

Village of Rushville

Local Law # 3-2010

A Local Law to establish the rules, regulations and rates for the conveyance and sale of water to the water customers of the Village of Rushville

§1 Definitions

As used in these rules, the words and phrases listed below shall be deemed to have the following meanings:

AGENT

The plumber or any other person designated or employed by the owner.

APPLICANT

Any person making a request in writing for any service to be rendered or furnished by the Village of Rushville.

BUILDER CONTRACTOR or REAL ESTATE DEVELOPER

Any person owning or having an interest in a plot or tract of land or his lawful agent who applies for a supply of water to such premises which are intended to be sold, conveyed, or leased by said person to an owner or occupant.

CONSUMER or CUSTOMER

The owner or person legally or equitably responsible for payment of charges for water or other facilities and services furnished by the Village of Rushville.

DEPARTMENT OF PUBLIC WORKS

The Department of Public Works of the Village of Rushville.

METER

The device used to measure and indicate the amount of water used by the customer.

OCCUPANT

The persons actually in possession or control of any premises or part thereof who is a consumer.

OWNER

The person who has legal or equitable title to any premises, including a land contract purchaser.

PERMIT

A document granting permission to excavate or perform other construction work within the Village's right-of-way.

PERSON

An individual, firm, association, partnership, or corporation either public or private

PREMISES

- A. A property or location whether or not occupied by a structure and shall include the entire front footage thereof abutting on a public street where the water service is requested or furnished for any part thereof;
- B. A building under one roof owned or leased by one customer, and occupied as one residence or one place of business;
- C. A combination of buildings owned or leased by one customer, in one common enclosure, occupied by one family, or one corporation or firm, as a residence or place of business;
- D. Each unit of a multiple house or building separated by a solid vertical partition wall, occupied by one family, or one firm as a residence or place of business;
- E. A building owned or leased by one customer having a number of apartments, offices, or lofts which are rented to tenants, and using in common one hall and one or more means of entrance.

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PRIVATE FIRE PROTECTION SYSTEM

Water mains, pipes, hydrants, sprinklers, and other facilities installed on private premises or on a public or private street for the purpose of private fire protection.

PRIVATE STREET

Any street, avenue, road, or way that is not for any highway purpose under the jurisdiction of the Village, county, town, or State of New York.

PUBLIC FIRE PROTECTION SYSTEM

Appropriate production, distribution and storage facilities, water mains, pipes, hydrants, and other facilities installed in a street and used for the public protection of premises from fire.

PUBLIC STREET

Any street, avenue, road, or way that is for any highway purpose under the jurisdiction of the Village of Rushville, Counties of Ontario and Yates, Towns of Gorham and Middlesex, or State of New York, and which is served by the Village's water distribution system.

PUBLIC WORKS SUPERVISOR

The Public Works Supervisor of the Department of Public Works of the Village of Rushville.

SERVICE CONNECTION

The facilities and equipment used to supply water to any premises and which are installed within the limits of the street right - of-way between the main and the curb box shutoff of the premises to be served.

VILLAGE BOARD

The duly elected and acting Board of Trustees of the Village of Rushville.

VILLAGE

The Village of Rushville, situate in the Counties of Yates and Ontario, Towns of Gorham and Potter.

§ 2 Applicability; territorial limits

The rules, regulations, rates, charges, and fees herein prescribed shall apply to any person who shall be supplied or whose property shall be supplied with water by the Village of Rushville within or outside of the Village of Rushville or any improvement district thereof.

§ 3 Application for service

- A. All applications for the use of water must be made in writing on forms provided by the Village. On acceptance by the Village, the application shall constitute a contract between the Village and the applicant, obligating the applicant to pay the Village its established rates and charges, including any and all required deposits, and to comply with its rules and regulations as described herein. Approved rates and charges shall be on file with the Village Clerk.
- B. Applications will be accepted subject to there being an existing main in a street or right-of-way or easement abutting on the premises to be serviced, but acceptance shall in no way obligate the Village to extend its mains to service the premises excepting as hereinafter provided.
- C. A separate application must be made for each premises as defined in § 1 hereof.
- D. Application of builders, contractors, real estate developers and others for temporary water service will be accepted and temporary water service will be supplied provided it does not interfere with use of water for general purposes. The quantity of water taken for such purposes

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shall be determined either by meter or by estimate, and shall be paid for in accordance with the rate schedule applicable to metered general purposes. Customers requiring temporary water service shall engage an acceptable licensed engineer to design the temporary service and shall engage and pay for an acceptable contractor to complete the installation of the temporary service. The connection and disconnection of the temporary service line must be supervised and inspected by the Public Works Supervisor.

