



TOWN BOARD TOWN OF AMENIA

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Amenia Town Clerk

JAN 03 2019

Received

**LOCAL LAW NO. ____ OF THE YEAR 2019
TOWN OF AMENIA MUNICIPAL WATER LAW
(Laid on desks October 4, 2018 and Relayed on desks January 3, 2019)**

BE IT ENACTED by the Town Board of the Town of Amenia as follows:

Section -I: TITLE:

This Local Law shall be known and cited as “Town of Amenia Municipal Water Law”

Section -II: HISTORY

- A) As reported in a newspaper article in the Harlem Valley Times dated August 22, 1963 entitled, “The Water Company is Purchased”, the Town of Amenia purchased the Amenia Water Company, a private waterworks corporation. Accordingly, the “Amenia Water District #1”, State Identification Number 1302759, was formed.
- B) The Town's current Water District #1 has approximately 300 service connections serving approximately 1,000 people in the Town's hamlet.
- C) A map is maintained in the Town's records showing the area currently served by Water District #1.
- D) In accordance with the provisions of Article 12 of the Town Law, the Town Board acts as trustees of Water District and governs its operation.
- E) Amenia Water District #1 contracts with a qualified professional to operate and maintain the facilities of the District.

Section -III: ADOPTION OF A NEW CHAPTER 20

A new Chapter 119 of the Town Code of the Town of Amenia is hereby adopted to read as follows:

**“CHAPTER 119
WATER**

§ 119-1. Purpose.

- A) Pursuant to New York Town Law §198(3)(c) & (d), Article 12 of the Town Law and other applicable sections of New York Law, the Town Board of the Town of Amenia (hereinafter “Town Board”) does hereby establish the following rules and regulations governing installation of water mains, service connections, service lines, and other equipment, fixtures, and appurtenances

in the Town water district, and any extensions thereof, and concerning other matters of the public water supply in the Town of Amenia (hereinafter “the Town”) so as to promote the safety, health, protection, and general welfare of persons and/or property in the Town.

- B) It is the further purpose of this Local Law to establish rules and regulations that promote the exercise of due care and diligence in the operation and maintenance of the public water supply system in the Town to ensure compliance with the requirements of the New York State Department of Health State Sanitary Code, any requirements of the Dutchess County Department of Health, and the requirements of any other governmental entity having jurisdiction over such matters with respect to drinking water supplies and public water systems, and to prevent pollution and depletion of such water supplies and systems.

§ 119-2. Applicability.

- A) This Chapter and the rules and regulations established under its authority shall apply to Town of Amenia Water District No. 1 (hereinafter sometimes “Town Water District”) of the Town, and any extensions thereof, and any Town water districts hereafter established, and any extensions thereof.
- B) No water service connections, service lines, or facilities shall be made or installed except in conformity with the provisions of this Chapter and all laws, rules, and regulations of the NYS Department of Health and/or Dutchess County Department of Health.

§ 119-3. Definitions and word usage.

- A) Word Usage.
 - (1) Words used in the present tense include the future, the singular number includes the plural, and the masculine includes the feminine and vice versa.
 - (2) “Shall” is mandatory; “may” is permissive.
- B) Definitions. Unless otherwise expressly stated, the following terms shall, for the purpose of this article, have the meaning herein indicated.

CONSUMER/CUSTOMER/USER

The owner(s) or occupant(s) of premises to which water from the public water supply is furnished as provided in this Chapter.

CORPORATION STOP

A cock controlling the flow of water from the water main to the consumer.

CROSS CONNECTIONS

Any physical connection or arrangement between the public water supply system and another water system or water source, or source of contamination or pollution, or potential source of contamination or pollution.

CURB BOX

A vertical cast-iron pipe extending from ground level, usually on the customer's/user's property, down to the shut-off valve at the service connection.

CURB STOP

The valve controlling water flow from the water main to the service connection.

HOUSE SERVICE

Includes street service and private property house service.

HOUSE SERVICE, PRIVATE PROPERTY

That portion of the house service between the curb box/curb valve and the building, facility, or property being served.

HOUSE SERVICE, STREET

That portion of the service line which connects to the water main in the street and ends with the curb valve located approximately between the street pavement and the property line.

INSPECTOR

The Town Building Inspector/Code Enforcement Officer and/or Water Operator and/or other person or persons appointed and duly authorized by the Town to inspect and approve the installation, repairs, and replacements of water lines and other necessary appurtenances and their connections to any public water system within the Town, and to perform all other acts required or necessary or appropriate in furtherance of the provisions of this Chapter.

NEW YORK STATE DEPARTMENT OF HEALTH, WATER SUPPLY SECTION

The section of the New York State Department of Health which has authority and/or responsibility for the approval and/or oversight of plans, specifications, maintenance, and/or operation of water systems.

PERSON

Any individual, firm, company, partnership, association, society, corporation, group, or other legal entity.

PUBLIC WATER SUPPLY SYSTEM

Town water system within the Town of Amenia, known as Town of Amenia Water District No. 1 and identified as Public Water Supply I.D. No. NY1302759, which provides piped water to the public for human consumption. Such term includes (a) collection, treatment, storage, and distribution facilities under the control of the supplier of water of such system and used with such system, and (b) collection or pretreatment storage facilities not under such control which are used in connection with such system.

SERVICE CONNECTION

The pertinent pipes, valves, fittings, appurtenances, and attachments of every kind and nature that connect the public water supply system to a property owner's property, structure, house, building, facility, or fixture.

SERVICE LINE, SERVICE PIPE, SERVICE MAIN, WATER SERVICE LINE

The pipe and attachments of every kind and nature thereto connecting the street main/water main with the property owner's property, structure, house, building, facility, or fixture where water may be received for usage.

TOWN WATER SUPPLY SYSTEM

Any pipes, water mains, tanks, pumps, connections, valves, meters, collection and/or treatment facilities, and other appurtenances forming part of the Town's public water supply system, known as Town of Amenia Water District No. 1 and identified as Public Water Supply I.D. No. NY1302759, which delivers piped water for human consumption from the source(s) and/or collection or treatment plant(s) to the consumer's service.

WATER ANALYSIS, BACTERIAL

A determination of the bacterial content of water, including total number of bacteria and bacteria of the coliform type.

WATER ANALYSIS, CHEMICAL

A complete analysis of the chemical and physical characteristics of water.

WATER DISTRICT PERMIT

A permit that must be obtained from the Town of Amenia inspector, or other person duly designated and authorized by the Amenia Town Board, by a consumer or user, or intended consumer or user, of the Town public water supply system prior to performance of any water service line installations, connections, change of use, repairs, or replacements. All monies received as fees for the issuance of such permits shall be deposited into the Town Water District fund account.

WATER MAIN OR STREET MAIN

The distribution pipe(s) and attachments of every kind and nature conveying water along the streets, highways, and/or rights-of-way in the water service area.

CHIEF WATER OPERATOR or OPERATOR IN CHARGE

The certified person, with certifications II B and D-Distribution System, in responsible charge of, and having direct supervision over, the operation and maintenance of the Town Water Supply System. Said operator must at all times during such responsible charge and supervision hold a valid certification equal to the classification of the water system and each treatment plant and the distribution system as required by the New York State Department of Health (hereinafter NYS DOH) Sanitary Code pertaining to drinking water supplies. All personnel of the Water Operator making process control and/or integrity decisions about water quality and/or quantity that may affect public health must be appropriately certified as required by the NYS DOH Sanitary Code and be under the direction of the certified Water Operator in responsible charge.

Article II: Water Service

§ 119-4. Installation of public water supply systems where required

Except as otherwise provided in this Chapter, a person owning any real property developed for use, or being subdivided or developed for use, where the laws, ordinances, regulations or requirements of the NYS DOH, and/or the New York State Department of Environmental Conservation, and/or the Town of Amenia, and/or the Dutchess County Department of Health require a public water supply system, shall install and/or connect to such a system. The expense of such installation and/or connection shall be borne by the owner of the property.

