

WATER

Chapter 58

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[HISTORY: Adopted Attica Village Board 5-19-66. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers – See Ch. 42.

S 58-1. Rules part of contract.

The obligation of the Village of Attica to supply water to any person or consumer therein shall be contingent upon strict conformance with the provisions of this chapter by said consumer. Whenever any provision in this chapter shall be violated by any person to whom the village supplies water, the water supply to that person shall be shut off without notice and the consumer shall forfeit all payments made, and the water shall not be turned on again until all unpaid rents and charges are paid, together with a charge of three dollars (\$3.) for turning on same.

S 58-2. Application.

All persons, firms or corporations hereafter desiring a water supply from the Village of Attica shall first make a written application to the Village Clerk, stating fully the several and various uses for which the water is to be used. Such application shall be signed by the owner of the premises or his duly authorized agent, whereupon a permit to perform said work shall be issued. All persons desiring a water supply from the Village of Attica shall employ only capable plumbers, and when such work is completed to the satisfaction of the Superintendent of Public Works of the Village of Attica and in compliance with all the rules and regulations and all payments of the water rates and all other expenses due the Village of Attica are made at the Village Clerk's office, then water shall be turned on the premises.

S 58-3. Expenses.

All expenses attending the introduction of water from the curb box into any premises shall be paid by the applicant. All the expenses attending the installation of the water meter or new or discontinued services, except the cost of the meter and installation of the same, shall be paid by the applicant, and the applicant shall maintain the service at his own expense and shall maintain the same in a satisfactory and efficient condition, subject at all times to the inspection of a duly authorized agent of the Board of Trustees.

S 58-4. Plumbers.

The plumber employed and designated by the owner of the premises shall be considered as the agent of said owner while employed in the prosecution of the work of introducing water into said premises and shall not be recognized in any sense as the agent of the Village of Attica, nor shall said village hold itself responsible for the acts of said plumber.

S 58-5. Equipment, cost and maintenance.

The Board of Trustees or the Superintendent of Public Works shall determine the size of the taps to be inserted in any water main and the form and size of the curb box to be used under any application and permit; the corporation stop to be a type approved by the village; the curb stop to be an inverted key type approved by the village; said tap and equipment from the main to the curb shall be installed by the village and actual cost charged to the property. After installation, same shall become the property of the village and maintained by the village.

S 58-6. Connections to be made only by village employees.

The work of inserting the taps, tees, and connections in any water main shall be done only by persons employed by the village, and all such taps shall be made at the side of the main.

S 58-7. Service from main to curb box to be maintained by village.

Service from the main to and including the curb box shall be maintained and kept in repair by the village, at the expense of the village, unless injured or damaged through no fault of the village.

S 58-8. Placement of curb boxes.

In cases where the curb boxes and street boxes are set in flagging or pavement of the sidewalks, the stones shall be neatly cut off and the top of the box set even with the surface of the pavement and in all other cases flush with the surface of the sidewalks.

S 58-9. Application for water.

Owners of premises desiring to introduce water into any such premises, along or in front of which water mains have not been laid shall make application therefore to the Board of Trustees.

S 58-10. Distance of service below the surface.

The owner receiving the permit for the introduction of the water service into his or her premises and the plumber doing the work shall be required to cause said service to be placed not less than four (4) feet below the surface of the earth.

S 58-11. Water pipe not to be laid in same trench with sewer.

Any water pipe which is to operate as a water main shall not be laid in the same trench with the sewer, either public or private, and no water service shall be laid in the same trench with a lateral sewer under any circumstances.

S 58-12. Property owner to maintain service pipe and fixtures.

The owner of the property into which water is introduced by a service pipe shall be required to maintain in perfect order and repair at his own expense the said service pipe and its fixtures and appurtenances from the curb box on into the building up to the water. In case said service and fixtures are not so kept in perfect repair the Superintendent of Public Works or any of his authorized employees may shut off the supply of water there from after notice.

