

VILLAGE OF CLAYVILLE  
LOCAL LAW #2/CALENDAR YEAR 2018  
"WATER SERVICE AND SEWER DELINQUENCY LAW"  
NOVEMBER 8, 2018

I Purpose

It is the purpose of the Village of Clayville to:

- A. Furnish adequate supply of pure and wholesome water to the residences and to business establishments in the Village of Clayville and its immediate vicinity.
- B. Supply sufficient water with sufficient pressure in its water supply system to adequately protect the buildings in said town from damage or destruction from fire.
- C. To properly maintain, improve and extend the water supply system:
  - 1. Primarily for the benefit of the water users and taxpayers within the Village.

II Applicability

This chapter shall be a local law applicable to all property and water users within the Village of Clayville as terms of a contract in accordance with which water is to be supplied to all Village wide users.

III. Definitions:

- A. The term "Village" shall mean the Village of Clayville and/or the Village of Clayville Water Supply System.
- B. The term "consumer", "customer", or "applicant" shall mean the individual, firm, association, corporation, landlord, or owner whose name the Village of Clayville has on its books as the party who applied for the water service, or any individual firm, association, corporation, landlord, or owner who uses the water service.
- C. The term "family" shall be one (1) or more persons occupying a single premises or unit.
- D. The term "main" shall mean the supply pipe laid in the streets and right-of-way from which service connections are made for the supply of water to consumers.
- E. "Lateral pipe" shall mean the line from the main to the curb-stop.

- F. The term "service pipe" shall mean the pipe leading from the curb stop to the meter or to the internal piping system on the premises of the consumer.
- G. The term "premises" and/or "unit" as used herein shall be defined as follows:
  - 1. A building under (1) roof owned or leased by one (1) customer and occupied as one (1) residence or by one (1) place of business.
  - 2. A combination of buildings owned or leased by one (1) customer, in one (1) common enclosure, occupied by (1) family or one (1) corporation or firm as a residence or place of business.
  - 3. Each separate unit of a multiple house or building occupied by one (1) family or one (1) firm as a residence or place of business.
- H. Annual Capital Charge — The term annual capital charge shall be annual charge levied annually against each unit. It shall be calculated annually by dividing one half the annual water fund budget by the actual number of units in the system each year.
- I. The term "cross connection" means a physical connection through which a water supply could be contaminated.

#### IV. Water Units

The purpose of assigning number of units is to establish the basis for the annual capital charge. The unit system shall be as follows:

- A. Each single-family dwelling shall be charged at the rate of one (1) unit.
- B. Each two-family house, apartment house or multiple dwelling shall be charged at the rate of one (1) unit for each apartment or dwelling unit.
- C. Each business activity in a residence with separate plumbing facilities for the business shall be charged at the rate of an additional one (1) unit
- D. Commercial establishments, including but not limited to, retail stores, gas stations or garages, wholesale distributors, light manufactures, barber and beauty shops, banks, post offices, funeral homes, professional and business offices, lunch bars, restaurants, day care centers, adult care centers, or other types of business enterprises not heretofore or hereinafter described, shall be

charged at the rate of one (1) unit per commercial space whether occupied or not

- E. Laundromats containing washers for public use shall be charged on the basis of one (1) unit for every four washers or fractions thereof.
- F. Car washes shall be charged on the basis of one (1) unit per stall.
- G. Churches, lodges and religious or charitable organizations shall be charged at the rate of one (1) unit
- H. Public schools, hotels, motels and similar properties shall be charged on the basis of one (1) unit per every two (2) bathrooms or fraction thereof.
- I. Industrial plants shall be charged at the rate of one (1) unit per every two (2) bathrooms or fractions thereof.
- J. Nursing homes shall be charged at the rate of one (1) unit per five (5) patients.
- K. In the event that use of any parcel or real property combines two (2) or more of the classifications herein set forth (except public schools), the number of units in each classification shall be determined, and the total thereof shall constitute the number of units to be charged to the entire parcel.
- L. Any vacant lot shall be assigned one (1) unit.

V. Application for Service

- A. May be made in writing on the forms provided, to the Clayville Village Clerk.
- B. Applications will be accepted subject to there being an existing water main and lateral pipe in a street or right-of-way abutting the premises to be served but acceptance shall in no way obligate the Village of Clayville to extend water mains or lateral pipes within the Village of Clayville to serve new or additional premises.

VI. Installation of Service Pipe

Customers shall furnish and install, at their expense, the service pipe from the curb stop to the house being served. All service pipes shall be buried with at least four and one-half (4-1/2") feet of cover. The single-family home service pipe shall be three quarter inch diameter and shall be 200 psi rated Polyethylene meeting AWWA C-901. The Village of Clayville reserves the right, in all other cases, to stipulate the size and type of service connections to be used.