§ 119-5. Application and contract for service

A property owner seeking water service to his/her/its property from the public water supply system shall apply to the Town Office of Building and Zoning ("Town Building Department"), on an application form prescribed by the Town Board. For existing customers of the Town Water District at the effective date of this Chapter, such application shall be completed and submitted to the Town Building Department, with a copy to the Town Water District, within sixty (60) days of the effective date of this Chapter. By connecting to, and as a condition of accepting water service from, the public water supply system, the property owner agrees to a contract for such service and agrees to be bound by all provisions, terms, and conditions of this Chapter.

§ 119-6. Property transfer

A property owner must notify the Town Water District at least five (5) business days prior to a change in property ownership. The new property owner shall file an application for water service as required in § 119-5.

§ 119-7. Easements

Connection of a service line from a property to the public water supply system shall constitute the grant of an easement by the property owner to the Town for the Town and its duly authorized agents and/or employees to access the service main, any meter, meter structure, cross-connection control device, or appurtenances thereto, for inspection, repair or replacement of District water meters, and enforcement or other lawful purpose as set forth in this Chapter and/or in the laws, rules, and regulations of the NYS DOH and/or Dutchess County Department of Health.

§ 119-8. Water Committee

The Water Committee heretofore established by the Town Board shall continue. Water Committee shall have the responsibility of recommending to the Town Board any further rules and regulations for the proper administration of the provisions of this Chapter, and which Committee shall have the responsibility to review invoices of water charges and fees and make recommendations to the Town Board in the event those charges and fees should be modified.

§ 119-9. Enforcement; entrance upon property; emergency situations

- A) The provisions of this Chapter shall be enforced by the Town Code Enforcement Officer (“CEO”), in consultation with the Water Operator. The CEO shall report monthly to the Town Board about operation of the water system.
- B) The CEO and the Water Operator, and any other person duly authorized by the Town Board, who shall bear proper credentials and identification, shall be permitted to enter upon all properties serviced by the public water supply system at reasonable times for the purposes of inspection, observation, measurement, sampling, testing, repair or replacement of water meters, or performing any other act in the furtherance and/or enforcement of this Chapter.
- C) Except as otherwise provided in this Chapter, prior to the entrance upon any property as provided herein, the CEO shall provide ten (10) days written notice, by both certified mail, return receipt requested, and first class mail, to the property owner at the address on record with the Town of the intent to enter upon the property for the purposes specified in this Chapter. Upon said notice being given, the property owner shall be obligated to respond to the CEO within ten (10) days of the date of mailing of said notice and shall schedule an appointment to allow access to the property within fifteen (15) days of the date of mailing of said notice.

- D) In the event an emergency situation exists in the opinion of the Water Operator or the CEO, the Water Operator or the CEO, or another authorized agent of the Town, only if time permits, shall attempt to make telephone, email, or personal contact with the property owner to provide notice of the intent to enter upon the property immediately. The property owner shall cooperate fully and expeditiously with the CEO, the Water Operator, and any other duly authorized agent to facilitate immediate access to the property and buildings thereon to remedy the emergency situation.

§ 119-10. Applications for Permits

- A) No person shall uncover, make any connection with or opening into, use, alter, damage, or disturb the public water supply system or any appurtenance thereof without first obtaining a Town Water District Permit from the CEO, upon the CEO's consultation with and approval of the Water Operator.
- B) The Application for a Town Water District Permit shall be on a form prescribed by the Town Board.
- C) Applications for a Town Water District Permit shall be submitted to the Town Building Department together with the following:
 - (1) Plans for any and all work to be done;
 - (2) The name of the person that will be doing the work and all required insurance coverages;
 - (3) All required fees, payable to the Town of Amenia Water District No. 1, as set or amended from time to time by resolution of the Town Board; and
 - (4) Any approvals required from other agencies having jurisdiction over the work.

§ 119-11. Petition for relief from mandatory hookup

- A) Any property owner within the boundaries of a Town Water District may submit a petition to the Town Board requesting relief from mandatory hookup to the Town water supply system and seeking permission to install a private well or other source of water to service such owner's property where physical limitations of the Town water supply system and/or terrain exist and create a hardship in making such connection. Such petition shall include:
 - (1) a full and complete description of the physical limitations of the Town water supply system and/or terrain that exists and the hardship created in making a connection to the Town water supply system,
 - (2) plans and specifications for the planned installation of a private well or other source of water,

- (3) and such other information and documentation necessary to fully inform the Town Board of the circumstances present. The Town Board may, in its sole discretion, request such additional information and documentation deemed necessary to conduct a full and proper review and to make its determination.
- B) The relief requested in such petition shall be subject to approval by the Town Board, in its sole discretion after consultation with the Water Operator and CEO, and the Dutchess County Department of Health, and no installation of a private well or other source of water supply shall be made until and unless all such written approvals have been obtained.
- C) The Town Board, in making a determination whether to grant relief to a property owner as set forth in this Section, may consider any matter or item it deems appropriate, including, but not limited to, the distance or setback from the closest water main and/or service line to the property owner's property.
- D) In the event that approval of the Town Board is granted for relief from mandatory hookup to the Town water supply system, the property owner shall be responsible for all maintenance and expenses for his/her/its approved well or other water source. The property owner shall permit the authorized representatives of the Town and the Dutchess County Department of Health to inspect the property owner's installations to ensure that said installations comply with all applicable laws and regulations with respect to private wells or other water sources.
- E) Where such relief from mandatory hookup to the public water supply system is granted by the Town Board, and if there is any service line connection from the public water supply system to the subject property, the inspector shall have the right to inspect the property at reasonable times to determine whether any cross-connection exists and, if so, the property owner, at his/her/its own cost and expense, must test the private well or other water source at least once each year, and at such other times when, in the opinion of the Water Operator and inspector, the possibility of contamination may exist, for purity for drinking water purposes and said property owner shall install the appropriate cross-connection controls as required in this Chapter.
- F) Properties seeking relief under this section, are still required to pay any special assessments imposed by the Water District.

§ 119-12. Approval of new water supply systems required

- A) §105-25 sets for the policy of the Town which is that all central sewer and water systems shall be owned and operated by the municipality, the Dutchess County Wastewater Authority, or other governmental or public authority acceptable to the Planning Board and Town Board.

- B) When a new public water supply system is contemplated to serve a proposed subdivision or other area within the Town, approvals must be obtained, in accordance with all laws, rules, and regulations, from the Town, the Dutchess County Department of Health, the NYS DOH, and any other governmental or public agencies, departments, or authorities having jurisdiction over such proposed water supply system.

§ 119-13. Quality Standards

- A) The quality of the public water supply shall meet with accepted standards of purity as established by the NYS DOH.
- B) Each service connection shall receive a pressure of at least 20 pounds per square “psi” inch on the first floor. In the event the pressure is lower than 20 psi on the first floor, the Town will provide the service connection with means to reach minimum pressures prescribed and approved by the Town’s designated engineer. The equipment supplied to meet these minimum requirements will be and shall remain the property of the Town, and the owner of the subject property and any tenants or occupants thereof shall not do anything to damage, destroy, alter, or impair the performance of such pump and pressure tank and shall be responsible for any damage thereto, reasonable wear and tear excepted.

§ 119-14. Distribution system; extensions to system

- A) The public water supply of the Town Water District will be distributed through the Town water supply system.
- B) No one except the Water Operator shall make, or allow or cause anyone else to make, any connection to any street main through which the public water supply is distributed. No one shall connect at any time to any public water supply service line without the permission of, and according to the directions and oversight of, the Water Operator. (See, also, Tapping of Water Mains). No more than one service connection per property parcel is allowed without prior, written approval of the Water Operator.
- C) Extensions to the distribution system.
 - (1) In all subdivisions seeking a supply of water from the Town, the distribution system within the subdivision must be designed so as to provide maximum opportunity for improving distribution and for accommodating reasonably foreseeable expansion requirements. Adequate provision must be made for future system extensions, and the mains must be properly sized to accommodate such needs. Any and all pump tests and system evaluations to assess such request for connection to the Town water supply system shall be conducted by an engineer of the Town’s choice at the sole cost and expense of the property owner or applicant. Proposed design specifications shall be

subject to review and approval of the Town's designated engineer. The property owner and/or applicant must comply with the requirements of the Town's designated engineer prior to connection to the Town water supply system.