- E. The Village may refuse to enter into an agreement with any applicant for service until all charges due from the applicant for water or services at any premises now or heretofore owned or occupied by him which are in arrears shall have been paid.
- F. Whenever a person, municipal corporation, or special improvement district shall make application to the New York State Department of Health (NYSDH) for its approval to take a water supply or an additional water supply from the Village or from a municipal corporation or special improvement district which is then supplied by the Village, the applicant shall file with the Village a request for additional supply of water which shall include on or before making such application to the New York State Department of Health, a true copy of its petition, maps, plans, engineering reports, exhibits and other papers tiled with said Department of Health in support of its application. Upon completion, record drawings and a completed works certificate will be provided to the Village.

§ 4 Installation of services

- A. Service connection. Subject to any of the other applicable provisions of these rules and regulations, upon written application for service by an owner or his agent of any property abutting on any public or private street, or right-of-way or easement and upon agreement of the applicable charge for size, service and/or meter to be installed, the Village will inspect during installation, and then operate and maintain upon project completion, the service pipe connection between the main and including the curb box shutoff at the property line and furnish one meter up to 3/4 inch in size. If it is appropriate for a larger meter to be installed, it must be by recommendation of a licensed engineer and approved by the Village. The cost of such larger meters will be at the expense of the owner and will not be supplied by the Village. Upon project completion, all service connections and all meters shall be the property of the Village.
- B. The property owner shall be responsible for the cost associated with the installation of the initial meter on the premises and for the inspection for any new service lines. Said costs shall be established as a fee set by resolution of the Village Board and on file with the Village Clerk.
- C. Service connection, public fire protection. All mains, valves, and hydrants installed as part of real estate developments, main extensions or subdivisions shall be installed at the expense of the developer and shall be installed according to Village specifications. The developer will be responsible for obtaining the proper permits and approval of plans from the New York State Department of Health and upon completion will provide the Village with record drawings and completed works certificate.
- D. Service connection, private fire protection service. All mains, valves, and hydrants installed as part of real estate developments, main extensions or subdivisions shall be installed by and at the expense of the developer and shall be installed according to Village specifications and New

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York State Department of Health regulations. The developer will be responsible for obtaining the proper permits and upon completion will provide the Village with record drawings and completed works certificate.

1. Any connections, water mains, pipes, valves and services, sprinkling systems, hydrants and any other facilities, installed on private premises beyond the control valve at the street right-of-way or casement boundary shall be designed, installed, inspected, operated, maintained, repaired and replaced by the owner or occupant at its sole responsibility and expense, subject to the requirements of Subsection (3) of this section.
2. If an individual hydrant is requested for the purpose of private fire protection service, and such hydrant can be installed on an existing public water main in a public street or existing Village easement, the brand and model of hydrant will meet Village specifications and will be purchased at the expense of the applicant. The installation and testing of such hydrant must be supervised and approved by the Public Works Supervisor. It is at the discretion of the Public Works Supervisor if additional outside testing is to be conducted. If such additional testing is to take place, it will be at the expense of the applicant. All hydrants and hydrant connections so installed shall be and remain the property of the Village.
3. Private fire protection service shall be provided only by written agreement between the Village and the applicant therefore, which agreement shall contain the following express conditions:
 - a. The connection, hydrants, or private fire protection system are to be used for fire purposes only, and are to have no connection whatsoever with any taps that may be used for other than fire purposes, and, because of the danger of pollution, shall have no connection with any source of supply not approved by the Department of Health of the State of New York.
 - b. The applicant specifically agrees not to draw any water whatsoever through said connection, hydrant, or private fire protection system for any purpose except the extinguishing of fire or in a periodic test of the fire protection system.
 - c. Violation by the applicant of either condition in Subsection (3)(a) or (b) hereof shall terminate this agreement and the Village may disconnect the pipe or shut off the supply of water.
 - d. The applicant agrees to install a master meter. The size and location will be determined by a licensed engineer and approved by the Village at the applicant's expense.
 - e. The applicant agrees to notify the Village at the time of all tests, so that if desired, the Village may have a representative present. Such notification shall be given one day in advance, however, need not be formal or written, but may be given verbally to the Public Works Supervisor.
 - f. Any authorized representative of the Village shall have free access to the premises of the applicant at any reasonable time for the purpose of inspecting said connections, hydrants, or private fire protection systems.
 - g. The applicant agrees to pay for services rendered under this agreement according to rates and charges prescribed. If at any time the applicant elects to change the terms of this agreement with respect to size of connection or number of fire protection devices, this agreement shall be modified accordingly or a new agreement shall be executed. Approved rates and charges shall be on file with