## VII. Maintenance of Service Pipe

All service pipes are owned and shall be maintained, repaired or replaced by the property owner. Service pipes are the (3/4") inch or larger pipes beginning at but not including the curb stop located on the property line/highway boundary and running into the home being served. The Village of Clayville shall have the right to test service pipes for leaking at any time. Should investigation disclose a leak in the service pipe, the owner will be notified in writing. Such notice will inform the owner that if the repairs are not made within ten (10) days of receipt, the Village of Clayville will shut off the water service.

If the leak is between an existing usable curb stop and the home, the curb stop will be closed to control the leakage. If the leak is between the corporation stop at the water main and the curb stop then the Village of Clayville will make the necessary pavement cuts, excavation and/or repairs.

Any cost incurred by the Village of Clayville investigating leaks that are determined to be on the customer's service pipe will be charged to the customer. Any cost incurred by the Village of Clayville investigating leaks that are determined to be on the lateral pipe shall be paid by said Village.

## VIII. Extension of New Water Mains or Lateral Pipes

A. An owner or developer of undeveloped property within the Village of Clayville may, at their own cost and expense, construct new water mains to serve proposed new homes or commercial property, which are located adjacent to existing water mains. The new water mains shall be designed by a professional engineer licensed by the State of New York in accordance with the Recommended Standards for Water Works as adopted by the Great Lakes-Upper Mississippi River Board of State Health and Environmental Engineers, Part 5, Subpart 5-1 of the New York State Public Health Law and standards of construction as may be adopted from time to time by the Village of Clayville.

The Village of Clayville shall in no way be obligated to extend water mains within the Village of Clayville to serve new or additional premises.

B. The owner or developer of undeveloped property within the Village of Clayville, which is adjacent to an existing water main but not provided with a lateral pipe, may petition the Village of Clayville to construct said lateral pipe. The Village of Clayville shall make all pavement cuts, excavation, tapping operations and provide all pipe and fittings to be installed within the highway or other right of way. The owner or developer requesting the lateral pipe shall pay the Village of Clayville a sum, to be determined from time to time, to reasonably represent the actual cost of constructing said lateral pipe.

- C. Upon construction, satisfactory to the Village of Clayville, of any new water main or lateral pipe, within a highway or other right-of-way, the owner or developer shall dedicate (i.e. turn over ownership) those facilities to the Village of Clayville. The Village of Clayville shall thereafter be responsible for maintenance, repair or replacement of those facilities.

IX. Limitations on Service Lines

- A. Each property owner served by the water system shall have a separate and individual tap into the main, unless otherwise approved by the Board of the Village of Clayville.
- B. No pipes or fixtures connected with the mains of the Village of Clayville shall also be connected with pipes or fixtures supplied with water from any other sources. NO CROSS CONNECTIONS!

X. Removal or Replacements

- A. In case of removal or replacement of the service pipe, the old service must be removed or abandoned, and the old corporation cock turned off at the main before the new corporation cock will be turned on. Where a building is demolished, water service is to be shut off at the main by the contractor, owner, architect or engineer handling the project, upon due notice to the Village.

XI. Pressure and Curb Boxes

- A. Service pipes of all sizes, together with all plumbing fixtures, shall be able to stand a pressure of 150 pounds per square inch. Each installation shall be equipped with a curb-stop and curb-box located at an approved location.
- B. The Village of Clayville is authorized as a condition of service, to operate the curb cock as required. The iron cover of the curb-box must be kept level with the surface of the ground and always in sight

XII. Installation and Repair Services

- A. A 5/8" water meter will be furnished, installed and maintained by the Water Department. Meters larger than 5/8" will also be provided by the Village of Clayville, however, the difference in cost between the 5/8" meter and a larger size will be billed by the Village of Clayville to the customer. The sizes of the meter required for any service shall be determined from the information supplied by the customer or his agent, architect or engineer. All meters shall be set as nearly as possible at the place of entrance of the service pipe to the

building. Special care should be given to locating the meter to prevent freezing. There will be a charge for repairing meters damaged by freezing or hot water, payable at the time of regular billings. The charge will be the cost of labor and materials.

- B. The Water Department shall have the right to test, charge, inspect, replace, repair or remove any meter at any time within reasonable hours.

### XIII. Access to Premises

- A. The Water Department, through its properly authorized agents, shall have free access to the premises supplied, for the purpose of ascertaining the quantity of water used, the manner of its use, and also that the meter or other apparatus or appliance belonging to the Water Department are properly protected and in good condition. If such access is refused, the Water Department may immediately discontinue the service without further notice.
- B. It shall be the duty of all customers to see that meters on service connections wherever located, shall be readily accessible at all reasonable times to the agents or inspectors of the Water Department. Failure to remove any obstruction which prevents access to the meter within three days after being notified by the Water Department will be just cause to have the water shut off from the premises and it shall not be turned on again until all obstructions are removed, and all regulations complied with.

