

**TOWN OF MOREAU
WATER ORDINANCE AND REGULATIONS**

**ARTICLE I
Legislative Intent and Severability**

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BE IT ENACTED BY THE TOWN OF MOREAU AS FOLLOWS:

§1. Title.

This Local Law shall be known as Local Law No.6 of 2021 for the Town of Moreau establishing rules and regulations for the use and operation of the Town consolidated water district and further setting rates for capital costs and operation and maintenance expenses. Local Law No. 6 of 2021 reads as follows:

§2. Quality.

The quality of the Town of Moreau’s water supply and waterworks is fundamental to the quality of life in the Town. It is hereby declared to be the intent of the Town of Moreau to provide its citizens with waterworks that are of the highest quality possible considering operation and maintenance, materials for construction, water quality, water quantity, water pressure, fire protection, and overall cost.

§3. Impacts.

It shall be the intent of the Town of Moreau to continually consider and assess all the immediate and future impacts on the well-being of the Town and its potable water supply, of all actions taken with regard to expanding, upgrading, and permitting water distribution systems.

§4. Planning.

It shall be the intent of the Town that approval of any new waterworks either within the Town or within any adjoining municipality must include, in addition to any and all other regulatory requirements, an acceptable engineering assessment of how that system could be integrated into the existing Town-wide system and the positive and/or negative impacts that any new system could have on the existing Town system, including municipal and private wells and aquifer supply and quality concerns.

§5. Construction.

It shall be the intent of the Town to require that all new or proposed waterworks be constructed in such a way and of such materials that they meet the minimum standards set by the Town and that there is as much standardization in the system as is practicable.

ARTICLE II
Applicable Standards and Definitions

§6. Severability.

The validity of any section, clause, sentence, or provision of this chapter shall not affect the validity of any other part of this chapter, which can be given effect without such invalid part or parts.

§7. References to standards.

When reference is made to incorporate any statutes, codes, specifications or manuals of practice, said reference shall be to the latest editions thereof.

§8. Applicable standards.

The design, material, and construction methods shall conform to, at a minimum, the requirements of the applicable sections of the current editions and subsequent revisions of the following documents.

- A. Recommended Standards for Water Works, Great Lakes — Upper Mississippi River Board of State Public Health and Environmental Managers.
- B. Rural Water Supply, New York State Department of Health.
- C. Part 75-B, New York State Department of Health, 10 NYCRR.
- D. Subpart 5-1 of New York State Sanitary Code, New York State Department of Health, 10 NYCRR.
- E. AWWA Standards, American Water Works Association.
- F. Fire Suppression Rating Schedule, Insurance Services Offices.
- G. Town of Moreau Water System Standard Requirements (This document may be reviewed in the Town Hall.)

§9. Definitions of terms; word usage.

A. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

APPLICANT — Any individual, firm, company, association, builder, society, person, group or municipality having title to real property or in contract to purchase real property, located within

the Town of Moreau or any of the above having title contiguous thereto and applying for a permit or currently connected to the waterworks system in the Town of Moreau.

CAPITAL COSTS — Those annual fixed costs which the Town must pay to reduce indebtedness bonded or otherwise, which include, but are not limited to, land acquisition, required reserves for repairs, replacements, depreciation, or improvements to the infrastructure of the system and any other cost which is fixed, recurring and which does not include operation and maintenance expenses.

COMMERCIAL SERVICE — Any service for nonresidential buildings for which the usage is not predominately industrial.

CURB BOX — The housing that is located over the curb stop and extends from the curb stop to ground level to provide access for the operation of the curb stop at ground level.

CURB STOP — Shut-off valve on the service line, normally located at the property line.

DISTRICT – Any regularly established water district created under Articles 12 or 12A of the Town Law or any consolidated water district established under Article 17-A of the General Municipal law and governed by the Town of Moreau, New York.

DEPARTMENT — A department or departments which shall be designated by the Town Board to oversee the waterworks.

EDU – Equivalent Dwelling Unit (EDU) is equal to an approximation of the amount of water used by an average single-family dwelling.

ENGINEER — The Professional Engineer retained in connection with the waterworks or the Town Engineer, as designated by the Town Board.

INDUSTRIAL SERVICE — Any service for which the water use is predominantly industrial.

LANDLOCKED – Entirely or almost entirely surrounded by land without access to any dedicated public road or any easement providing access to a dedicated public road.

LARGE SCALE USER – Any development larger than TEN (10) EDUs.

METERED USAGE — The amount of water passing through the water meter.

OWNER – Landowner of record

OPERATION AND MAINTENANCE COSTS — Variable expenses annually incurred by the Town for the maintenance of the waterworks system, which shall be computed yearly by the Town

Board. Operation and maintenance costs include, but are not limited to, salaries, the cost of supplies, repairs, equipment, utilities, etc.

