to the National Electrical Code and any and all State and Local Codes, shall be installed across the plumbing where the meter attaches in order to create a good electrical ground path. Said jumper wire is not required when the piping is nonmetallic.

(C) All meter installations are subject to inspection by the Water Department at any reasonable time. The location of the water meter is subject to final approval of the Water Department. Metering pits are permitted but are at the customer's expense to install and maintain.

(D) Meters that have been removed by a plumber, or by the customer, to facilitate draining of pipes for seasonal customers must be turned in to the Water Department within three (3) days from the removal date and shall be tagged with the customer's name and address.

(E) The Village of Mayville shall not be responsible for damage to plumbing that is inadequate or in questionable condition when meter changes are made.

(F) Water services of 1½" in size, or larger, shall be provided with a valved, lockable, bypass at the customer's expense.

SECTION 9. Protection of service pipes; meters.

Water service pipes and meter installations shall be so located as to be adequately protected against frost damage. In the event that

freezing causes damage to the Water Department meter, repair costs will be billed to the customer.

SECTION 10. Meters required.

All water services shall be metered and billings will be generated based on the meter reading. The Water Department reserves the right to estimate water consumption when it is not possible or practical to obtain a reading or when a meter fails to properly register the water passing through it. The Village of Mayville reserves the right to maintain non-metered services for municipal use and for fire protection purposes, including sprinklers. Meters remain the property of the Water Department.

SECTION 11. Multiple metering.

More than one meter may be installed in a single building to service more than one account. Each meter will incur the minimum billing charges. Accounts may be in the name of either the building owner or a tenant. In any event, unpaid water bills will be the responsibility of the property owner. Unpaid water charges may be placed upon the real property taxes as provided in Article 11 of Village Law. No sub-metering or subtractive metering for purposes of water billing shall be permitted.

SECTION 12. Meter repairs.

The Water Department shall make all meter repairs, and all persons other than employees of the Water Department are strictly prohibited from tampering with meters in any way. Repairs will be made without any charge to the customer except where the meter has been stolen or damaged due to freezing, abuse, fire, hot water or other similar cause. In these cases, the repair or replacement will be billed to the associated account.

SECTION 13. Meter accuracy.

The Water Department strives to keep all meters in good repair so that they record accurately the actual water usage. The Water Department will change any meter that is, in the opinion of the Water Department, not properly registering. The Water Department may estimate usage for purposes of billing when a meter fails to record usage. In the event that the customer requests a meter change as a result of suspected inaccuracy, only the previous billing period shall be so adjusted by the percentage of inaccuracy found when the meter is tested. If the test shows that the meter is two (2) percent or less fast, or any amount slow, no billing adjustment will be made. No charge will be made the first time the meter is tested at the customer's request, however, all such subsequent requests within one (1) year shall be subject to a billable fee established as part of the water rates schedule to be adopted by resolution of the Board of Trustees.

SECTION 14. Accessibility of premises.

All premises taking water service, and all premises applying for same, must be accessible and open to the inspection and for the reading of meters by Water Department personnel at all reasonable hours. In the

event that the premises is not made available to the Water Department for purposes of inspection or meter reading, the Water Department reserves the right to shut off the water service. Should it be impossible for the Water Department to obtain an accurate reading within any one (1) year period, the service may be disconnected until such time that a reading can be obtained.

SECTION 15. Emergency shut-offs; Interruptions in service.

The Water Department reserves the right to shut off water services in case of fire, repairs or for such other reason deemed necessary. When possible, the Water Department will attempt to give due notice by telephone, mail, newspaper, radio, television broadcast, or by person to consumers affected thereby. Consumers are cautioned to take whatever steps they deem necessary to prevent damage to boilers or other apparatus that may be affected. However, in no case shall the Water Department be held liable for any interruption in water service for any cause whatsoever and that the Village of Mayville shall further not be liable for any damage caused by the bursting or breaking of any main or service pipe or any attachment made to the water system.

SECTION 16. Waste of water.

No person shall on any pretense or for any reason be permitted to waste water. In case any person deliberately, intentionally or unnecessarily wastes or allows to be wasted any water upon his premises, whether such water is paid for by meter or not, upon the discovery of such willful waste, the water to said customer may be shut off by the Water Department until the Public Works Superintendent is satisfied that the waste of water will be stopped.