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the Village Clerk.

- h. Water through said connection, hydrants, or private fire protection systems is to be supplied subject to the rights of municipal bodies to use water in the street mains through hydrants for fire purposes. The right is also reserved by the Village to shut off the supply at any time, without notice, in case of accident or to make alterations, extensions, connections or repairs. The Village makes no guarantee as to pressure of the water in said connection, hydrants, or private fire protection system or the main supplying the same, and shall not, under any circumstances, be held liable for loss or damage from a deficiency or failure in the supply of water, whether caused by shutting off of the water in case of accident or for alterations, extensions, connections, or repairs, or for any cause whatsoever unless arising from gross negligence.
- E. Maintenance and replacement. The Village will maintain and, when necessary, repair or replace any service pipe connection from the main to the curb stop shutoff on all public streets. Service pipe and such service connections shall not be trespassed upon nor interfered with in any respect. The curb stop may not be used by customers for turning on or shutting off water supply but is for the exclusive use of the Village.
- F. Service on applicant's property. At his own expense, the property owner shall install and maintain the service pipe from the curb box shutoff to the premises, and two valves; the first to be located inside the building wall, and the second valve to be adjacent to and on the house side of the meter, permitting control of the water supply. The valves shall be of a make and type approved by the Village. All service connections must also have a check valve or backflow device as directed by the Village. For this installation and maintenance thereof, the customer shall employ a qualified plumber and all work shall be performed in a manner satisfactory to the Village. The minimum size materials, depth of cover, and method of construction shall be the same as hereinafter specified. If any defects in workmanship in materials are found, or if the customer's service has not been installed in accordance with such specifications or with the Village's requirements, water service either will not be turned on or will be discontinued if such defects are not remedied.
- G. Service pipe specifications. All service pipes shall have a minimum cover of 4 ½ feet. No service pipes shall be less in size than ¾ inch inside diameter. United States Government Specification Type K, soft-tempered copper tubing (ANSI/ASTM B88) or polyethylene tubing (ASTM d2737) shall be used on all services up to an including two-inch service. All services larger than two inches in diameter shall be ductile iron, of quality equal to American Water Works Association standard specifications, and of weight suitable for service under existing main pressure. Nonmetallic piping may be used when approved by the Village. All connections of service pipes to a main with a ground cover of less than 4 ½ feet shall be made on the side of the main so that such service pipes shall in no case have less coverage than the main. The Village reserves the right in all cases to approve the size and type of service connections to be used.
- H. Agent or owner. The plumber or any other person designated or employed by the owner of the premises will be considered the agent of such owner while employed in the work of introducing water into such premises and in no sense as the agent of the Village. The Village will not be responsible for the acts of such persons.