PERMIT — A license issued by the Town, allowing and/or authorizing work to be done under this chapter by a qualified plumber, contractor, excavator, builder, developer, the Applicant, or any other qualified person, firm, or corporation.

PERSON — Any individual, firm, company, association, society, builder, developer, corporation, or group.

PROPERTY LINE —

(1) The edge of a public water right-of-way in those instances where the water service connects to the public water line not located in a street right-of-way; and

(2) The Applicant's property line in those instances where the water service connects to a public water main located in the street right-of-way.

PUBLIC WATER MAIN — A water main to which all applicants of abutting properties have equal rights and which is controlled by the Town.

RESIDENTIAL SERVICE — Any service for which the water usage is for domestic nature only.

SERVICE LINE — That portion of pipe located between the water main and the Applicant's water meter.

TOWN — The Town of Moreau, Saratoga County, New York.

TOWN BOARD — The duly elected Town Board of the Town of Moreau or its authorized agent or representative.

TOWN BOUNDARIES — The physical boundaries of the Town as currently established or as may be extended in the future.

UNDEVELOPABLE – The inability to cause a tract of real property to become improved with a structure or to be used in any way.

WATERWORKS — All facilities for distributing, pumping, holding or storing, treating, and obtaining water.

WATER RATE SCHEDULE – The Schedule of rates and fees established and periodically updated by Town Board Resolution and maintained in the Office of the Town Clerk.

WORD USAGE. “shall” is mandatory; “may” is permissive.

§10. Duties of Town Board.

The Town Board shall by resolution determine charges to be made for supplying and installing water meters, tapping the main or distributing pipes, discontinuing service temporarily, water rents, rates, and charges of water supplied to users within and outside the Town of Moreau Consolidated Water District, and for temporary purposes. The Town Board shall have the right to make special rates, variations or contracts in all proper cases or to turn off the water supply without notice in case of extensions, repairs or other necessity, without liability for damages for lack of water or for any other damage that may result from the turning off of the water supply.

§11. Duties of Water Superintendent.

The Water Superintendent shall have the responsibility for the general supervision of the operation and maintenance of the water system within the Town, which shall include, but is not limited to, the responsibility and obligation to consider approval of all applications for the issuance of permits required hereby, read the meters at intervals as determined by the Town Board, and immediately make a report of such readings by filing the same with the Town Clerk.

§12. Duties of Billing Coordinator and Town Clerk..

It shall be the duty of the Billing Coordinator to promptly bill and collect the water service charges and report the same to the Town Board upon request but no less than quarterly. It shall be the duty of the Town Clerk to accept and process applications for water supply connection/disconnection and provide same to the Department for review and approval.

§13. Construal of provisions.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by any authorized representatives of the State of New York, the Saratoga County Department of Health, or other applicable rules and regulations.

ARTICLE III
New Service

§14. Applications for service.

- A. All applications for the use of water provided by the Town, shall be made in writing on a form provided by the Department. On acceptance by the Department, the application shall constitute a contract between the Town and the Applicant, obligating the Applicant to pay the Town its applicable rates and charges as set forth in Article VII and to comply with the rules and regulations of this chapter.
- B. Applications of contractors, builders, and others for temporary service will be accepted, written permits may be issued, and temporary water service be supplied, provided that it does not interfere with the use of water for general purposes and that use of water from any hydrant shall be strictly in accordance with this chapter. Applicants requiring temporary service shall reimburse the Town for its expense in connection with providing the necessary temporary service connection.
- C. No agreement will be entered into by the Department with any Applicant for water service until all charges due to the Town from the Applicant for water or services at any premises now or heretofore owned or occupied by the Applicant which are in arrears shall have been paid.
- D. Approval of the water service application for any new Applicant or the providing of increased service to any existing water user requiring water for other than normal domestic purposes shall be subject to the review and approval of the Department. Where necessary in the opinion of the Department, the Applicant shall provide at their own expense such water conservation, storage or flow-limiting facilities or such other devices required to obtain the approval of the Department. The Department reserves the right to refuse or limit service to any new applicant or existing water user if the preceding requirements are not met to the Department's satisfaction.

§15. Installations and requirements.

- A. No Applicant shall make any attachment with the mains of the Town or may make any repairs, additions to, or alterations with the service water lines, between the main and curb stop, unless the Applicant is authorized in writing by the Department.
- B. No more than a single service line shall be provided for each building.
- C. Any existing owner or Applicant in violation of these requirements may be notified on 30 days' written notice from the Department to conform to these requirements.

§16. New water systems or extensions of water mains.