SECTION 17. Frozen water services.

The Water Department will endeavor to thaw frozen water services at no charge to the customer. However, the Water Department is not obligated to thaw said frozen services and is not liable for any action in attempting to thaw the service. In the event that the service cannot be thawed in a reasonable amount of time, the customer will be advised to obtain the services of a plumber.

SECTION 18. Refreezing of water service.

The Water Department may suggest that the customer leave water flowing to prevent refreezing, however, no adjustment will be made to the customer's bill for the extra water consumed. The Water Department will not attempt to re-thaw a frozen service where the customer has not let the water run when this method has been recommended by the Water Department. Should the Water Department request that a customer leave water running to prevent a main belonging to the Water Department from freezing, then the customer's water bill will be adjusted to compensate for the additional usage.

SECTION 19. Rates.

The Board of Trustees of the Village of Mayville shall establish by resolution all rates and charges for water service for all customer classes, both inside and outside of the Village limits. These rates

and charges may be modified from time to time by resolution of the Board as deemed necessary. Said rate structure shall have the same effect as if it were fully set forth in this Local Law. Said rates shall include, but are not limited to, water tap fees for various sizes of services, minimum billing charges, charges for gallons used, re-connection fees, non-metered usage fees, miscellaneous service charges, and any other appropriate fee for water services that may be established in the resolution.

SECTION 20. Billing.

(A) Billing shall be done at such periods as may be determined by the Board of Trustees of the Village of Mayville. Unpaid water bills or other water service charges shall be placed on the real property taxes of the respective tax bill as provided by Village Law, Article 11.

(B) No billing shall be prorated, in regard to the minimum customer charge, when an old customer leaves the system or a new customer comes into the system. Each bill rendered will have the full minimum customer charge.

(C) Requests for new customer billing and for final readings shall be made in writing on forms provided for this purpose by the Village of Mayville Water Department. Meter readings will be taken by the Water Department within three (3) working days. No request for a final reading may be "back dated" by the customer unless it is agreed to by the new customer. In the case of a "back dated" final reading, the last reading obtained by the Water Department shall be used.

(D) Failure to receive a bill does not entitle the customer to pay without late charges being incurred. US Postal Service postmark shall be conclusive evidence of the date of mailing of the customer's remittance which shall be considered to be timely paid if such date is on or before the "last day to pay" date specified on the bill. Should the "last day to pay" fall on a holiday or weekend, then the bill will be considered to be timely paid on the next business day.

(E) No water billing will be adjusted because water was running as a result of leaky fixtures or plumbing or because the customer cannot account for its use.

(F) All billings will be considered to be accepted as being accurate by the customer unless the customer notifies the Water Department to the contrary within thirty (30) days from the billing date. In the event that an error was made in reading the meter, or that the bill was incorrectly computed, a corrected bill will be given to the customer. In the event that the bill is disputed, the date to pay without penalty will not be extended, but the amount of penalty will be calculated using the corrected billing information.

SECTION 21. Returned checks.

In the event that a customer makes payment on a water account with a check that is returned to the Village of Mayville due to insufficient funds, closed account or other similar circumstance, a service charge shall be charged, for each returned check, against the account, or accounts, affected. Said service charge shall be set as part of the

rate structure as established by resolution of the Board of Trustees and shall become an integral part of the rates.

SECTION 22. Billable accounts.

(A) Every premises connected to a water main will incur a service billing, regardless of whether water is used or not, or whether the meter has been removed either because occupancy is seasonal, occasional, or the structure or lot is vacant.

(B) No bill will be rendered where the service connection has been disconnected and capped at the street valve by the Village of Mayville Water Department. However, a new tap charge will apply before water is restored to a service that has been disconnected at the street.

SECTION 23. Payment policy for customers located outside of Village or for customers who are exempt from real property taxes.

Because unpaid water charges cannot be placed on real property taxes outside of the Village, or on those parcels exempt from real property taxes, the following shall apply:

1. Water service shall be disconnected if a balance remains unpaid in excess of thirty (30) days from the date of billing.
2. A reconnect fee, as determined in the rates, shall be paid in addition to the unpaid balance before service is restored.
3. The hours for re-connection of services disconnected due to nonpayment shall be between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday. No reconnects will be made on weekends or holidays.
4. At least ten (10) days prior to the disconnection of service, said customer shall be so notified in writing via one of the following methods: by personally delivering notice to the customer, by posting the notice in a conspicuous location at the premises, or by mailing the notice via US Postal Service by first class mail.