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- I. Damage to mains, pipes, and other facilities. Any person responsible for any damage to any main, pipe, hydrant, or other facility shall reimburse the Village therefore and for the loss of water caused thereby. He shall also be responsible for any damage caused by such escaping water.
- J. Responsibility for trench. In the case of any excavation for the introduction of any water pipe or connection under authority of a permit from the Village, the owner will be responsible for the opened trench. Public safety and convenience shall be duly regarded and observed by the construction of such bridges across open trenches as may be required to insure safety to the public. Flashing lights, barricades and all such other means of protection against accident must be provided. Before trenches are backfilled, materials and workmanship shall be inspected by the Village or its representative, and approved.
- K. Service pipe maintained. The owner of property into which water is introduced by a service pipe will be required to maintain in proper order, at his own expense, the said service pipe from the curb stop to the meter on or for the premises, including all fixtures therein provided for delivering or supplying water for any purpose. In case such service and fixtures are not so kept in repair, the Village or its representative shall notify the owner and establish a date by which repairs must be made. In the event repairs are not made within the time specified, the Village may turn off the water service until repairs or defects are remedied.
- L. Inspectors may enter premises. Village officials or employees of the Department of Public Works may enter upon any premises where water is being supplied by the Village or upon any premises when application is made for a permit to connect plumbing with the water pipes for the purpose of installing, reading, removing, or repairing meters, or for inspecting the plumbing and fixtures of the water service.
- M. Winter provisions. No service lines will be installed and no services will be connected between November 15 and April 15, except by special arrangement. In the case where a customer-owned service pipe or main is frozen, thawing shall be done by the customer. To avoid a recurrence, the Village may order an examination of the customer's service pipe or main, and if the same is not a minimum depth of 4 ½ feet as required, the Village reserves the right to require it to be so relocated before service is resumed.
- N. Water service and sewer separation. New construction of any new water service lines or sewer lateral lines shall be installed at a minimum of 10 feet apart. Water services crossing sewers shall have a minimum of 18 inches vertical separation or as required by the New York State Department of Health regulations.
- O. Easements. Applicants for service shall deliver without cost to the Village permanent easements or rights-of-way when necessary for the installation and maintenance of the service lines and service connections. Easements shall conform to Village requirements as established by the Department of Public Works. The Village shall not be obligated to accept dedication until the applicant has obtained satisfactory easements or rights-of-way.
- P. Delay. The Village shall not be compelled to agree or approve to the installation of service lines and service connections under this section when circumstances beyond the control of the Village prohibit the ability to grant approval to start construction. Said circumstances include but shall not be limited to delays of materials, weather conditions, strikes, acts of God, and

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other similar instances.

- Q. Termination of services. Subject to any of the other applicable provisions of these rules and regulations, upon written application for service termination by an owner or his agent of any property abutting on any public or private street, or right-of-way or easement and upon agreement of the applicable charge for size service and/or meter to be removed, the Village will disconnect the service pipe connection at the main including the curb box shutoff.

§ 5 Installation of meters

- A. An individual meter shall be required for each premise and for each separate service connection whether for residential, commercial, industrial, or private fire protection use.
- B. One meter up to 3/4 inch in size will be furnished and connected by the Village as part of the service connection described in § 4. The Village reserves the right in all cases to approve the size, type, and make of the meter to be used on any connection. Larger meters will have to be purchased by the applicant.
- C. The property owner shall be responsible for all fees associated with the cost of the meter as said fees are established by resolution of the Village Board and on file with the Village Clerk.
- D. Cross-connection control:
1. A check valve or backflow preventer must be installed on all water hookups or as required by New York State Department of Health regulations at the expense of the customer.
 2. The supplier of water is responsible to assure that water of questionable or unsuitable quality does not enter the public water supply system.
 3. The supplier must comply with the standards of the NYS Department of Health in determining the degree of hazard that a facility poses to the water supply system. An acceptable backflow prevention containment device must be installed, tested, operated, and maintained by the consumer and that adequate records of maintenance and repair be kept and submitted annually to the Department of Public Works.
 4. The consumer has the primary responsibility of preventing contaminants from entering the potable water piping system and subsequently, the public water supply.
 5. The consumer shall install, test, operate, maintain and keep adequate maintenance and repair records for every backflow prevention device installed to provide containment.
 6. The consumer shall prevent cross-connections between the potable water piping system and any other piping system within his facility.
- E. Location in basement, utility room or meter pit.
1. Whenever possible, a meter two inches in size and under shall be set in the basement or utility room. The meter shall be located at a convenient point approved by the Village

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so as to protect the meter and to measure the entire supply of water through the connection. When a meter cannot be set in the basement or utility room, it will be set near and inside the property line or in a place approved by the Village. These meters shall be installed in meter pits. All meter pits shall be furnished and installed by the property owner and shall be installed in accordance with Village specifications.