The procedures to be followed by Applicants in the Town who propose to install new waterworks shall be in accordance with the rules and regulations of the Department and as enumerated in the following subsections:

- A. Independent water districts shall be prohibited within the Town. Instead, any proposed District or District Extension, either municipally or developer initiated, shall become part of the Town's Consolidated Water District.
- B. Any large-scale development project within one-half mile of existing municipal water infrastructure shall be required to connect to said facilities and shall become part of the Town's Consolidated Water District.
- C. The Applicant or their Engineer shall furnish the Department with two prints of the proposed overall development plan on which will be indicated the size of the water mains and appurtenances along with construction specifications, in writing, which should be consistent with the requirements of the Department. The Department shall furnish to the Applicant the Department's requirements regarding materials of construction and specifications for pipe, fittings, valves, hydrants, and appurtenances along with any special conditions regarding installations. After this plan has been approved by the Department, one copy will be filed with said Department. Maps shall be 24 inches by 36 inches in size and drawn to scale. The Department reserves the right to require an engineering report for any application. The Applicant is also required to determine whether review and approval by the New York State Department of Health is required, and complete such review if necessary, and provide copies of any relevant correspondence with the NYS Department of Health to the Department
- D. The Applicant shall estimate the required flows for their projects based on 100-gpd per bedroom for residential projects. Commercial projects shall estimate flows based on industry standards subject to review and revision as the Department requires. The Applicant shall purchase reserve capacity for their project based on these estimates. These fees shall be as described in Article VII and shall be collected in full by the Town within 30 days of receiving conditional or final Planning Board approval.
- E. Upon completion, two record plans of the completed installation shall be furnished to the Department by the Applicant in a form acceptable to the Department.
- F. Upon completion of construction, any public water main must be turned over to the Town. Before the Town takes over a water system installed in a private development, the developer must transfer its right, title, interest, and ownership to the Town for the nominal consideration of \$1.00 before the Town will accept ownership or maintenance jurisdiction.

The Town must be furnished with satisfactory proof that either the streets in which the water mains are laid have been dedicated and accepted by the proper public authority or provided with evidence that instruments granting easements to the Town, in a form to be recorded in the Saratoga County Clerk's Office, with a satisfactory title company certificate, have been executed by all owners and mortgagees or other lien holders

- G. Construction of any public water main shall be supervised and inspected by the Department or a professional engineer employed by the Town at the Applicant's cost. The Town will not accept maintenance jurisdiction of any main inspected by an engineer working for the Applicant. All expenses of installation, inspection, and supervision of new water mains and appurtenances shall be borne by the Applicant

§17. Owner's agent.

The contractor, or any other person or entity designated by the Applicant, will be considered the agent of Applicant while employed in the prosecution of the work of introducing water into such premises and in no sense as the agent of the Department or the Town. The Town will not be responsible for the acts of such a person.

§18. Acceptance of new waterworks; guarantee.

All new waterworks, after final approval by the Department and acceptance by the Town Board, shall become the property of the Town and shall thereafter be maintained by the Town. Said waterworks, after acceptance by the Town, shall be guaranteed for one year by the Applicant or contractor upon certification by the engineer that all work has been completed in accordance with the permit and that all other conditions, if any, imposed by the Department have been satisfied. The guarantee shall be in such form and contain such provisions as provided for by the Town. A payment and performance bond or certified check in the amount of 10% of the total cost of the project shall be retained by the Town for a period of one year. Said bond or check will be released to the Applicant or contractor after the conclusion of the warranty period.

§19. Public safety.

Whenever any street or public grounds shall be opened for the purpose of making a connection with the mains or for laying any water lines or fixtures, public safety and convenience shall be duly regarded, and the street or public place shall be restored to its original condition as soon as possible, and all work must conform to the safety requirements as set forth by the State of New York and the Occupational Safety and Health Administration (OSHA).

ARTICLE IV
Mains, Service Lines, and Meters

§20. Ownership.

- A. At his or her own expense, the Applicant shall install from the curb stop to the meter on the premises a service line to be approved by the Department. Every service line must have a curb stop of an approved type at the property or easement line and be provided with an iron curb box and cover. This curb stop may not be used by the Applicant for turning on or shutting off the water supply. The curb stop is for the exclusive use of the Department unless otherwise authorized by a written permit.
- B. The service line from the curb box to the meter shall at all times remain the sole property of the Applicant, in whom title thereto shall vest. All service lines installed shall have no joint between the curb box and the meter.

§21. Maintenance and replacement.

- A. The Applicant, at his own expense, will maintain and protect from freezing the service line and meter from the curb stop into the building and, when necessary, replace such service line at the Applicant's expense. Specifications for service lines are contained herein.
- B. Should a leak occur in a service line, the Owner shall forthwith cause the same to be repaired at their own expense. Should the Applicant fail to effect such repair after three days' written notice from the Department, the Department will cause the water service to be discontinued until such repair has been made.

§22. Water Main & Service line specifications.