S 58-13. Specifications for service pipe.

- A. No service line shall be less than three-fourths (3/4) inch in diameter and the same shall be of Type "K" copper or of approved standard, passed by the Superintendent of Public Works. All service piping shall be supplied with a corporation cock at main and service cock and extension service box between the walk and curb lines, and in each case to be placed within lines of premises supplied and placed so it can be readily seen and easy of access. Every plumber before covering any service pipes shall notify the Superintendent of Public Works for his inspection.
- B. Just inside the basement wall into which a service pipe extends, a stop and waste cock shall be conveniently located.

S 58-14. Turning water on.

Water shall be turned on the premises only after the plumber has completed the work as required by these rules and ordinances. The curb cock controlling any service shall not be left open by the plumber or any other person after connecting said service with the street main or after making any new extension in unoccupied premises so that the water may be supplied to said premises by said service without a written permit from the Village Clerk. But in cases where the water is then in use and when a permit has been duly obtained for same, then the plumber may leave the water on the premises and the owner shall be charged for the additional use from the date of the application.

S 58-15. Cut out entitled. are supplied by the same service pipe, the failure of any one (1) of the number to pay the water rents when due or to comply with any rule or ordinance shall authorize the village to turn off the water from said pipe unless the rates, rules, terms and conditions are complied with; or, at the option of the village, all unpaid bills shall be declared a lien against the property.

S 58-18. Village employees to enter premises.

The Superintendent of Public Works, or any other employee of the village authorized by the Board of Trustees, their agents and assistants, may enter the premises of any consumer at any reasonable time to examine the pipes, fixtures and outlets, the quantity of water used and the manner of its use; and in case of fraudulent representation on the part of the consumer or unnecessary waste of water, all payments made shall be forfeited and the water supply shut off.

S 58-19. Limitation of the amount of water supplied.

The Board of Trustees may limit the amount of water supplied to any consumer when circumstances warrant such action, although no limit be stated in the application or permit for such use, or said Board may entirely cut off the use for any manufacturing purposes or any use for supplying power at any time by giving reasonable notice of such intended action.

S 58-20. Owner chargeable with water lost from service piping.

The owner of the premises to which water is supplied shall be chargeable with all water taken from the village mains and, if leaks occur in the service lines between the curb box and the meter, the Village Clerk with the aid of the Superintendent of Public works, shall estimate the amount of water lost by said leaks and charge the same to the owner of the premises.

S 58-21. Discontinuance of use of water.

- A. Any owner or consumer wishing to discontinue the use of water from the village water system shall give a written notice thereof at the Village Clerk's office and he shall be charged with the use until such notice is given.
- B. Whenever water has been turned off by the officers or agents of the village, no person who is not duly authorized by the Board of Trustees to do so shall be permitted to turn the same on again, and when water is turned off for nonpayment of rents or violations of any rule, regulation or ordinance, it shall not be turned on again until the party in default shall have paid all rents due and the amount of all penalties which may be imposed by these regulations or by resolution of the Board of Trustees.

S 58-22. Water for builder's use.

No contractor shall take un-metered water from the village without a builder's permit for each separate job, and shall make application at the office of the Village Clerk for such permission therefore and agree to pay such rent therefore as the Board of Trustees may prescribe.

S 58-23. Fire hydrants.

No person or persons are permitted to open any fire plug or hydrant or to draw water there from except by permission of the Village Clerk and under the direction of the Superintendent of Public Works and also excepting that the Chief of the Fire Department, his assistants, officers and members of the Fire Department are authorized to use the hydrants for the purpose of extinguishing fires, cleaning engines, hose or department materials or making trials of the engine or hose of the Department; but all such cases shall be under the supervision and direction of the Chief of the Fire Department or the Assistant Chiefs, and in no event shall any incompetent and inexperienced person be allowed to control or manipulate in any way any hydrant, plug or other fixture.