2. Residential meter pits per Village specifications for services under two inches, longer than 200 feet from the property line or right-of-way boundary line, shall be required. These residential meter pits shall be installed at the property line or right-of-way boundary line.
- F. The Village shall require meters larger than two inches in size to be installed in a meter pit, set near and inside the property line or in a place approved by the Village. All meter pits shall be furnished and installed at the expense of the property owner, including a bypass for testing. Plans must be designed by a licensed engineer and may need approval from the NYS Department of Health. Materials must be approved by an engineer and the Village. All meters two inches and larger shall have a bypass for testing. The Village will require a copy of the meter factory certification for its records.
- G. In all cases involving installation of two inch meters and larger, where the distance from the property line, easement line, or right-of-way line to the front wall of the building is greater than 75 feet, the Village shall require that the meter be set near and inside the property line.
- H. The Village reserves the right in all cases where more than one meter is requested per service connection to charge the customer for the additional meters and installation at its established rates and approve the size, type, make, and number of meters to be used on any connection.
- I. All meters and meter connections shall at all times remain the sole property of the Village and shall not be interfered with in any respect. All meters will be maintained by and at the expense of the Village, but the customer will be held responsible for damages due to freezing, hot water, or other external causes. In the case of damage, the Village will repair the meter, or if necessary, replace it with another meter and the costs shall be paid by the customer. The Village may require the customer to install, at his own expense, suitable equipment, properly located, to prevent backflow of hot water which may cause damage to the meter and other damage to the customers plumbing.
- J. The Village reserves the right to remove and test any meter at any time and to substitute another meter in its place. In case of a disputed account involving the accuracy of the meter, such meter will be tested by the Village upon the request of the customer. In the event that the meter so tested is found to have an error in registration to the prejudice of the customer in excess of 10% at any rate of flow within the normal test-flow limits, prior water bills for a period not greater than four billing quarters will be adjusted to correct such over registration.
- K. Meters larger than two inches in size shall be tested in place at frequent intervals as set forth by the Village.
- L. It shall be the obligation of the customer to maintain and, when necessary, to repair the meter pits on private property.

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- M. The Village shall not be liable for damages to any premises caused by flooding in connection with the testing or removal of any meter.

§ 6 Extension of mains

- A. Main extension agreements. Upon application for water service in areas not serviced by the Village owned or leased water main, the Village may permit a builder, contractor or real estate developer to extend or install necessary mains at the expense of the applicant in accordance with the terms of the main extension agreement. All projects relating to main extension must be designed and approved by a licensed engineer.
- B. Installation by developer. If the builder, contractor, or real estate developer shall extend or install mains, he shall do so in accordance with the terms of the main extension agreement to be entered into with the Village in form and substance and containing such terms as shall be satisfactory to the Village. The builder, contractor, or real estate developer will pay the charges for any engineering review.
- C. Size and type. The Village reserves the right to approve the diameter and type of pipe required to adequately provide the service requested and, subject to the requirements of municipal authorities, its location within or without the limits of a street. The Village reserves the right to approve the size of any service main. A completed works certification must be filed by the engineer with the NYS Department of Health.

§ 7 Payment for services

- A. All bills are payable in accordance with the terms of the applicable service classification. If a new service is installed at any time during the billing period, the reduced period will be billed the minimum charge as if it were a full billing period. When transfers of service arise from change of occupancy during the billing cycle the following policy will apply. A final meter reading can requested at the time of change of occupancy however a bill will only be created for a reading consumption amount larger than 3,000 gallons. Such amount will be billed at the minimum charge. During the regular billing cycle the new owner will also be billed the minimum charge if the reading consumption amount is larger than 3,000 gallons. If the consumption is less than 3,000 gallons the usage will be rolled over to the next billing cycle and the new owner will not receive a water charge for that period.
- B. Meters will be read quarterly and customers will be billed quarterly. This may be changed by resolution of the Village Board of Trustees.
- C. The quantity recorded by the meter shall be considered the amount of water passing through the meter, which amount shall be conclusive on both the customer and the Village, except as hereinafter provided.
 - 1. In cases where it is found that the meter has ceased to register or has registered inaccurately, the quantity may be determined by the average registration of the meter in a corresponding period of the preceding year when in order, except where it appears that there has been a change in occupancy of the premises, or in the use of the water, in which case an equitable adjustment shall be made.