- A. All service lines measuring less than three inches in diameter shall be installed and maintained a minimum of six feet below the surface of the ground as measured to the top of the pipe. Service lines measuring three inches or greater shall be installed and maintained at a minimum depth of five feet below the surface of the ground as measured to the top of the pipe. All service lines shall be installed in accordance with applicable standards.
- B. Service pipes shall be run at right angles to the main and in a direct line through the foundations of the building to be served, and wherever possible must be located to avoid driveways so that curb boxes may be adequately and conveniently set. In no case shall any water pipe be allowed to be laid closer than 10 feet to any sewer or drain line, nor shall any gas line or utility cable be permitted in a water pipe trench. The curb stop shall be installed at the property line, except as otherwise directed in writing by the Department.

- C. All service lines shall not be less in size than three-fourths-inch inside diameter and shall be United States Government Specification Type K soft-tempered copper tubing. For over 100 feet, a one-inch minimum size is required. For services three inches in diameter or larger, ductile-iron cement-lined Class 52 pipe of quality equal to American Water Works Association or federal specifications and of weight suitable for service under pressure equivalent to at least 150 pounds per square inch is required. The Department reserves the right in all cases to stipulate the size and type of service lines to be used.
- D. All water mains to be constructed within the Town's ROW, or to be turned over to the Town, shall be constructed of Class 52 ductile iron pipe and fittings at a minimum depth of five and one-half feet and a maximum depth of 7 feet below the ground surface as measured to the top of the pipe. All water mains shall be installed in accordance with applicable standards.

§23. Service line connection specifications and rules.

- A. All tapping into the public water mains shall be performed by or under the supervision of the Department. No tapping shall be done after November 1 or before April 1 unless weather permits, at the discretion of the Department.
- B. The curb stop and box will be placed at the easement or property line. The Department reserves the right to select a location suitable to the Town.
- C. No outlet through which water can be taken between the meter and the District's main will be permitted.
- D. No one shall leave the curb stop open or allow the water to run on the premises after making any new connection with the street main or after making any new extension or attachment in unoccupied premises until a meter is installed.
- E. No additions or alterations whatsoever, in or about public water mains or service lines, shall be made by any person until application therefor has been made to the Department and written permission is given.
- F. If the supply of water to any premises should be turned off by the direction of the Water Department, it shall not be turned on after that without permission of the Water Department. A violation of this section shall be deemed theft of Town services, subject to penalty and potential legal action.
- G. If any building is razed, moved, or abandoned, it will be the responsibility of the Owner, Applicant or the authority which requires such razing, moving or abandonment by virtue of the public improvement to notify the Department to remove the water meter. The

Applicant shall disconnect the water service line at the curb stop, under the supervision of the Department.

- H. The fee for standard tapping shall be such sum as may be determined from time to time by resolution of the Town Board and must be paid before a permit will be issued. All tapping shall be performed by an employee of the Town or by such other person or entity as the Town Board may designate. The Department reserves the right to consider whether standard tapping is appropriate or estimate costs that will become due for non-standard tapping.
- I. No person or entity shall be permitted to tap the main or distributing pipes or make or interfere with any connection with the water system without specific written permission from the Water Department in each case, and except for the pipes on the user's side of the meter. No additions or alterations whatsoever in or about public or private water pipes shall be made by any person until application therefor has been made to the Water Department and a written permit issued. Before receiving such permit, the permitted contractor must in each case, deposit with the Town Clerk a fee in such amount as shall be set from time to time by resolution of the Town Board.
- J. No person shall be permitted to disconnect from the main without specific permission from the Department. In order to obtain such permission on any parcel other than a vacant property, it must be demonstrated that the property is serviced with potable water from another source. Before receiving such permit, the Owner or permitted contractor must, in each case, deposit with the Town Clerk a disconnection fee in such amount as shall be set from time to time by resolution of the Town Board. The disconnection shall be performed in accordance with the requirements set forth herein.
- K. In the event that a change in ground elevation results in a service pipe being insufficiently buried or results in the curb box projecting above the ground or being covered with earth, the Owner must promptly lower or raise the service pipe and curb box to conform to the new ground elevation. In the event that the Owner fails or neglects to make such alterations within five days of notice of the issue by the Town, the Town reserves the right to terminate the supply of water until such time as the alterations are completed and inspected by the Water Department. Water service shall not be restored until after alterations are complete and after a penalty payment is received in an amount as shall be set from time to time by resolution of the Town Board, with a schedule of such fees to be maintained by the Town Clerk, with said penalty to be used to cover the Town labor and expense resulting from the user's negligence.
- L. Where high-water pressures exist, the Water Department may require that the Owner provide protection from higher pressure for the plumbing components within his, her or its home or business with the installation of a pressure-reducing valve, with the costs thereof the responsibility of the Owner.