- (2) All plans and specifications for a proposed water system, water mains, and all appurtenances, and/or extensions of the Town water supply system must be submitted to the Town Board for a full and complete review, including, but not limited to, engineering review by the Town's designated engineer and review by the Water Operator, at the sole cost and expense of the property owner or applicant.
- (3) With respect to such requests for extensions of, or connections to, the Town water supply system, the Town Board may require the applicant to deposit a sum of money into an escrow account in advance of the review of the application. Such deposit may be required at any stage of the application process. The Town Board may also require additional deposits of sums of money into such escrow account at any time during the application and/or review process if the moneys so deposited are, or are anticipated to be, insufficient to pay the Town's costs for review, as described in this Section. If the applicant shall fail to deposit the requested escrow moneys, application review, approval, and/or any necessary permits may be withheld or suspended by the Town Board until such time as the requested moneys are so deposited.
- (4) An irrevocable offer of dedication and bargain and sale deeds and/or permanent easements and/or permanent rights-of-way for all water mains and appurtenances must be provided to the Town and approved as to form by the Town Attorney, all at the sole expense of the property owner.
- (5) The Town, in its sole discretion, may provide water from the Town water supply system during construction and for testing purposes during the construction process, which water shall be metered and charged to the property owner. However, no water shall be supplied to homes or units constructed within a subdivision or an extension district unless and until the entire system has been approved by the Town's designated engineer, accepted by the Town Board, and is in compliance with all NYS DOH requirements.
- (6) All application, connection fees, and water charges, if any, must be paid to the Town or Town Water District, as required by the Town Board, prior to acceptance of the system by the Town.

§ 119-15. Revocation of permits

All permits required pursuant to this Chapter are deemed to be issued upon the express condition that the Town Board and/or the CEO may at any time revoke and annul the same, if deemed by the Town Board or the CEO to be in the best interest of the Town.

§ 119-16. Inspections; notice; repair or replacement of defective materials and workmanship; plumber as owner's agent

- A) Notice must be given to the Water Operator at least forty-eight (48) hours in advance when any plumbing is ready for inspection. The plumber performing the work shall furnish all necessary assistance and appliances necessary to make the final connection to the water meter and curb valve.
- B) The property owner shall direct his/her/its plumber to remove, repair, and/or replace any defective material and/or workmanship when so ordered or directed by the Water Operator.
- C) The plumber employed by the property owner will be considered the agent of such owner while employed in the performance of work at the subject property, and under no circumstances can any plumber or any of his employees doing such plumbing work act as the agent or representative of the Water Operator. Neither will the Town, its Water Operator, or any employee of the Town or Water Operator be responsible for the acts of the property owner's plumber.

§ 119-17. Meter requirements

- A) All water provided from the public water supply system to the property, for any purpose whatever, shall be metered. No connection to the public water supply system shall be made or maintained unless all water delivered therefrom shall pass through a meter authorized and approved by the Town Board and Water Operator and installed in accordance with all provisions of this Chapter. No connections, "bypasses", tees, or other fittings may be placed or allowed on service mains/service lines between the street main and the meter on the property.
- B) Only meters which have been approved by the Town Board and furnished by the Town shall be installed. The Water Operator shall determine the appropriate type and size of the meter in each instance. The Town, through its Water Operator, will supply, own, and maintain all water meters.
- C) The property owner and any tenants and occupants of the property receiving water service from the public water supply agree, as a condition of receiving water service, to allow access to the meter by the Water Operator, the CEO, and other duly authorized representatives of the Town and/or the Dutchess County Department of Health at all reasonable times for the purposes of reading, inspecting, and/or repairing or replacing the meter.

- D) The meter(s) shall be installed within a building or structure to be served in a location before any usage connections, shall be set with the inlet and outlet in a horizontal line with the register on top, and shall be located so as to be readily accessible at all times for reading, inspection, and repair or replacement. Stop valves shall be provided on both inlet and outlet of the meter. Once set, meters shall not be relocated without written approval of the Water Operator.
- E) The Water Operator must inspect and approve the meter installation prior to, and as a condition of, turning on water service to the property. All meters and cross-connection control devices and/or structures must be constructed and/or installed as required in this Chapter.
- F) If an approved water meter is not placed in an accessible place of the property at all times, water service will not be initiated, or, if water service is currently being provided, the CEO shall impose an “inaccessible meter penalty” upon each and every unit of the property that is in violation of this Chapter. Such penalty shall also be imposed and assessed against any property owner who shall refuse to allow access to the property for meter reading, meter inspection, or meter repair or replacement. Such penalty shall be set by resolution of the Town Board, in addition to any additional or estimated use charges for all single-family residential units separately metered, and for commercial and multifamily residences of two or more rental units which are not separately metered. These penalties may be revised from time to time by resolution of the Town Board. All such penalties shall be imposed on the next water usage bill and shall be payable to and collected by the Town in the same manner as water usage charges.
- G) Except as otherwise provided in this Chapter to the contrary, in the event of a discrepancy between the water consumption as indicated by the remote reading device and the water consumption as measured by the water meter at the premises, the water consumption as measured by the water meter at the premises shall be controlling. As a condition of receiving water service, the property owner shall have an affirmative duty to report a non-registering, inaccurate, defective, or leaking meter to the Water Operator in writing immediately when discovered. Failure of the owner and/or consumer to so report to the Water Operator will result in the property owner and/or consumer being held responsible for the cost of water lost, which cost shall be based on the customer’s average historical usage.
- H) No property owner or his/her/its agents, or tenants, or consumers of the public water supply, or any other person, shall tamper with, alter, or damage any water meter or its register, or any attachments or appurtenances thereto, installed or maintained pursuant to this Chapter, nor shall any such persons break, or attempt to break, or tamper with any water seals which are part of the public water system or part of any system or line intended to deliver water service to a property.

- I) In the event of tampering, alteration, or damage of or to installed water meters or any attachments or appurtenances thereto, or the breaking of water seals, the property owner shall be assessed the cost of repairing or replacing the meter including a service fee established by the Town Board. The property owner shall also be liable for the payment to the Town Water District for water service provided, but not paid for, for a period up to six (6) years, as a result of such tampering, breakage, or damage. The property owner will also be liable for meter replacement and labor. The Town may also take criminal legal action against the property owner or such other person who has engaged in the conduct set forth in this Section where instances of intentional and/or repeated tampering, alteration, or damage have occurred.
- J) Outside meter pits may be installed in special cases on written approval of the Town Water Operator, and in his or her discretion. Such meter pits must be installed in accordance with all specifications of the Town Water Operator, and in accordance with any applicable laws, rules, or regulations, and at the sole expense of the property owner.
- K) Provision shall be made by the property owner to prevent hot water from entering any meter.
- L) All meters supplied by the Town shall remain the property of the Town. All meters furnished by the Town will be tested before being installed. Meters furnished by other parties will not be recognized and/or approved unless they have first been tested and approved by the Water Operator at a fee to be established by the Town Board, which shall be the sole cost of the property owner. Said fee may be amended from time to time by resolution of the Town Board.
- M) Plumbers, after completing the work of introducing water into a property and testing the pipes and fixtures with approval of the Water Operator, shall turn the water off at the curb stop until a meter has been installed and set on the service. No owner, tenant, occupant or other persons shall use water from the public water supply system until and unless an approved water meter has been installed and such installation is approved by the Water Operator for service to the premises. The property owner is responsible to ensure that the internal plumbing of the building or structure is of satisfactory condition and in good working order to allow for the proper installation of the water meter and its appurtenances in accordance with all requirements of this Chapter. Water service to the property may be denied, or an inaccessible meter fee imposed, in the discretion of the Water Operator, until the internal plumbing conditions are remedied to the satisfaction of the Water Operator to facilitate the property installation and/or function of the water meter.
- N) At the request of the property owner, the Water Operator will test the meter installed at his property. If the meter, when tested, is registering 5 percent or more water than actually passes through it, there will be no charge for the

test; otherwise, a charge will be imposed on the property owner. Said charge may be amended from time to time by resolution of the Town Board.