S 58-24. Valves and mains.

No person or persons except the Superintendent of Public Works or persons acting under his direction shall open or close any valve or gate in the street mains or molest or interfere with the same in any manner whatsoever.

S 58-25. Water service.

All water customers now being supplied on a flat rate basis shall be eventually placed on a meter basis. All meters to be owned by the village except as otherwise specified herein. The expense of the change-over shall be paid by the Village of Attica except where location of service requires changes in design or plan of service, or piping is not for sue, in order to accommodate the meter; then the expense of such change shall be paid by the consumer and shall be added to and become a part of the water rental or charge.

S 58-26. Meters.

No water service shall be given to any customer except through a meter unless otherwise ordered by the resolution of the Board of Trustees. After the meter is attached, any damage which such meter may sustain resulting from carelessness of the owner, agent or tenant, or from the neglect of any of them to properly secure and protect the same or any damage that may result from allowing the water to become frozen or to be injured by hot water or steam setting back from the boiler or from any other cause, shall be paid by the owner on demand and may be added to and become a part of the water rate or charge; and in case such payment is not so made, the water may be shut off from the premises until all charges are paid and the amount of such charges shall be a lien against the property.

S 58-27. Water charged for.

All water passing through a meter shall be charged for whether used or wasted.

S 58-29. Removal of meters.

No meter shall be removed or disturbed without permission from the Village Clerk and approved by the Superintendent of Public Works.

S 58-30. Access to meters.

The owner and tenant shall provide ready and convenient access to the meter so it may be frequently read and examined by the agents or employees of the village, when proper credential are shown.

S 58-31. Testing of meters.

- A. Meters shall be tested upon request. If any meter so tested shall be found to be registering correctly or running slowly or not to exceed two percent (2%) fast, the expense of testing said meter [not less than two dollars (\$2.) in any case] shall be charged to the property owner; all bills for testing meters shall be treated as water bills under these regulations and considered a water rent.
- B. The Superintendent of Public Works may at any reasonable time and at the expense of the village remove and/or test the water meter for the purpose of determining its accuracy in registering.

S 58-32. Freezing.

Where service lines now installed or which may hereafter be installed are not at sufficient depth to prevent freezing, the Superintendent of Public Works may require the owner to lower the service, at his own cost and expense, a sufficient depth to prevent freezing and not less than four (4) feet, and upon failure and neglect to do so, the Board of Trustees may discontinue the service.

S 58-33. Regulations; thawing water lines.

- A. Before the property owner or tenant hires a contractor or individual to thaw a frozen service, he shall notify the Village Office.
- B. The village will furnish an employee to uncover the curb box and insert a street key for the welder connection.
- C. The contractor shall first attempt to thaw the service line between the curb box and the water main.
- D. If the service is frozen in this area, the village will pay the cost of such thawing.
- E. If the service is frozen between the curb box and the residence or building, then the cost of thawing shall be charged to the property owner or tenant.

- F. Unless the village is notified of the property owner's or tenant's intention to thaw his service line and the step found in Subsection C is not done, then the charge for thawing shall be made to the property owner or tenant.
- G. Where the water service has frozen between the main and the curb box and has been thawed at the expense of the village, and the property owner or tenant has been informed to keep the water running to prevent further freezing, and such owner or tenant does not comply, the village will not assume responsibility for future freezing.
- H. Where the water is kept running at the request of the village, an equitable adjustment of the water bill will be made by the village.

S 58-34. Emergency restrictions.

In the case of water shortage, the Superintendent of Public Works may prohibit or limit all lawn or garden sprinkling or any other use of water not necessary for health or sanitation, at any time, if, in the judgment of the Board of Trustees, such action is reasonable for the protection of the water supply.