- M. Pipes and connections between the main and the meter shall not be covered until they have been inspected and approved by the Water Department. The curb stop shall not be left open or water allowed to run on the premise after making any new connection with the street mains or after making any new extension or attachments until the plumbing is suitable for the installation of a water meter. In cases of a new connection, the Water Department, on the notification that building plumbing can accommodate meter installation, will cause the same to be inspected and, if found satisfactory, will have the meter installed and water turned on.
- N. Whenever it shall be found that a service installation has been made in any other manner than that approved by the Water Department, the water meter shall be removed and the water supply service terminated. Water shall not again be supplied until the service installation is properly made and all expenses and damages are paid by the Owner.
- O. These requirements apply to the installation or alteration of all service pipes and appurtenances subsequent to the effective date of this chapter.

§24. Water Meters.

- A. An individual meter shall be required for each separate service line. The users of water shall at no time tamper with the meter. Any tampering with the water meter shall constitute a violation of the Town Code. The Town shall not engage in submetering private properties.
- B. When the meter is installed within a building to be served, the meter shall be placed as close as practicable to the point where the service pipe enters the building unless otherwise directed or permitted by the Department. The meter shall be set with the inlet and outlet in a horizontal line with the register on top and shall be so located as to be readily accessible at all times for reading, inspection, or repair. Stop valves shall be provided on the inlet and outlet side of the meter. Backflow prevention valves and drains shall be installed on the outlet side of the meter. No drains or taps are allowed on the supply side of the meter.
- C. For water meters up to 1-inch diameter, the Town shall supply and complete standard installations after the Owner installs meter setting fixtures in accordance with Town specifications, and the meter shall remain the property of the Town.
- D. Water meters larger than 1-inch shall be furnished and installed by the Applicant at the Applicant's expense. Such meters shall be maintained and repaired at the direction of the Department and at the expense of the Applicant. Installations must comply with Town Standard meter details and equipment requirements.

- E. The Department may require master meters to be installed at the property line to serve multiple units or buildings.
- F. The Department may require meter pits as a non-standard installation where standard indoor installations are deemed unacceptable by the Water Department.
- G. The Department reserves the right to remove, inspect, test and require repair of any meter when necessary.
- H. Meters will, at all times, be protected by the Owner from freezing. In the event that the meter is damaged by freezing or other external cause, the Department will replace the meter, and a bill will be rendered to the Owner for the cost of repairs and/or replacement. The Department reserves the right to require the Owner to repair or replace meters larger than 1-inch diameter, at the Owner's expense.
- I. The Town will maintain, inspect, repair and test when necessary all one-inch and smaller meters. It is the Owner's responsibility to remove and have tested all meters larger than one inch at the Owner's expense.
- J. Meters shall not be tampered with or disturbed by any unauthorized person.
- K. Where a Town-owned meter fails to register the correct quantity of water delivered through it, or where it otherwise becomes out of order or in need of repair, notice thereof shall be given by the Owner to the Department. Upon payment of a fee, as set by the Town Board from time to time, another meter will be loaned by the Town to the Owner, for the time required for testing and repair. If the meter is not within 3% of being accurate upon testing, the fee will be refunded to the Owner. Where repairs are found necessary, repairs will be made without cost to the Owner.

§25. Protection of service components.

- A. The Department shall be responsible for the maintenance of the service line and fixtures from the water main up to the user's side of the curb stop.
- B. Users must keep their own water pipes, including service pipes, and fixtures connected therewith, in good repair and protected from the effects of temperature and pressure at their own expense.
- C. Upon discovery of any leaks in the water service pipes at any point between the user's side of the curb stop up to the building the Department shall notify the user of such leak, and require such user, at the Owner's expense, to make necessary repairs thereto within a period of three days from the date of service of such notice. Such notice may be either served personally or by certified mail, return receipt requested. Upon failure, the Owner shall

make such repairs pursuant to such notice, and after the expiration of the said three-day period, the Department shall be authorized to make such repairs, and the cost therefor, including labor and material costs, shall be added to the water charges due from such Owner, and payment thereof shall be enforced in the same manner as payment for water supplied to such user.

§26. Discontinuance of use of water.

- A. In the event that a premise becomes vacant for any reason and the Owner wishes to discontinue service temporarily, this may be done upon making a proper written application to the Town Clerk. If the Department approves the application, service shall be shut off at the curb stop and the meter removed. The fee for this service, and the fee for turning the water on again, shall be in an amount as set from time to time by resolution of the Town Board.
- B. Persons wishing to discontinue the use of water must give written notice thereof at least 10-days in advance to the Town Clerk, who shall provide it for review and approval to the Department. Discontinuance of water service does not exempt the Owner from paying the capital service charge as described herein.
- C. Water shall not be shut off at the curb except by a Town employee as directed by the Department.
- D. In case a house or other building is to be closed for a time, especially during cold weather, the Owner or the contractor representing the Owner must notify the Department in order that the meter may be read, drained, and the curb stop closed. In case of failure to so notify the Department resulting in the bursting of pipes by freezing or otherwise, the Owner shall pay for all water that may be thus lost, the amount estimated by the Water Superintendent and added to the next bill and paid in like manner as the regular meter charges, together with an additional sum in an amount including Town labor and material costs to cover all expenses incurred by the Town resulting from the user's negligence.
- E. Subject to Department review and approval, any service to be abandoned shall be disconnected at the main with all expenses to be paid for by the Owner.