### XIV. Testing Meters Upon Request

- A. The Village of Clayville and/or the Water Department will test the accuracy of domestic meters upon request of the customer. Should the meter on test show a registration in excess of two percent (2%) in favor of the Water Department, the bill will be adjusted accordingly, and the cost of the excess water usage exceeding the two previous readings shall be credited to the account. Where no such error is found, the customer will be charged for the cost of the test.

### XV. Notice to Customers

- A. Whenever any notice is required to be given by the Village of Clayville and/or the Water Department under these regulations, the same shall be signed by the Mayor or employee of the Water Department and shall be served by enclosing a copy thereof in an envelope, with postage prepaid, addressed to the person, firm, association or corporation to be notified as the same appears on the records of the Water Department, or Village Clerk or Town Assessor and notice so given shall be conclusively deemed to have been served at the time

of mailing. Notice may also be served by delivering a copy to the customer personally.

#### XVI. Interruption of Service

- A. The Water Department does not guarantee constant pressure nor uninterrupted service, nor does it assure the customer full volume of water or the required pressure per square inch necessary effectually to operate appliances of any kind, the same being subject to all variable conditions that may occur in the use of water from the distribution mains.
- B. No customer shall be entitled to damages or to have any payment refunded for any interruption of service:
  - 1. Occasioned by accident to any portion of the works.
  - 2. For the purpose of making additions or repairs.
  - 3. Due to causes that are beyond the control of the Water Department (excessive draft or flow from the water source, excessive use, or water by other customers).
  - 4. Lack of water supply.
- C. The Water Department will not be responsible for damages caused by roily water resulting from the opening or closing of any pipe when the same is due to no lack of reasonable care on the part of the Water Department.
- D. The Water Department assumes no liability for conditions which may exist in customers pipes or appliances and which may cause trouble coincident with or following repairs to any distribution main, supply main, meter, or other appliances belonging to the Water Department
- E. The Water Department reserves the right at any time, without notice, to shut off the water in its distribution mains for the purpose of making repairs, extensions or for other necessary purposes. All persons having boilers or other appliances on their premises, depending on the pressure in the pipes to keep them supplied with water are hereby cautioned against danger from these sources and are required to provide at their own expenses, the necessary safe guards, namely low-water cut-offs and pressure control to shut the feed off.

#### XVII. Discontinue of Service

The customer's service may be discontinued for any of the following reasons:

- A. The use of water for any other property than that described in the application
- B. Failure to maintain in good order connections or service lines owned by the customer, after due notice has been given by the Water Department.
- C. Vacancy of premises.
- D. Refusal of customer after notice in writing to maintain and relocate his meter to an approved location.
- E. Use of water through connections on the street side of the meter.
- F. Molesting any service pipe, seal, meter or any other connection or appliance used in providing water service.
- G. Nonpayment of bills for water or services rendered by the Village of Clayville water supply as heretofore set forth.
- H. Cross-connecting pipes carrying water supplied by the Village of Clayville with any other source of water supply.
- I. Not allowing reasonable access to the customer's premises for the purpose of inspecting fixtures and piping, repairing, testing or removing meters.
- J. Reselling water.
- K. Reinstatement of water services can be accomplished only by paying in full with good and certified funds, all charges, penalties and fees due at the time of the reconnect.

XVIII. Rates and Charges

- A. The Village of Clayville Board reserves the right to levy such charges for metered water as it deems necessary. These levies will be separate from this law and controlled by resolution of the Village Board after a proper public hearing. All meters will be read on a quarterly basis and the readings filed with the Village Clerk.
  - 1. The quantity of water registered by the meter on the customer premises, whether used or wasted, shall be accepted by the customer as the amount to be paid. Bills shall be rendered on the basis of the reading of meters.
  - 2. If a meter has ceased to register or is obviously registering inaccurately as determined by the Water Department, the customer shall be billed based



on the average volume of water used during a corresponding semi-annual period for the past two (2) years.

3. Water use charges are payable on the meter reading or estimate of water consumed when the bill is presented.
4. Minimum water charges apply whether or not the meter remains on the premises during suspension of water services.
5. Those residents having access to Village water but not using it shall pay the annual water improvement charge only.
6. Relevy of administrative charge(s): Five (5) per cent of the delinquent customer bill, applicable to both water and sewer accounts.

B. Annual Capital Charge:

The Village Board reserves the right to establish and levy annual charges to be assessed by units as defined by Section IV of this local law. This levy will appear on each and every Town tax statement.