S 58-35. Water rates within village. [Amended 6-1-1972; 4-28-1977 by L.L. No. 1-1977; 3-16-1989 by L.L. No. 1-1989]

- A. The water rates for metered service for consumers of the water supply furnished by the Village of Attica within the corporate limits of said village, said rates to be computed on a quarterly basis, shall be as follows:
 - (1) For the first six thousand (6,000) gallons per quarter or any portion thereof: six dollars (\$6.).
 - (2) For any water used in excess of six thousand (6,000) gallons per quarter; one dollar and ten cents (\$1.10) per one thousand (1,000) gallons. **[Amended 6-16-1994 by L.L. NO. 2-1994]**
- B. The Board of Trustees reserves the right to enter into a special contract with any commercial user of water using over one hundred thousand (100,000) gallons of water per quarter, establishing different rates for such user.
- C. Any future modification of the water rates set forth herein may be made by the Board of Trustees by resolution.

S 58-36. Water rates outside village. [Amended 3-16-1989 by L.L. No. 1-1989]

- A. The water rates for metered service for consumers of the water supply furnished by the Village of Attica outside the corporate limits of said village, said rates to be computed on a quarterly basis, shall be as follows:
 - (1) For the first six thousand (6,000) gallons per quarter or any portion thereof: twelve dollars (\$12.).

(2) For the remaining gallons used per quarter, the sum of one dollar and sixty-five cents (\$1.65) per one thousand (1,000) gallons. [**Amended 6-16-1994 by L.L. No. 2-1994**]

- B. The Board of Trustees reserves the right to enter into a special contract with any other user of water outside the corporate limits of the Village of Attica using more than one hundred thousand (100,000) gallons per quarter, establishing different rates for such user.
- C. The village shall establish the rate to be charged to the residents of the Town and Village of Alexander, New York, currently using the water supply of the Village of Attica at two dollars (\$2.) per one thousand (1,000) gallons used.
- D. In addition to the water rates for consumers outside the corporation heretofore established, the rental rate of two dollars (\$2.) per quarter for the use of each meter is hereby established. Such rental shall be due and payable each quarter at the same time each consumer's water bill is due.

S 58-37. Abatements.

- A. No credit for vacancies or other abatements from any water bill shall be made unless the owner or consumer shall make written application at the Village Clerk's office for the discontinuance of service, to have the fixture discontinued, to have the service reconnected or other appropriate notice of the abatement claimed, all of which notices shall be made in writing at the Village Clerk's office.
- B. No abatement from any water bill shall be allowed for failure to use the maximum allowed by any minimum semiannual or flat rate.
- C. No abatement for any water bill shall be made in cases where the charge for water results from failure on the part of the owner or consumer to repair promptly any broken, leaky or otherwise defective fixture or service.
- D. No abatement from any water bill shall be made in cases where any fixture is left open for waste of water or continuous flow of same by any tenant or occupant of any premises supplied with village water.
- E. No abatement made in any case shall establish a precedent in any following or ensuing bill, nor for an abatement in any other case, but each case shall be determined upon its merits.
- F. No abatement for any water bill or remittance of any penalty provided by these rules shall be made except with a concurrence of a majority of the members of the Village Board of Trustees, and the Village Clerk shall keep a record of the action in each particular case.

S 58-38. Water rates – when payable. [Amended 10-4-1990 by L.L. No. 4-1990]

- A. All water rates shall be due and payable at the office of the Village Clerk by the due date specified on each bill. A late charge of ten percent (10%) shall be added to any bill not paid by the due date.

- B. Bills shall be sent out to the owner or his duly authorized agent or to the individual or individuals or entities requesting the water service, but the failure to receive a bill promptly shall not excuse a person from paying the bill, and the individual responsible shall demand a bill from the Village Clerk.
- C. Notwithstanding any other remedy or penalty available to the Village of Attica for nonpayment of a water bill, the village shall also be able to disconnect the water supply at any time after the due date on which the bill is due. The village shall send a notice to the user after nonpayment by the due date, at least ten (10) days prior to the disconnection, advising the user that he has ten (10) days to pay the water bill. In the event that payment is not made in that time period, the village has a right to discontinue the water supply anytime after the ten-day notice.
- D. There shall be a charge of fifty dollars (\$50.) for disconnecting and/or reconnecting such water service on account of nonpayment of any water bill.