§27. Transfer of property.

As the Town cannot reasonably be expected to monitor all changes in the ownership or use of properties served by Town water, it shall be the duty of any property owner, or any other Town water user, to give the Town at least 30 days' written advance notice of any change in ownership or use. The current property owner will be liable for all current and overdue water charges.

ARTICLE V
Private Fire Protection and Temporary Service

§28. Sprinkler-head fire protection service.

- A. Any and all sprinkler systems installed shall meet at a minimum the requirements of the following:
 - (1) The latest version of New York State Department of Health, State Sanitary Code.
 - (2) The latest version of National Fire Protection Association Standards for Installation of Sprinkler Systems (Bulletin 13).
 - (3) New York State Building Code.
- B. The Department shall require the furnishing of detailed drawings showing the proposed installation and shall approve or disapprove the type of valving to be installed on such a system and shall inspect by its own forces or duly authorized representatives any such installation past, present or future.
- C. The sprinkler system shall be installed after the water meter.
- D. The Applicant shall furnish “as-built” drawings of the facilities to the Department and the Fire Department that provides protection to the Applicant’s facilities.

§29. Private fire hydrant protection.

- A. Any and all private water supply distribution systems currently installed within the Town equipped with hydrants for fire protection shall at a minimum conform to the requirements of the following:
 - (1) The latest version of New York State Water Resources Commission Rules and Regulations Governing Water Supply Applications.
 - (2) New York Fire Insurance Rating Organization.
 - (3) Type of hydrants shall be in accordance with Town specifications.
- B. Detailed plans, drawings, and reports for any and all such installations shall be furnished for the approval of the Department before any permit to allow installation or to build shall be issued. Inspection of the installation during construction to guarantee compliance will be performed by the Department, its representatives or any other regulatory body having jurisdiction over said installation, and “as-built” drawings will be furnished to both the Department and the Fire District that provides protection to the Applicant’s facilities.
- C. The Department reserves the right to require any sprinkler system installation or any hydrant system installation installed prior to the date of this Local Law to be brought up to

the standards referred to at any time.

§30. Temporary water service.

Persons desiring to use Town water for temporary purposes will be required to make an application to the Town Clerk stating the name and address of the owner of the property and its location, estimated cost of building, and estimated length of time of construction period. Upon receiving a permit, the Applicant will be required to pay a charge in an amount as shall be set from time to time by resolution of the Board. If approved by the Department, such permit will be valid for the period of time only as stated thereon but may be renewed for thirty-day periods thereafter, if upon investigation, it is found that conditions warrant renewal. No person shall be permitted to use Town water for this purpose through a house service either on the same or from neighboring premises. The willful waste of water or any violation of this chapter will be cause for the discontinuance of the service. If the water is willfully wasted, the Department may cancel such permit and stop the supply of water. The Department reserves the right either to make a flat rate for the service or to require a meter to be installed. If a meter is installed, it must be placed in an approved box and so placed that it will not be disturbed during use. In the winter, the box must be properly made frostproof and must be uncovered at any time upon the request of the Department for inspection or reading. Any violation of the rules and regulations of the Town Board will be cause for the removal of the meter and the discontinuance of service.

ARTICLE VI
Nonessential Water Use

§31. Nonessential facilities.

Construction of nonessential water-using facilities which are attached to the water system, including but not limited to underground sprinkler systems, swimming pools, and certain types of air conditioning, refrigeration and heating units, are required to obtain a permit from the Department.

§32. Permits for nonessential uses of water.

Permits for uses of water considered nonessential will only be granted where the Applicant has demonstrated to the Department that sufficient capacity in the supply, storage, and distribution facilities is available and that proper backflow measures have been taken.

§33. Town's right to restrict approved usage.

In periods of drought or emergency, the Town shall have the right to restrict nonessential uses of water such as the use of water for sprinkling, pools or other outside nonessential use or to prohibit such use entirely. The Town shall publish notice of such restriction in the official Town newspaper and on the Town website. Notification shall also be provided when the restrictions are lifted.

ARTICLE VII
Cost Allocation and Billing Provisions

§34. Allocation of costs.

The Town shall maintain a Water Rate Schedule which shows the annual costs per equivalent dwelling unit (EDU) as well as the water use rate per one-thousand gallons. The Water Rate Schedule shall also indicate various fees and rates for items, including but not limited to penalties, tapping fees, capacity and expansion fees, inspection fees, and application fees. The prices shown shall be updated from time to time by Town Board resolution.