- O) Except as otherwise set forth in this Chapter, when a meter is not working or is deemed by the Water Operator to be malfunctioning, the consumer/customer will be billed by estimate based on the consumer's historical use data, or, if such historical data is lacking, in accordance with the minimum water charges in effect at that time, until such time as the meter is repaired or replaced. The property owner shall comply promptly with all requests of the CEO and/or Water Operator to facilitate the prompt repair or replacement of any non-working or malfunctioning water meter.
- P) All new construction begun, or applications made, after the effective date of this Chapter shall provide for each dwelling unit to be separately metered.
- Q) In the event of failure of a property owner to comply with all requirements set forth in this Section, the Water Operator shall report such violations to the CEO, whereupon the CEO shall pursue enforcement remedies as set forth in this Chapter.

§ 119-18. Usage charges; payment; penalties; fees; turn-off and restoration of water service; notice of termination of service; responsibility for payment; legal fees and costs of collection; lien upon real property

- A) Usage Charges, payment, penalties, fees, turn-off and turn-on fees.
 - (1) Usage charges.
 - (a) The charges for Town water shall be established and revised from time to time by resolution of the Town Board. Base rates will be established for three categories: single family home, multiple dwelling (two or more apartments in the same building), and commercial business, along with usage rates for each additional 1,000 gallons.
 - (b) Notwithstanding the minimum annual charges, if a property owner/consumer/customer advises the Town in writing that his service should be turned off because it will not be needed for sixty (60) days or more, the minimum charge shall not apply. After paying his bill for service prior to the period of non-use, along with the turn-off fee, the property owner/consumer/customer will be charged for his actual usage during that quarter.
 - (2) Payment; penalties. A consumer's water bill must be paid within the first thirty (30) days of the quarter following the quarter billed. If the bill is not paid within thirty (30) days of the due date, a ten (10) percent penalty will be applied and added to the amount outstanding, with compounding quarterly.

- (3) Fees for turn-off, turn-on, emergencies, trouble-shooting, damage, installation and removal of water meters, locating service lines, returned checks, final meter readings.
 - (a) The Town Board will by resolution establish a fee for delinquent accounts of one (1) year or more, or accounts in violation of this Chapter for each turn-on and turn-off.
 - (b) This fee will apply for seasonal turn-off at the request of the property owner/consumer/customer, as well as for trouble-shooting, repairs and emergencies.
 - (c) Any damage caused by an owner, his tenant(s), occupants of his property, or the agents of any of them, to valves, curb boxes, water meters, or any other parts and appurtenances of the public water system, shall result in the imposition of additional costs and expenses for repair or replacement as necessary, including materials and labor, as well as any administrative fees.
 - (d) The fee for installation and removal of water meters shall be set by the Town Board.
 - (e) The charge for marking out service lines on private property (if accessible, and traceable) at the request of the owner shall be set by the Town Board.
 - (f) The fee for a check returned by the bank shall be the actual amount charged for such return, and the Town may thereafter refuse to accept checks of the customer and require payments to be made in cash, or by money order or official bank check.
 - (g) The fee for a final meter reading shall be set by resolution of the Town Board.
 - (4) Payment of fees, charges, penalties, and/or interest.
 - (5) All fees, charges, penalties, and/or interest are due and payable as set forth in this Chapter. Payments received will be applied first to penalties and fees, then to the oldest charges due.
 - (a) Fees, charges, penalties, and/or interest and payment due dates thereof may be set or revised from time to time by resolution of the Town Board.
- B) Property owner responsible for all charges, fees, penalties, and/or interest. The property owner shall be responsible for payment of all charges, fees, penalties, costs, and/or interest specified in this Chapter even if he/she does not reside on the subject property, has leased or rented the property to others, or the account for water usage is opened in another's name.
- C) Non-payment; notice of termination of water service; termination of water service; restoration of water service. If full payment of water usage charges,

plus any fees, charges, penalties, interest, and costs of collection have not been paid in accordance with this Chapter, the CEO, after giving the property owner and any known tenants, or their respective agents, executors, administrators or assignees, ten (10) days' written notice of the intended date of termination of water service by:

- (1) certified mail return receipt requested, and first-class mail at their last addresses reflected in the Town's records, or
 - (2) by securely affixing a copy of the notice upon a conspicuous part of the main structure of the premises to which the water service will be discontinued and by first class mail to the property owner of record, shall order the water service to the subject property to be turned off.
 - (3) Notwithstanding the foregoing notice, the property owner shall be responsible for giving appropriate and prompt notice of the impending termination of water service to the property, including the date of termination, to any tenants, lessees, or occupants of the property.
- D) Notice of termination of service to be given by the CEO, as provided in this Section, shall state:
- (1) The date on which delivery of water will be discontinued, which shall be no sooner than ten (10) days from the date of service of such notice and no longer than thirty (30) days after service of such notice;
 - (2) The amount, including all fees, charges, penalties, interest, and costs of collection due and owing.
- E) Service shall be restored only after all outstanding charges, including all fees, penalties, interest, and costs of collection, plus turn-off and turn-on fees have been paid in full. Such payments shall be made either in cash or by official bank check or money order in person at the Town Water District office during regular business hours.
- F) All charges, fees, penalties, interest, and costs of collection that remain unpaid shall be referred by the Town Water District/Water Operator to the Dutchess County Department of Finance for levy against the subject real property, and upon such referral, and an additional fee will be added onto such outstanding water bill for levy onto the real property tax bill. Said additional fee may be amended from time to time by resolution of the Town Board.
- G) Legal fees; costs of collection. All legal fees and expenses incurred by the Town to collect delinquent water bills, including any fees, charges, costs, disbursements, and interest, shall be deemed to be and shall constitute additional water usage charges and shall be paid by the property owner in the same manner as usage charges.

- H) Lien upon real property. All charges which are imposed pursuant to this Chapter, regardless of whether the charges are incurred by the property owner, a tenant or tenants, or any other occupant(s) of the property, shall be a lien on the real property to which the service has been provided. In addition to, or in lieu of, any other remedies provided in this Chapter, the collection of such charges may be in the same manner and by the same methods as provided for the collection of taxes in accordance with the applicable provisions of the Town Law of the State of New York, the Real Property Tax Law of the State of New York, any other relevant statutes of the State of New York, and/or by any other methods allowed by New York State law.
- I) Upon the written request of a property owner to the Water District Billing Department, the Water Operator shall, within ten (10) days of receipt of the request, shut off water service to the property. The property owner shall fully cooperate with the Town and the Water Operator, and/or such other person authorized by the Town Board, in that process and, if necessary, allow the Water Operator and/or other duly authorized Town employee or representative access to the subject property in order to disconnect or terminate the service. Prior to making such request, the property owner shall give appropriate notice to any tenants or occupants of the property, and the property owner shall bear all responsibility and liability for the consequences of the termination of water service to the property. After the water service has been disconnected/terminated, the Water Operator shall inform the Billing Department of that fact.
- J) Except as otherwise set forth in this Chapter, upon full payment of all accumulated charges as set forth in this Chapter, including turn-off and turn-on fees, the property owner shall have the right to have his water service restored. This right shall require 48 hours prior written notice, during normal business hours, to the CEO and Water Operator, as well as allowing the Water Operator or other duly authorized Town employee or representative access to the property to restore service. The property owner, who shall identify himself/herself/themselves, must to be present before the Water Operator and/or authorized Town employee or representative will enter the premises to restore service.

§ 119-19. Service connection fees

- A) There will be an inspection fee for service line alteration, repair, or replacement to connect to the Town water supply system. The fee will be imposed per connection (as included in the specified application fee), or such fee subsequently set from time to time by resolution of the Town Board, which fee shall be paid in advance by the property owner, deposited into the Town Water District fund account, and which fee shall be non-refundable once the Water Operator and/or CEO begin(s) review of the application.