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2. In cases where it is found that a reading cannot be obtained, an estimated bill will be rendered to the customer. The quantity will be determined by the average registration of the meter from the previous four (4) billing cycles. Where the estimate is in error, an adjusted bill will be prepared to correct the erroneously estimated bill.
 3. In all cases where a meter is found to be defective, the Village shall, within one week, replace the same by a meter that has been tested and properly adjusted.
- D. Water bills will be sent to the owner of record unless otherwise instructed by the owner. The owner of record is ultimately responsible for payment of the water bill. Failure to pay shall result in a levy on the Village tax roll. The customer shall notify the Village of any change in ownership or tenancy. No adjustment of bills will be made by the Village as between the owners or tenants.
- E. All bills are due and payable in net cash when rendered. In case any water bill or charges provided in and by these rules shall not be paid within 15 days following rendering of the bill, such bill shall be delinquent. The Village or its agents may then discontinue water service, at its option, and if not paid within 90 days after such bill has become delinquent, the Village or its agents shall shut off water service to the customer, and service will not be reestablished until such unpaid charges, together with the charge for restoration of service as elsewhere provided herein, are fully paid. Written notice of termination of service shall be given to the customer and/or property owner as reflected in the office of the appropriate Assessor, such notice to be given not less than 10 days prior to termination of service. Such notice may be given at any time after a bill has become due and payable.
- F. Late payment penalty. Water rents in arrears past 15 days of the rendering of the bill shall accrue a penalty of 10% of said unpaid arrears. A bill shall be considered rendered upon its mailing by the Village.
- G. Turn-off and turn-on charges and fees. The owner of the property may discontinue water service by giving the Village written or verbal notice. If the service is turned off during the billing period, the reduced period will be billed as if it were a full billing period. Should there be consumption less than 6,000 gallons at the time of turn-off, a minimum charge and a turnoff fee will be sent. If the reading at the time of turn-off is higher than 6,000 gallons, a bill for the consumption and the turn-off fee will be sent. The owner may reinstate a water service by giving the Village written or verbal notice. At such time a turn-on fee will be charged to the owner. Approved rates and charges shall be on file with the Village Clerk.
- H. Hearing. Any aggrieved customer or occupant who desires a hearing with respect to any bill for water supply or any notice of termination of water supply shall request the same in writing to the Village Mayor or his designee within 15 days of delivery of the bill or notice. An informal hearing shall be held by the Village Board of Trustees at their next regular scheduled monthly meeting. The Village Board shall render its determination within five days after such hearing. No service shall be discontinued pending the determination of such hearing. No determination shall be made to modify any bill unless a preponderance of the evidence shall show that the bill is erroneous either by reason of error in measurement of services or in mathematical calculation. Determinations to terminate service will be based upon standards set forth in Section 8 (D) hereof. Appeal from the determination of the Village Board shall be as available under the provisions of Article 78 of the Civil Practice Law and Rules of the State

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of New York.

- I. Creation of lien. Water rents and other assessed fees and charges shall constitute a lien upon the real property served by the Village, or such part or parts thereof, for which water rents and fees and charges shall have been established and imposed. The lien shall be prior and superior to every other lien or claim except that of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof.
- J. Additional remedy for nonpayment. The Village of Rushville may maintain an action:
 - 1. As upon contract for water rents in arrears, including penalties and interest; or
 - 2. To foreclose liens for such water rents; or
 - 3. To levy water rents in arrears as taxes on the annual tax rolls, to be collected and enforced in the same manner as provided for Village taxes generally. The Village may also impose a fee as from time to time determined by the Village Board of Trustees. Such rates, fees and charges shall be on file with the Village Clerk.

§8 General rules

- A. Supply of water. The Village undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to customers, but reserves the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs or extensions, or for other purposes. The Village shall not be liable for a deficiency or failure in the supply of water, or the pressure thereof for any cause whatsoever; or for any damage caused thereby, or for the bursting or breaking of any main or service pipe or any attachment to the Village's property.
- B. In the interest of public health, the Village will not permit its mains or services to be connected with any service pipe or piping which is connected with any source of water not approved by the Department of Health of the State of New York. The Village will also not permit its main or service pipes to be connected in any way to any piping tank, vat or other apparatus which contains liquids, chemicals, or any other matter which might flow back into the Village's service pipe or mains and consequently endanger the water supply.
- C. The Village reserves the right, in periods of drought or emergency when deemed essential to the protection of the public health, safety, and welfare, to restrict, curtail, or prohibit the use of water for secondary purposes, such as sprinkling, car washing, or filling swimming pools, and shall have the right to fix the hours and periods when water may be used for such purposes.
- D. Discontinuance of service.
 - 1. Water service may be discontinued by the Village for any one of the following reasons:
 - a. For use of water other than as represented in the customer's application, or through branch connections on the street side of the meter or place reserved for the meter.
 - b. For willful waste of water by improper pipes or by any other means.
 - c. For molesting any service pipe, seal or meter, or any other appliance owned by