- A. Payment of capital costs shall be determined based upon a fraction, the numerator for which is the annual debt service for all districts and extensions and the denominator for which is the total number of Equivalent Dwelling Units (EDU) within the entire consolidated water district. Capital costs will be billed as shown on the Town's Water Billing Rate Sheet.
- B. All properties located within a water district, regardless of connection status, shall be responsible for paying capital costs since said properties benefit from convenient access to water mains for consumption and/or fire protection.
- C. Payment of operation and maintenance expenses shall be determined based upon a fraction, the numerator for which is the budgeted operation and maintenance costs derived from all districts and extensions and the denominator for which is the estimated total metered water consumption in gallons and then multiplied by 1000. Operation and maintenance costs will be billed based on metered use as shown on the Town's Water Billing Rate Sheet.

The Town Board shall adopt a resolution whenever necessary, establishing or amending the water rates for the Town. Such resolution shall remain in full force and effect until such time as it is repealed or superseded by a subsequent resolution of the Town Board adopted pursuant to this Local Law. Any such resolution establishing water rates or amending the water rates shall be adopted during a regularly scheduled meeting or special meeting to be scheduled with at least seven (7) days of public notice. Such notice shall be accomplished by publication in a newspaper of general circulation in the Town. In any such resolution establishing or amending water rates, the Town Board may establish an equitable classification of users and establish different rates for the different classifications. Such classification may include separate charges for users who are located outside of the corporate limits of the Town.

§35. General billing provisions.

- A. Bills will include both capital costs and metered use. All bills will be issued on a schedule as determined by the Town Board, and are due and payable without penalty 30 days after the date thereof. If such charges are not paid within 30 days from the date due, the water

supply may be cut off until said charges are paid. A penalty of 10%, per quarter for the total bill amount, shall be added to the bill for late payment.

- B. There shall be filed annually, with the Town Board, a statement showing the unpaid water charges and penalties payable, with a brief description of the owner's property.
- C. Bills for capital costs and metered use shall be paid to the Receiver of Taxes.
- D. No bill shall be rendered for less than the capital charge for each billing period. Any payment accepted for less than the amount stated on the bill will be subject to a late payment penalty on the original payment due amount.
- E. Owners of real property within any water district will be held responsible for the water rents of their tenants, as the water rent is a lien upon the property benefited by the water system.
- F. Failure to receive a bill shall not act as a waiver of the penalty, nor shall it relieve the Owner of any responsibility for the bill. In case of a faulty meter or the inability to read the meter, an estimated bill will be submitted to the user.

ARTICLE VIII
General Provisions and Penalties

§36. General provisions.

- A. Water service may be discontinued by the Department for any one of the following reasons:
- (1) Use of water other than as represented in an applicant's applications or through bypass connections of the meter or place reserved thereof.
 - (2) Willful waste by use of water through improper and imperfect pipes, or by any other means.
 - (3) Tampering with any service line, seal or meter.
 - (4) Nonpayment of bills for water or services rendered by the Department in accordance with these rules and regulations.
 - (5) Cross-connecting pipes carrying water supplied by the Town system with any other source of supply or with any apparatus which may endanger the quality of the Town's water supply.
 - (6) Refusal of reasonable access to the property for the purpose of reading, repairing, testing, or removing meters or inspecting water piping and other fixtures.
 - (7) Failure to promptly repair leaky service lines.
 - (8) Refusal to operate and maintain appropriate backflow prevention devices.
- B. No person shall open or interfere with the fire hydrants or draw water therefrom without permission from the Department or, in case of fire, by the Fire Departments or their representatives.
- C. In the interest of public health, the Department will not permit mains or service lines to be connected in any way to any piping, tank, vat or other apparatus that contains liquids, chemicals or any matter which may flow back into the Town service lines or mains and consequently endanger the water supply, except as expressly permitted by the New York State Department of Health.
- D. Upon receipt of an application for a new service or for the reinstatement of an existing service, the Department shall assume that the piping and fixtures that the service will supply are in proper order to receive the same, and the Department will not be liable in any

event for any accident, breaks or leakage arising in any connection with the supply of water or failure to supply the same.

- E. Any person who damages any street hydrant shall be liable for the actual costs incurred by the Department to repair all damage as well as the estimated loss of water wasted before the hydrant can be shut off.
- F. The Department undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to consumers, but reserves the right, at any time, without notice, to shut off the water in its mains for the purposes of making repairs or extensions or for other purposes, and it is expressly agreed that the Department shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever nor for any damage thereby or by the bursting or breaking of any main or service line or any attachment to the District's property. All Applicants having boilers upon their premises depending upon the pressure in the District's pipes to keep them supplied are cautioned against danger of collapse, and all such damage shall be borne exclusively by the Owner or Applicant. For routine maintenance such as line flushing or planned outages, the Department will take reasonable measures to notify owners.
- G. In those cases where the Applicant's service line, from the curb stop to the meter, is frozen, the thawing shall be done at the expense of the Owner or Applicant. To avoid a recurrence of freezing, the Department may order an examination of the owner's or Applicant's service line; and, if the same is not at a minimum depth as required herein, the Department reserves the right to require it to be so relocated before service is resumed at the owner's or Applicant's expense.