- B) The service connection fee for service connections greater than one inch will be determined by the Water Operator on a case-by-case basis in accordance with the following:
- (1) The connection fee will be estimated at the time the initial service application is made and shall be remitted by the property owner to the Town Water District before any review commences. Such connection fee shall be recorded in an escrow-type manner and will be drawn down as the Water Operator conducts its review of the application.
 - (2) The property owner will be instructed in writing as to any additional amount he/she/it is required to remit, which shall then be recorded in the escrow-type manner.
 - (3) At the end of the connection process, any balance remaining of the property owner's escrow amount shall be returned to the property owner.
- C) The connection fees are intended to cover costs of engineering review where deemed necessary by the Water Operator, the CEO, or the Town Board, cost of the water meter (to be installed by the property owner's contractor with approval of the Water Operator), costs of reviewing the property owner's plans, specifications, installation drawings, and other required submittals, and inspection and/or observation costs during excavation, installation, and completion of the installations and connections as deemed appropriate by the Water Operator and CEO.
- D) Installations to facilitate such connection are not included in the connection fee. Fees for said installations will be determined by the Water Operator on a case-by-case basis and paid in advance by the property owner.
- E) If the water service to a property has been disconnected or terminated for one (1) year or more, a new connection fee must be paid before service can be restored, and all lines and installations shall be in compliance with the provisions of this Chapter at the time of reconnection.

§ 119-20. Tapping of water mains

- A) No one except the Town Water Operator, or another in the presence of, and under the direct observation of, and with the permission of the Water Operator, shall at any time connect to or tap, or cause or allow to be connected to or tapped, any water main which forms part of the Town water supply system through which water is delivered to the customers.
- B) No one shall connect at any time to any public water supply service line without the issuance of a permit as required in this Chapter, and such connection shall be according to the directions and under the observation of the Town Water Operator, and performed in accordance with any and all

applicable laws, rules, and regulations of the NYS DOH and the Dutchess County Department of Health and this Chapter 119 of the Town Code.

- C) No tap or connection shall be made with any part of the public water supply system until:
- (1) an application is filed by the property owner with the Town Building Department,
 - (2) the required application fee is paid to the Town of Amenia Water District No. 1,
 - (3) the connection fee is paid to the Town of Amenia Water District No. 1,
 - (4) the necessary permit is issued by the CEO,
 - (5) not less than thirty (30) days' written notification is provided to the Water Operator of the intent to proceed with the work as authorized, and
 - (6) an appointment is scheduled with the Water Operator with respect to performance of the work.
- D) Water main connection (tapping) for non-emergency work will generally cease on November 1 and resume on May 30. Water main connection (tapping) may be allowed at other times, weather permitting, at the discretion of the Water Operator.
- E) The property owner is responsible for the installation of the water service line from the curb valve, whether in the public right-of-way or on the property owner's property, to and including the installation of a Town-owned water meter. The property owner is responsible for all costs and expenses of excavation, piping, valves, valve boxes, pipe bedding materials, backfill, paved and non-paved restoration associated with the installation of the service, and any other work or materials or equipment necessary for such installations.
- F) Only one tap shall be made for each service line to a property. Excavation for tapping water mains shall be at least 48 inches in depth, or depth of existing water main, and 96 inches wide, unless otherwise specified by the Water Operator. The Water Operator shall be notified in writing at least one (1) week prior to the start of any excavation.
- G) For service connections greater than one inch, the property owner must submit installation drawings/plans, which have already been reviewed and approved by the property owner's New York State licensed engineer, of the layout and material specifications for the installation for the Water Operator's review and approval before any construction begins. The

property owner will be advised in writing by the Water Operator if such proposed installation is acceptable.

- H) Curb boxes are intended to be placed on the property at or above grade. Any curb box that is damaged or tampered with shall be corrected to grade level by the Water Operator at the owner's sole cost and expense. Such cost and expense shall be payable by the property owner in the same manner as water charges.
- I) Curb boxes and curb stops shall be maintained in good working order by, and at the expense of, the property owner.

§ 119-21. Service lines; work thereon

- A) The property owner is responsible for the service line from the curb box/valve, usually located on or in front of the subject property, to turn the water supply from the public water supply system on or off to the customer or user receiving water, to the water meter.
- B) A "service line" is required to have an inside diameter of four inches to a minimum of 3/4 inch.
- C) No street or public place shall be excavated by anyone for the purposes of connecting with the public water supply system or street main, or laying or installing water pipes or fixtures, or appurtenances thereto, without the written permission and issuance of all necessary permits of all appropriate authorities having jurisdiction including, but not limited to, as appropriate, the Town, the Town Superintendent of Highways, the New York State Department of Transportation, and the County of Dutchess.
- D) The property owner and his/her/its agents, contractors, employees, and representatives, shall adhere to all requirements of law as shall be applicable to such excavation and work, and shall comply with all rules, regulations, procedures, and guidelines promulgated and administered by Dig Safely NY, or its successor organization.
- E) The property owner shall be responsible for any resulting damages of such excavation and shall hold harmless and indemnify the Town and the Water District, and their officials and employees, from any and all liability therefor.
- F) Except as otherwise set forth in this Chapter, the Town Water Operator shall be given thirty (30) days prior written notice of the intended date of the start of any work.
- G) As the work commences and progresses, the property owner who applied for such permission to perform work, and his agents and contractors engaged in the performance of such work, shall have proper regard for the safety and convenience of the public, shall ensure that all excavations and work areas are guarded with appropriate and sufficient barricades, shall post and/or

place appropriate and sufficient warning lights and signs at all times, shall comply with all instructions, directions, mandates, and permit conditions of all governmental authorities having jurisdiction over the work area, and shall keep the street open to traffic in accordance with the directions and mandates of all governmental authorities having jurisdiction over the work area or, where directed by the appropriate governmental authorities, close the street in compliance with such directions.

- H) Upon completion of the work, the applicant shall inform the Water Operator, the CEO, the Town Highway Superintendent, and, where required, the appropriate State and/or County authorities.
- I) Service lines from the curb valve to the owner’s house, building, structure, facility, or fixture where water may be received for usage shall be laid at least five (5) feet below the surface of the ground at all points and shall be protected by the property owner from frost or damage at the property owner’s expense.
- J) Each service line shall supply water to only one residence or building.
- K) Service lines from the curb valve to the water meter, including lines up to two inches in diameter, shall be of pure, seamless, piping with bronze fittings, or fittings approved by the Water Operator. Piping shall be type K copper or CTS plastic with a trace line not less than three-quarters (¾) of an inch and of the following thickness:

Nominal Pipe Size (inches)	Outside Diameter (inches)
3/4	7/8
1-1/4	1-3/8
1-1/2	1-5/8

§ 119-22. Corporation stops and service lines

Corporation stops shall be tapped on the side of the water main except in special circumstances as determined by the Water Operator. The service line shall be installed to allow for settlement and movement, as shall be approved by the Water Operator. All service lines shall be installed at the property owner’s expense and maintained by the property owner from the point of the curb valve into and through the building or structure to the water meter, which service lines shall be installed at a depth of 5 feet below grade.

§ 119-23. Trench excavations at public roadways; Town as additional insured

- A) Sand free of any rock or stone shall be used to backfill in a trench excavation around all piping including below pipe at least 6 inches. The sand shall be placed manually to a height of one foot above the pipes, and the trench shall be tamped mechanically in two-foot layers. Remainder of backfill must consist of bank run material free of stones larger than 1” in diameter.

- B) Trenching and excavation in public roadways shall be done according to the specifications of the governmental authority having jurisdiction over the roadway. The Town and other appropriate governmental entities shall be named as an additional insured on any insurance or bond required for excavation.
- C) Excavated material may be used for back-fill only upon approval of the Water Operator.