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- the Village.
- d. For nonpayment of bills for water or services rendered by the Village.
 - e. For refusal of reasonable access to the property for the purpose of reading, repairing, testing, or removing meters or inspecting water piping and other fixtures,
 - f. For violation of this local law, on file with the Village Clerk.
2. Where two or more premises are now supplied with water through one service pipe, under control of one curb stop, if any of the parties so supplied shall violate any of the above rules, the Village reserves the right to apply its shutoff regulations to the joint service lines, except that such action shall not be taken until the innocent customer, who is not in violation of the Village's rules, has been given reasonable opportunity to attach the service pipe leading to his premises to a separately controlled service connection.
- E. When water service to any premises has been turned off upon the order of the customer, or for any of the above reasons, a turn-off fee will be charged to such appropriate water account. At such time Village personnel will remove the meter at the service location. If service at the premises is again desired, including seasonal customers, a turn-on fee will also be charged for the restoration of service. Village personnel will reinstall a meter at the time of restoration. Both events of turning off and turning on the water service, must take place during regular business hours. If it is desired or necessary to shut off or disconnect the service pipe the customer will be responsible for hiring a professional contractor to complete the work. If work must be completed in a timely manner, such date will be determined by the Public Works Supervisor. The contractor hired to complete the work will be subject to Village approval. If work must be completed in a timely manner and the customer fails to hire an approved contractor within the provided time frame, the Village will perform the necessary work and the customer will be responsible for all expenses incurred by the Village. If future restoration of the previously disconnected service is desired the customer will be responsible for hiring a professional contractor, subject to Village approval, to complete all work. The finished work of disconnecting and reconnecting all service pipes must be inspected by the Public Works Supervisor. The customer will be charged a fee for each inspection. Approved rates and charges shall be on file with the Village Clerk.
- F. Upon receipt of any application for a new service or for the reinstatement of an existing service, the Village will assume that the piping and fixtures which the service will supply are in proper order to receive same, and the Village 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 same. Owner or agent shall be present at the time the water is turned on.
- G. The Village Board may establish or amend water rents and all other fees and charges associated with this local law by resolution.

§9 Prohibitions

- A. No person shall injure or interfere with any equipment or buildings belonging to the Village's water system; tamper with meters or their seals; divert water from mains; use water without permission; or cut into any water pipe or main.

Village of Rushville

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- B. No person, except as specifically authorized by the Village, shall take water from any public fire hydrant for any other use whatsoever than for fire purposes. The use of public fire hydrants is not permitted except upon specific authorization from the Village, and for such uses the municipality or other will be billed at the meter rates set forth in the rate schedule. If water is used from public fire hydrants without specific authorization from the Village, the quantity so used will be estimated and the user will be billed at the meter rates set forth in said schedule, plus any cost of damage or other expense involving Village property.
- C. The curb stop or gate valve shall not be used by the customer for turning on or shutting off the water supply but is for the exclusive use of the Village.

§ 10 Penalties for offenses

- A. Any person violating these rules and regulations or any part thereof shall be subject to a civil penalty in the amount of at least \$50. Such penalties shall be imposed for each and every day in which any violation exists. Civil penalties shall be enclosed in the amounts of \$50 for the first violation of these rules and regulations and not less than \$75 for every subsequent violation of these rules and regulations. Persons violating shall also be subject to other reasonable penalties including, but not limited to, shutoff of water pending compliance. This section shall not abrogate or suspend any other actions which the Village may wish to undertake to secure compliance with these rules and regulations.
- B. Special proceedings to collect civil penalties for violation of these rules and regulations shall be instituted in any court of competent jurisdiction by service of the notice of petition, and such petition shall be verified by the Board of Trustees of the Village of Rushville.

§ 11 Effective Date

This Local Law shall become effective upon its adoption by the Board of Trustees of the Village of Rushville and its filing with the Department of State. Upon its adoption, this local law shall supersede any previous ordinance or local law of the Village of Rushville pertaining to the rules, regulations and rates of conveyance and sale of water to the water customers of the Village of Rushville.

ADOPTED 12/13/2010

FILED NYS DOS 12/30/2010