XIX. Payment

- A. If water bills are not paid on or before thirty (30) days from the date of billing, a penalty fee of 10% will be added. Notice will be then given and fifteen (15) days allowed for payment in full or service may be disconnected. Reinstatement of water service can be accomplished ONLY by paying in full all charges, penalties, and fees due at the time to reconnect. Uncollected water charges due from inside the Village will be relevied on the Village property tax.
- B. Water bills may be paid by mail and must be postmarked on or before last date acceptable to avoid penalty.
- C. The Village Board shall determine the number of units to be charged to each parcel of real property, pursuant to Section IV of this law and based upon the number of "curb-stops". The Village Clerk shall keep a record of all owners of real property within the Village and the Village Clerk in cooperation with the Town Assessor shall maintain this record and indicate the classification or classifications of each parcel of real property and the number of units/curb stops charged to such property.
- D. Bills shall be mailed to the owners of such property at the address to which the Village of Clayville tax bills are mailed. Failure of any owner or designated agent

to receive a bill promptly shall not excuse nonpayment of same as herein provided and in the event an owner fails to receive a bill promptly, he shall obtain a bill at the office of the Village Clerk.

- E. The customer shall be charged the sum of thirty (\$30.00) dollars any and every time the representative of the Water Board is required to shut off and/or terminate water service. The customer shall be charged thirty (\$30.00) dollars each and every time that a water service is reinstated.
- F. In the event there is any illegal hook up to the water service without a permit or authorization from the Village Board the penalty shall be the sum of twenty-five hundred (\$2,500.00) dollars.

XX. Transfer of Ownership or Change to Tenants;

Upon transfer of ownership or occupancy, the present owner or occupant must make written request for a final meter reading and satisfy any unpaid balance before the responsibility will be conveyed to the new owner. Failure to do so will result in any unpaid balance transferring to the new owner.

XXI. Discontinuance and Renewal of Service

Upon the written order of the customer, providing this request meets all applicable health and safety laws and regulations, water will be turned off from any premises without in any way affecting the existing agreement for service. Unit charges will continue to be assessed.

XXII. Special Conditions for Extending the Water District

- A. The Village Board may provide water to a residence by either extending the existing Water District or creating a special Water District. The extension would consist of residents located along the route of the main from the water storage tank or water main extensions may be created as determined by the Village Board in the best interest of the Village of Clayville and in what manner the cost of construction shall be allocated. The Village Board shall have the option to either extend the existing water district or to create a special district.
- B. Any provision of water to such a Water District will depend on availability of sufficient water quantity to provide for the Village water usage as determined on the reasonable discretion of the Village Engineer.

XXIII. Cross Connection Elimination and Abandonment of Existing Water Sources

Upon connection of a water customer to the Municipal Water System all connections to preexisting private water sources shall be eliminated to prevent the intermingling and potential contamination by the private water sources of the Municipal Water. The customer may maintain and continue to use such private water sources for irrigation, car washing, or other outdoor non-potable water uses. In the event the homeowner elects not to maintain and continue to use any private water source, it shall be abandoned in accordance with NYSDEC regulations to prevent groundwater contamination or other physical hazard.

XXIV. General Rules Emergencies

- A. Except as specifically authorized by the Village of Clayville Board or the fire chief in consultation with the certified water operator of the Village or alternatively the Town of Paris, fire hydrants will not be used for any other purpose than for fire protection.
- B. No person, with the exception of the Village Mayor, and in consultation with the certified water operator of the village, or alternatively the certified water operator of the Town of Paris, may declare a water emergency.
- C. For the purposes of this item, a water emergency shall be deemed to have occurred when:
  - 1. A mechanical failure exists in the pumping system.
  - 2. There is an insufficient supply of water in the water storage system.
  - 3. If, for a valid reason, the Village Mayor in consultation with the certified water operator or Fire Chief determines that circumstances exist, with respect to said water supply, which jeopardize either the quality or the amount of the supply of water to the Village or which threaten both the safety and well-being of the residents of the Village.
- D. Upon declaration of water emergency as above, customers must follow the directives issued by the person declaring said water emergency. The customers will be limited to using only that amount of water allowed to be used pursuant to the directives issued by the person declaring said water emergency. Any excessive or improper water usage will be considered a violation of this chapter, and grounds for immediate discontinuance of service.

XXV. Conflicts and Separability

- A. CONFLICTS: All local laws or parts of local laws in conflict herewith are hereby repealed.
- B. SEPARABILITY: The invalidity of any section, clause, sentence or provision of this local law shall not affect the validity of any other part of this local law, which can be given effect without such invalid part or parts.

XXVI. Local Law in Force

This local law shall be in full force and effect from and after its passage, approval, recording and publication, thirty (30) days following receipt for filing by the New York State Department of State.