S 58-39. Private fire protection.

- A. In cases where it is desired to install connections to a private fire protection system, written application shall be made to the Board of Trustees of the Village of Attica setting forth the details thereof. The application shall be accompanied by a sketch or diagram showing the plan of the system to be installed. This plan must be approved by the Board of Trustees of said village previous to any work being done.
- B. The Board of Trustees of the Village of Attica reserves the right to impose specific regulations in connection with the supply to private fire protection systems. The rates for such service shall be as follows:
 - (1) Sprinkler systems shall be charged at the rate of ten cents (\$0.10) per year per sprinkler head. The minimum charge is to be twelve dollars (\$12.) per year.
 - (2) Standpipe service shall be twelve dollars (\$12.) per year. This amount covers all systems having a pipe serving the system, which is not over two (2) inches in diameter. The charge, which shall be in addition to the charge heretofore set forth, will be six dollars (\$6.) per year per inch.
 - (3) Fire hydrants shall be charged at the rate of ten dollars (\$10.) per year per hydrant.
- C. All installations necessary to serve private fire protection systems shall be constructed and maintained at the sole expense of the owner or applicant. Connections for private fire protection purposes shall be properly valued at the expense of the consumer in order to prevent the use of water for any other purpose than those, which are contemplated by this section.

S 58-40. Collection of rates and fines.

- A. All sums charged for water supplied or for expenses for the repair of services, meters, fixtures and all other appurtenances connected with the water system or

for damages to the same or for fines imposed for violation of any rule of the Board of Trustees shall be regarded as due from the owner of the premises and shall be a lien upon the real property until paid. If said sums are not paid on demand the owner of the premises and shall be a lien upon the real property until paid. If said sums are not paid on demand from said owner or occupant of the premises and the water shall be turned off on account of nonpayment, no application for water service for such premises shall be granted by the Board of Trustees or any officer or employee of said village, notwithstanding that said premises shall have changed ownership in any way, until such sums have been paid in full to the Village Clerk.

- B. Nothing herein contained shall prevent the Village of Attica from using any other means or methods of collecting such charges, and any charges unpaid at the time the annual village tax roll is made up may be assessed and levied against the real property and collected with the annual tax in the same manner as any other local assessment.

S 58-41. Prohibited acts.

The following acts are prohibited:

- A. To use the village water or permit its use for any other purpose than that for which the property owner pays water rents.
- B. To take water from any hydrant for any purpose without the written permission from the Village Clerk, except that this prohibition shall not apply to the Fire Department.
- C. To open, close or turn on or interfere with any stop valve, stopcock and gate valve belonging to the Village of Attica.
- D. The malicious, willful, careless or negligent destruction of or injury to any of the works or property in any way connected with the water supply of the Village of Attica.
- E. Any act, which shall injuriously affect or tend to affect the water, the supply of water or any part of the water system of said village.

S 58-42. Penalties for offenses.

Any violation of the rules or regulations contained in this chapter shall be punishable by a penalty of not less than two dollars (\$2.) nor more than fifty dollars (\$50.).

S 58-43. Repealer.

All ordinances, rates, rules or regulations heretofore established and enforced which shall in any manner conflict with the foregoing are hereby repealed.

S 58-44. When effective.

This chapter is to take effect after due posting and publication pursuant to law.

S 58-45. Power of Village Administrator. [Added 3-16-89 by L.L. No. 1-1989]

The Village Administrator or any other person designated by the Village Board shall be considered to have the authority designated to the Superintendent of Public Works by Chapter 58.