§ 119-24. Maintenance of service line

- A) All maintenance and repair of the water service line between the curb box/valve and the building or structure served, to the water meter, shall be repaired by the property owner at his sole expense in accordance with all provisions of this Chapter. The meter shall be supplied, owned, and maintained by the Town. Failure of the property owner to maintain and complete repairs to the service line promptly may result in having the water service shut off, in the discretion of the Water Operator. All leaks and/or service repairs from the water main to the curb box/valve shall be repaired by the Town at the expense of the Water District.
- B) In some instances, upon the property owner's written request, leaks between the curb box/valve and the building or structure may be repaired by the Town at the property owner's expense; however, the Town shall have no obligation to perform such repairs and doing so shall be in the sole discretion of the Town. In the event the Town performs such repairs, the property owner shall be responsible for all expenses of such repairs, which expenses shall be due and payable upon completion of the repairs.
- C) Service lines under heavily-traveled streets, or other conditions as deemed by the Water Operator or DOH shall be sleeved at the time of installation.
- D) Only the Water Operator may operate water main valves, service valves, or service curb valves, unless such operation is directed by and performed under the direct supervision of the Water Operator.

§ 119-25. Pressure reducing devices

Static water pressure in a building served by the public water supply shall be 55 pounds per square inch. If, at the point of entry of the service line into the building, the static pressure exceeds 100 pounds per square inch, a pressure-reducing device shall be installed by the property owner at his sole cost and expense. This shall be mandatory for all new service installations and service line replacements.

§ 119-26. Construction of main lines and branch lines

- A) Plans for water main extensions must be approved by the Dutchess County Department of Health. Within the service area of the Town water system, no main or branch lines two (2) inches or less for water supply shall be

constructed without first presenting complete plans to the CEO and Water Operator for review, inspection, and approval; mains and/or branch lines over two (2) inches must be submitted to the Dutchess County Department of Health, the CEO, and the Water Operator. Work shall not proceed without all necessary approvals.

- B) Mains shall be constructed with proper blow-off valves and shall be constructed so as to prevent or eliminate dead ends. Mains shall be constructed of ductile-iron pipe, approved plastic or as approved by Water Operator.
- C) Six-inch pipe will be the minimum size acceptable for runs of 500 feet and longer.

§ 119-27. Water main specifications

- A) The Town Water District transmission line shall be American Water Works Association specification or mechanical joint type with tracer lines. All plastic pipes shall have tracer wire lines attached from the valves to the valve box. Fittings shall be Class 250 cast iron, brass or plastic when specified. Valves shall open counter-clockwise.
- B) The water main shall be laid directly upon the trench bottom which has been hand-trimmed to provide the pipe with a full-length bearing, or the pipe may also be supported by blocking, four blocks to a length, and fine earth or gravel compacted under the pipes. Where the bottom of the trench at subgrade is found to be unstable, unstable material shall be removed to the width and depth ordered by the inspector. Before the pipe is laid, the subgrade shall be made stable by refilling with, sand, gravel or crushed stone in layers and shall be thoroughly compacted so as to provide a uniform and continuous bearing and support for the pipe. Rock shall be excavated to a depth of six inches below the bottom of the trench excavation and refilled with thoroughly compacted gravel or sand. Concrete thrust blocking shall be provided at plugs, tees, bends, and at other locations designated by the inspector. Dimensions of thrust blocks must be approved by the Water Operator.
- C) For the purpose of electrical bonding, serrated bronze wedges shall be installed between the barrel and the bell of the ductile-iron pipe.
- D) Pipe trenches shall be back-filled as soon as possible after inspection. Selected, sand material shall be used for backfilling under, adjacent to, and for a depth of one foot above the pipe. Such backfill shall be thoroughly compacted into place mechanically. If there is a shortage of suitable material for backfilling, material from an outside source may be substituted. The remainder of the trench, to a depth of four feet above the pipe, shall be backfilled and mechanically tamped with suitable material from the excavation. No boulders or rocks larger than one-half cubic foot in volume

shall be used. At the end of each workday, the pipe shall be sealed with a suitable pipe cap to prevent the entrance of foreign materials into the pipeline. Disinfection shall be accomplished in accordance with the methods prescribed by AWWA Standard C-601 latest revised edition.

- E) The line shall be tested for pressure and leakage in accordance with the method prescribed by AWWA Standard C-600, latest revised edition.
- F) The property owner and developer guarantee all work and equipment against any defects in workmanship and material for a period of one (1) year after the date of final acceptance of the work by the Town. Under this guarantee the property owner and developer agree to correct, repair, and/or replace, without delay, and at their sole cost and expense, any failure due to faulty materials, construction, or installation and, further, shall correct, repair, and/or replace any damage to any part of the work caused by such failure.
- G) The property owner and developer shall furnish a maintenance bond in the amount of ten (10) percent of the estimated installation cost of the water main. This bond shall have a term of one (1) year to insure the Town in the event that the property owner or developer fails to meet the requirements of the one-year maintenance guarantee. The property owner and developer may also be required by the Town Board to furnish a performance bond in an amount recommended by the Town's designated engineer and approved by the Town Board for completion of the system.
- H) Where mechanical-type joints are indicated on plans, rubber gaskets shall be installed as specified by the Water Operator.
- I) Below is a list of specifications for materials approved by the Town for water main installations:
 - (1) 1. Curb boxes:
 - (a) Two inches: Mueller H-10386 Oriseal improved extension curb box with H-10400 foot piece.
 - (b) One inch: Mueller H-10314, extension type curb box with stationary rod.
 - (2) Copper pipe: two inches and smaller, Type K or CTS plastic with tracer wire.
 - (3) Meters:
 - (a) Neptune, as specified and purchased by the Town of Amenia.
 - (b) Water will be supplied for testing purposes only and will be turned on for use after the property owner, or his authorized agent, has complied with all requirements of this Chapter and all specifications of the Water Operator and/or inspector. When the water line has

been accepted by the Town, a certificate of occupancy will be issued and the property owner may then use the public water supply.

- (c) Before any water line can be accepted by the Town, a comprehensive as-built map containing accurate and complete measurements, and showing all connections, valves, hydrants, corporation stops, main lines, service lines, and curb boxes must be presented to CEO and Water Operator for approval.

§ 119-28. Additional specifications

- A) Whenever steam boilers, heating systems, or hot water tanks are to be installed, the installation of a suitable safety valve, vacuum valve, or similar approved backflow prevention device as set forth in this Chapter is mandatory.
- B) Whenever the possibility of contamination of the public water supply may exist, through backflow or back-siphonage or by any other means, a reduced-pressure backflow prevention device approved by the NYS DOH must be installed in accordance with this Chapter. The property owner shall bear all costs of that installation.
- C) The Town will not be liable for any damage resulting from the sudden shut-off of water to steam boilers or other fixtures or equipment deriving their supply from the public water system.
- D) The Town Board reserves the right to suspend or discontinue, when the public interest shall require it, the use of any water service, including street mains, and also to shut off the water for repairs or alterations of the street mains or service mains or for other purposes and to keep it shut off as long as may be necessary.
- E) The Town reserves the right to limit the amount of water supplied to any consumer whenever circumstances warrant such action. The Town may also shut off water which is used for any manufacturing purposes or for lawn sprinklers for the purpose of preserving drinking water when circumstances warrant. If possible, the Town will give timely notice, by publication, of such action. In case of an emergency or during new construction work or repairs, the Town may shut off water entirely, without notice, and for as long as will be necessary.
- F) Neither the Town or any of its officers or agents or the Town Water District shall be held responsible or be responsible to consumers for any damages or loss to property or persons which may result from or be caused by shutting off the water, even when no notice is given, and no deduction from water bills will be in consequence thereof. No claim shall be made against the Town of Amenia or the Town Water District for any damages or loss to property or persons arising from the bursting or breaking of any street main or service pipe or any fixture or attachment thereto, wherever situated, or

from the failure or diminution of the water supply, whatever the cause thereof may be.

- G) Air-conditioners or cooling devices which use water in their operation shall utilize a cooling tower or some means of re-using the water.