§37. Work restrictions.

- A. No person shall make any attachment to or connection with the Town's pipes or make any repairs, additions or alterations to the service pipes unless they are an employee of the Town and has been directed to do so by the Department.
- B. No contractor shall do any work in connection with the installation, operation or repair of service pipes unless they are duly permitted by the Department. The issuance of permits to contractors shall be at the discretion of the Department, and any such permit may be revoked at any time.
- C. The contractor working as permitted by the Department, at the time of receiving a permit, shall file with the Town a bond, in such sum as shall be set from time to time by resolution of the Board, with one or more sureties acceptable to the Board, conditioned that the contractor will pay to the Town the amounts of all fines or other expenses imposed by the Board in consequence of his work, as soon as such amounts shall be determined; and said contractor shall exhibit to the Town Board public liability insurance policies in such

amount shall be determine from time to time, that said contractor shall indemnify and save harmless the Town, the Town Board, it's employees and agents from all accidents by reason of any opening in any street, road, lane, sidewalk or other place in said Town made by said contractor or those in the contractor's employ for the purpose of putting down or inserting or removing any service pipe or pipes, hydrant or other means for the introduction or discontinuance of water, or for any object or purpose whatsoever.

- D. The contractor, working as permitted by the Department, will replace and restore the street and pavement over any such opening in such a condition that it will be approved by the proper highway authorities, and that the contractor will warranty workmanship for a period of one year thereafter.

§38. Interconnections.

- A. Interconnections between any pipe, main, outlet or hose bib supplied by or drawing water from the water supply system of the Town and any pipe, pressure tank, sprinkler system or other structure which contains liquids, or any other matter, are hereby prohibited except when such interconnection is so installed and protected by a vacuum breaker and check valve or other suitable devices so as to prevent the backflow or siphonage of such liquids or any other matter into the water supply system of the Town. No person shall make such interconnection without securing a permit in writing from the Department.
- B. Any person violating the provisions of this section shall be liable to a fine in an amount as shall be set from time to time by resolution of the Town Board, or 15 days imprisonment, or both, for each offense, and in addition thereto shall have their water supply stopped until such fine is paid.

§39. Cross-connections; alternative water supply.

No cross-connections with any other water supply shall be permitted.

- A. Cross-connection of alternative water supplies and the Town water system is prohibited.
- B. Where a premises has an alternative water supply, water service piping shall be severed after the curb stop to the satisfaction of the Water Superintendent to prevent cross-contamination.
- C. Where an alternative water supply exists, no connection to the sanitary sewer will be allowed.
- D. The property owner shall bear all costs associated with disconnections and piping modifications.

§40. Notice of violation.

Any owner or Applicant found to be violating any provision of this chapter shall be served by the Town with written notice stating the nature of the violation and providing a thirty-day-or-less time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§41. Penalties for offenses.

Any person who fails to comply with the provisions of this chapter, other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of disorderly conduct and shall be subject to a fine not exceeding \$250 for each offense. The continued violation of any provision of any section of this chapter, other than those pertaining to the payment of a charge for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

§42 Other remedies.

Upon violation of any section within this chapter, the Town Board, in addition to other remedies, may institute any appropriate action or special proceeding, including an injunction to prevent the occupancy of any building, structure or land where said violations of this chapter are found.

§43. Liability of offender to Town.

Any person violating any of the provisions of this chapter shall become liable to the Town by reason of such violation and shall also be liable for all costs and expenses of the Town associated with the repair of the damage and for any fines imposed as a result of such violation.

§44. Interpretations.

The Town Board's opinion shall be controlling in the event that differences between a person and the Department exist on matters concerning interpretation and execution of the provisions of this chapter.

§45. Penalty for false statements.

Any person who knowingly makes or supplies any false statements, representation, records, reports, plans, or other documents filed with the Town Board required under this chapter shall be punishable in accordance with the Penal Law.

§46. Orders to cease and desist.

The Town is also authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements, or provisions of this chapter to comply forthwith or comply in accordance with a time schedule set forth by the Town or the appropriate remedial or preventative action in the event of a threatened violation.

§47. Revocation of permit.

If any conditions of a permit or of this chapter are not strictly adhered to, the permit may be revoked.

§48. Repealer

Any prior local law or any provision of any other local law, ordinance, or resolution of the Town of Moreau establishing water rates or relating to the establishment of water rates in the Town of Moreau is hereby repealed.

§49. Effective Date.

This Local Law shall take effect immediately upon being filed in the Office of the Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.