SECTION 24. Private well prohibited.

The addition of new water wells within the Village of Mayville could lessen the quality and/or quantity of water available for its customers and might lead to uncontrolled infiltration or contamination of the water aquifer supplying the Village water system. Due to this potential substantial health and safety threat, it is hereby prohibited to drill new private water wells within the geographic confines of the Village of Mayville. Nothing in this local law shall restrict the Village of Mayville from drilling new water wells to increase the source of supply to the municipal water system.

SECTION 25. Watershed regulations.

The Village of Mayville Board of Trustees is hereby empowered to establish by resolution, and to modify from time to time, watershed rules and regulations. Said watershed rules and regulations shall comply with the requirements of the New York State Health Department and Public Health Law as well as any rule, regulation or law implemented by the United States and/or the Environmental Protection Agency. Said watershed rules and regulations shall by reference become a part of this local law for the purposes of violations and enforcement provisions the same as if they were set forth herein in their entirety.

SECTION 26. Customer requested disconnects/reconnects.

The Village of Mayville Water Department will make all customer requested water service turn-ons and turn-offs at no charge to the customer between the hours of 7:30 a.m. and 3:30 p.m., Monday through Friday, excluding holidays. All such requests during all other hours shall require payment of a service charge as established in the rates as adopted by the Board of Trustees.

SECTION 27. Water pressures.

Water pressures will vary throughout the Water Department service area. Customers are cautioned that pressure could reach 200 PSI. It shall be the responsibility of each customer to take necessary steps to increase or reduce water pressure at their own expense to suit their individual requirements.

SECTION 28. Protection of Public Water System at service connection.

1. Each service connection from a public water system for supplying water to premises having an auxiliary water supply shall be protected against backflow of water from the premises into the public water system, unless the auxiliary water supply is approved as an additional source by the water purveyor and is satisfactory to the public health agency having jurisdiction with regard to quality and safety.
2. Each service connection from a public water system for supplying water to premises, on which any substance is handled under pressure in such fashion as to permit entry into the water system, shall be protected against backflow of the water from the premises into the public system. This shall include the handling of process waters and waters originating from the public water supply system which may have been subject to deterioration in sanitary or chemical quality.
3. Each service connection from a public water system for supplying water to premises on which a substance of unusually toxic concentration or danger to health is handled in liquid form, even though it is not under pressure, shall be protected against backflow of the water from premises into the public system. Examples are plating factories, using cyanide and hospitals. This is not intended to apply to normal household installations.

4. Backflow prevention devices shall be installed on the service connection to any premises that have internal cross-connections, unless such cross-connections are abated to the satisfaction of the water purveyor. It shall be the responsibility of the water user to provide and maintain these protective devices, and each one must be of a type acceptable to the State Health Department.

5. Backflow devices shall be an approved air gap, reduced pressure zone device, double check valve assembly or equivalent protective device consistent with the degree of hazard posed by any service connection.

6. Users of such connections shall submit plans for the installation of protective devices to the supplier of water and/or the State for approval.

7. All protective devices shall be tested at least annually. Records of such shall be made available to and maintained by the supplier of water. Such tests shall be conducted by certified backflow prevention device testers pursuant to the New York State Department of Health requirements.

8. See additional requirements contained in Village of Mayville Local Law #2-1973, "A Local Law Regulating Cross-Connections in the Public Water System."

SECTION 29. Severability.

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

SECTION 30. Enforcement

(A) The provisions of this local law shall be enforceable by the Mayor, any member of the Board of Trustees, any peace officer, any police officer, or any agent duly authorized by resolution of the Board of Trustees.

(B) An action or proceeding in the name of the Village of Mayville may be maintained to enforce this local law.

SECTION 31. Penalties.

Failure to comply with any provision of this local law or rules or regulations adopted pursuant to this local law shall be deemed a violation and the violator shall be liable for a fine of not more than \$250.00 or imprisonment of not more than fifteen (15) days, or both, and each day such violation continues shall constitute a separate violation.

SECTION 32. Effective date.

This local law shall take effect immediately.