§ 119-29. Alternate materials, methods, and designs

Alternate materials and methods of construction may be used only if they have first been approved by the Town's designated engineer, the Town Board, the Water Operator, and the CEO. The Town's designated engineer may approve an alternate design provided it complies with the intent of this Chapter and the material and method of work are at least the equivalent in quality, strength, effectiveness, durability and safety of that which is described in this Chapter.

§ 119-30. Hydrants

- A) Each hydrant shall have two (2) two-and-one-half-inch (2-1/2") hose connections, and one (1) five (5) inch steamer connection. Hydrants shall have flanged ends to which a six-inch (6") flanged and mechanical-joint valve or a mechanical-joint end can be bolted.
- B) Each hydrant shall be installed so that it has a poured concrete thrust block or is securely rodded to the water main. Rods shall be five-eighths inch (5/8") threaded rod minimum.
- C) Hydrants shall be set so that the bury mark is at finished grade. If extensions are needed, they shall be of the proper length to bring the hydrant to normal elevation.
- D) A valve will be provided by the Town so that the hydrant can be shut off for repairs without shutting off any water main(s) or service line(s).
- E) Where curbing is used at the edge of a roadway, the hydrant shall be set centered twenty-four inches (24") from the face of the curb.
- F) Provisions shall be made at the time of installation for the proper draining of the barrel when the hydrant is shut down.

§ 119-31. Use of fire hydrants

- A) No person shall open, interfere with, tamper with, or draw water from any fire hydrant in the Town without a permit issued by the CEO in consultation with the Water Operator. Hydrants may be opened by, or on the order of, any chief of a fire department or any fire commissioner.
- B) Whenever a hydrant has been opened and used, the Water Operator shall be notified promptly.

- C) No tools or implements other than standard hydrant wrenches shall be used to open or close a hydrant.

§ 119-32. Cross-connection control

- A) Each service connection to a public water supply shall be protected against the backflow of water or any potential contaminant from the property served, or from any source of water available to such property, into the public water supply. This protection shall be ensured by the installation, at the sole cost and expense of the property owner, of an approved air gap, reduced pressure zone device, double check valve assembly, or equivalent protection device consistent with the degree of hazard posed, as required by the NYS DOH and/or the Dutchess County Department of Health, and as approved by the CEO and Water Operator.
- B) Prior to installation of these safety devices, the property owner shall submit plans and specifications to the Water Operator and Town inspector, and to the Dutchess County Department of Health and/or the NYS DOH, as required, for approval.
- C) The property owner shall have these protective devices inspected and tested, at least annually, at his own cost and expense.
 - (1) Such tests shall be conducted by a certified backflow prevention device tester in accordance with NYS DOH and Dutchess County Department of Health regulations.
 - (2) Records and results of such tests shall be made available, and full, complete, accurate, and legible copies of such test results shall be provided by the property owner to the Water Operator for inspection within one (1) week of testing. Such records shall be maintained by the property owner and by the Water Operator in the Town's records.
 - (3) Should a protective device as specified in this Section be found to be defective, it shall be repaired or replaced at the sole expense of the property owner within ten (10) days of discovery of such defect, except in the case where a threat of contamination of the public water supply may or does exist, whereupon repairs or replacement shall be commenced within 48 hours and completed within five (5) days; nothing contained herein shall serve to impair other remedies, including shut-off of water service, as provided in this Chapter or elsewhere in the Town Code or in other applicable laws. Records of all repairs, replacements, and overhauls shall be maintained by the property owner and full, complete, accurate, and legible copies shall be forwarded by the property owner to the CEO and Water Operator

within ten (10) days of discovery of the defect, and such records shall be maintained in the Town records.

- D) No property owner or his/her/its tenant or occupant of the property, nor any consumer/customer/user of the public water supply system, once connected to the public water supply, may establish, use, or connect to a separate source of water after the effective date of this Local Law. However, a property owner may apply to the Town Board for a waiver of the ban on a separate source of water which existed prior to the effective date of this Local Law if the property owner can justify, to the satisfaction of the Town Board, the need for a separate source of water, and provided the Town Board, after a hearing, finds that the use of such separate source of water does not pose a hazard and meets the following conditions:
- (1) That the property owner tests the separate source of water for quality and purity at least annually for compliance with NYS DOH standards.
 - (2) That the property owner only use the separate source of water which is properly developed, constructed, protected, and found to meet all requirements of Sections 5-1.51 and 5-1.52 of 10 NYCRR (the NYS DOH State Sanitary Code, Part 5 - Drinking Water Supplies, Subpart 5-1 - Public Water Systems) in effect at the time of testing, and any other applicable provisions of said Part 5.
 - (3) That the property owner file such written approvals and test results annually with the NYS DOH, the Dutchess County Department of Health, the Town CEO, and the Town Water Operator, which records shall be maintained as part of the Town's records.
- E) No property owner, or his agents, or the tenants or occupants of his property, or any consumer/customer of the public water supply, shall make or maintain, or allow to be made or maintained, a cross-connection between the public water supply piping system and any other piping system connected to a separate source of water or auxiliary water supply without the installation of an approved backflow prevention device or approved air gap following the written approval of the CEO and Water Operator and the written approval of the Town.
- F) Any installation, servicing, maintenance, testing, repair, replacement, or modification of a backflow prevention device shall be performed in accordance with the provisions of the applicable State, County and Town plumbing codes, all applicable provisions of the NYS DOH State Sanitary Code, the County of Dutchess Department of Health, and this Chapter.
- G) For the purpose of making inspections or in other ways discharging the duties imposed by this Chapter or by the NYS DOH State Sanitary Code or by the Dutchess County Department of Health, the Town inspector, the

Water Operator, the Dutchess County Department of Health, and the NYS DOH shall have access to the real property and the buildings located thereon to which public water service is provided. Every property owner, as a condition of the continued delivery of water from the public water supply, shall be considered as having consented to entry upon and into his /her/its property and buildings by the Town inspector, the Water Operator, other authorized agents or representatives of the Town, the Dutchess County Department of Health, and the NYS DOH officials or representatives.

- H) The Town inspector and such other officers appointed by the Town Board shall have full authority to enforce this Chapter.
- I) In the event the Water Operator and/or the Town inspector shall discover, be informed of, or suspect the malfunctioning of any cross-control protection device or the creation or existence of a cross-connection in violation of this Chapter, or shall discover, be informed of, or suspect either actual contamination or the potential threat of contamination to the public water supply, each shall immediately give both verbal and written notice to the Town Supervisor or, if the Town Supervisor is not available, the Deputy Town Supervisor, or, if neither is available, to another Town Board councilperson.

§ 119-33. Restrictions on water usage.

- A) No person or owner shall use any water supplied or furnished by the Town or by a municipal water district to fill any swimming pool or similar structure. It is hereby declared that all public water supplies in the Town of Amenia are functioning for the sole purpose of supplying potable water for domestic use within the building or residence supplied and for fire protection purposes.
- B) The Town Board of the Town of Amenia may in times of water shortage or emergency limit the amount of public water supplied to each owner or building. The Town Board hereby expressly gives notice to all owners of buildings or residences presently supplied by public water (or to be supplied in the future) that said Town Board may, by resolution, determine when such a water shortage or emergency exists. In case of such emergency or water shortage, notice thereof will be given by publication in the official Town newspaper. Said notice shall contain the date when such shortage or emergency commenced, as well as the restrictions on use of water necessitated thereby.

§ 119-34. Termination of water service

- A) Delivery of water from the public water supply system to any property/consumer may be terminated by the CEO or Water Operator if any protective device required by this Chapter or by the NYS DOH State Sanitary Code and/or the Dutchess County Department of Health has not been installed, inspected, tested, properly maintained, repaired, or replaced,

or is defective, or has been removed, damaged, or bypassed, or is malfunctioning.

- B) Except as otherwise provided in this Chapter, water delivery shall not be terminated until ten days' written notice of the intent to so terminate service has been given by the CEO to the property owner and any known tenants, or their respective agents, executors, administrators or assignees, of the intended date of termination of water service by either: (1) certified mail, return receipt requested, and first class mail at their last addresses reflected in the Town's records, or (2) by securely affixing a copy of the notice upon a conspicuous part of the main structure of the premises to which the water service will be discontinued and by first class mail to the property owner of record.
- C) Said notice to the property owner shall state the following:
 - (1) The conditions and/or defects which must be corrected.
 - (2) The manner in which the stated conditions or defects are to be corrected.
 - (3) The date on which delivery of water will be terminated. Except as otherwise provided in this Chapter, such date shall be no fewer than ten (10) and no more than sixty (60) days after the delivery of the notice.
- D) Delivery of water shall be terminated immediately, and termination may be without any notice to the property owner and/or tenants, if the Water Operator or the CEO or the Dutchess County Department of Health or NYS DOH determines that:
 - (1) The public water supply is being contaminated or may be in imminent danger of contamination; or
 - (2) A protective device required by this Chapter has not been properly installed, inspected, tested, properly maintained, repaired, or replaced as required in this Chapter, or is defective, or has been removed, damaged, bypassed, or is malfunctioning.
- E) Once water service is terminated, delivery of water from the public water system shall not be resumed until a protection device required by this Chapter and approved by the Water Operator has been properly installed, inspected, and approved, as required by this Chapter, and/or until the conditions at the subject property in violation of this Chapter have been corrected to the satisfaction of the Water Operator and the Dutchess County Department of Health and/or NYS DOH.

§ 119-35. Enforcement; fines; penalties

- A) Non-compliance with this Chapter and any provisions thereof is declared to be a violation punishable by a monetary fine not exceeding \$250.00 for each violation, and/or imprisonment for a period not to exceed fifteen (15) days. Each day said violation continues shall constitute a separate violation. Said fine and/or imprisonment shall be in addition to any other charges, penalties, fees, and interest set forth in this Chapter.
- B) The CEO is authorized to order, in writing, the remedying of any condition or activity in violation of this Chapter and may order, without limitation, any cross-connection control measures and/or installations and maintenance, repairs, or replacements to accomplish compliance with this Chapter. Upon finding that a violation exists of this Chapter exists, the CEO shall issue a notice of violation and compliance order.
- C) The notice of violation and compliance order shall:
 - (1) be in writing;
 - (2) be dated and signed by the CEO;
 - (3) specify the conduct, condition, or activity that violates this Chapter;
 - (4) specify the provision or provisions of this Chapter which are violated;
 - (5) state the actions needed to be taken to cure the violation(s);
 - (6) specify the period of time within which such violation(s) must be corrected or abated;
 - (7) state the consequences for failure to correct or abate the conduct, condition, or activity constituting the violation(s), and that an action or proceeding to compel compliance may be instituted if compliance is not achieved with the specified period of time.
- D) The CEO shall cause the notice of violation and compliance order, or a copy thereof, to be served on the owner of the affected property personally, or by certified mail, return receipt requested, or by overnight delivery. The date of service shall be the date of personal service or the date of mailing.
- E) The CEO is authorized to issue appearance tickets for any violation of this Chapter.
- F) The person in violation of this Chapter shall, within the period of time stated in the notice of violation and order to remedy, permanently cease all violations and/or cure, abate, correct, and/or remove all such violations, and

shall effectuate such measures, maintenance, and/or repairs necessary to cure all violations.

- G) If the violations are not timely, ceased, abated, corrected, and/or removed within the time specified in the notice of violation and compliance order, the CEO, in consultation with the Water Operator, may cause the removal, and/or take any appropriate measures, and/or perform maintenance or repairs to abate, cease, correct, and remove the violations. Such actions may be performed by the CEO, the Water Operator, or their respective designees or contractors. The property owner shall be responsible to reimburse the Town for all costs incurred to affect the abatement, correction, and/or removal of all violations, including maintenance, repairs or other measures necessary. Such costs shall include reasonable attorneys' fees, consultants' fees, and costs and disbursements. In the event of failure to reimburse the Town for such costs, such sums shall be charged against the real property which is the subject of the violations by adding the costs to, and making them a part of, the next water usage bill for the property.
- H) An action or proceeding may be instituted in the name of the Town in any court of competent jurisdiction to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce any provision of, this Chapter or any conditions, requirements, or terms of any notice of violation and compliance order issued by the CEO pursuant to any provision of this Chapter. No such action or proceeding shall be commenced without the appropriate authorization of the Town Board.
- I) No remedy specified in this section shall be the exclusive remedy or penalty available to address any violation described, and the same shall be in addition to, and not in substitution for or limitation of, the other remedies and/or penalties specified in this Chapter or in any other applicable law.
- J) Civil Penalties.
 - (1) In lieu of or in addition to any other penalty, any person found, by a preponderance of the evidence, to have violated this Chapter shall be subject to a civil penalty not exceeding \$100 for each violation.
 - (2) Civil proceedings under this section may be brought by the Town Attorney, at the request of the Town Board, in a court of competent jurisdiction.
 - (3) Civil proceedings may also be brought to:
 - (a) Secure injunctive relief.
 - (b) Recover any expenses, including labor and materials, incurred by the Town to remedy violations of the provisions of this Chapter.
 - (c) Achieve such other remedies as may be available under law or equity to correct or remedy a violation or protect the interests of the Town.

- K) No person shall interfere or tamper in any way with the meter or meter accessories or the valves and fittings connected thereto. No person shall use unmetered water. Any person violating this subsection shall be subject to a civil fine in the sum of \$1,000 as determined and imposed by the person charged with the enforcement of this Chapter or by agreement of the parties. In addition, any person violating this section shall be required to make restitution and payment to the Water Operator in an amount to be determined by the Water Operator to reimburse the Water Operator for service provided but not paid for by any person violating this subsection for a period of up to three years immediately preceding the discovery of the violation and to further reimburse the Water Operator for any and all damages sustained to the meter or meter accessories or the valves and fittings connected thereto.

§ 119-36. Abandoned water service; reintroduction of service

In the event that public water service has not been used by a property owner or his/her/its tenant(s) for one (1) year because no building is present on the property or for any other reason, a new connection fee must be paid by the property owner before water service can resume. At the time of reintroduction of service, all service lines shall be installed as required in this Chapter to the satisfaction of the CEO and the Water Operator. A permit must be obtained from the CEO, and all lines and installations shall be inspected and approved prior to reintroduction of service.

§ 119-37. Consent to enter premises

All property owners and consumers of water from the public water supply, as a condition of receiving such water service, shall be deemed to have consented to the entry of the Water Operator and Town inspector and/or other duly authorized representatives of the Town, the NYS DOH, and the Dutchess County Department of Health, upon and into his/her/its property for the purpose of enforcing all provisions of this Chapter. The Water Operator and CEO, and any other duly authorized representative of the Town, must show proper identification to the property owner and/or occupants of the property upon request.

§ 119-38. Prohibited acts

Any person who shall, except as permitted by this Chapter, break, damage, destroy, uncover, deface, alter, or tamper with any structure, apparatus or equipment which is part of the public water supply system shall be deemed to have violated this Chapter. Any person who commits or permits any acts in violation of any of the provisions of this Chapter shall be liable for the penalties, fees, fines, costs, and/or charges provided in this Chapter.

§ 119-39. Additional remedies

In addition to the remedies provided in this Chapter or other applicable law, the Town Board may cause water service to any property where violations exist to be terminated after notice and in accordance with the procedures required by law.

§ 119-40. Separability

The provisions of this Local Law are separable and, if any provision or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions or parts of this Local Law or their application to other persons or circumstances. The Town Board hereby declares that it would have passed this Local Law, or the remainder thereof had such illegal, invalid, or unconstitutional provision been apparent.

§ 119-41. Repealer

All ordinances, local laws, and parts thereof as shall be inconsistent with this Local Law are hereby repealed.

§ 119-42. Effective date

This Chapter shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the Municipal Home Rule Law.

