

**LOCAL LAW NO. 3 OF THE YEAR 2013**

**ORDINANCE FOR OPERATION AND CONTROL OF THE  
ARKVILLE WATER DISTRICT - TOWN OF MIDDLETOWN,  
DELAWARE COUNTY, NEW YORK  
REPLACING ORDINANCE NO. 1 OF 1985**

**SECTION 1(a).** The Superintendent of the Arkville Water District shall generally act as agent for the Town Board in the issuance of permits, billing for service and inspection of work. In case of permits for connections, use of water for construction or the like, a receipt for any fees stipulated, signed by the Water Clerk, must be in the hands of the Superintendent of the Arkville Water District before work proceeds.

**SECTION 1(b).** The Superintendent of the Arkville Water District via the Town Clerk shall report to the Town Board quarterly covering work done and money received.

**SECTION 2.** All money received on behalf of the Water District shall forthwith be deposited in such banks or trust companies as the Town Board may from time to time direct.

**SECTION 3.** Claims and charges against the District shall be audited and paid in the same manner as Town charges.

**SECTION 4.** Permanent water service shall be rendered by meter only. In order that there may be a uniformity of make and design and to give the greatest efficiency in operation and maintenance, all meters shall be of such make and type as, from time to time, may be approved by the Board, and shall be procured from the District.

**SECTION 5(a).** No person or corporation shall use the water supplied by the District for any purpose whatsoever without having first obtained a permit upon written application therefor, after having first paid the charges pertaining to the introduction of water to the premises.

**SECTION 5(b).** All applications for introduction of water to any premises or for the use of water shall be made upon a blank furnished by the District for such purpose, and shall be signed by the owner or his, her or its duly authorized agent. Such application shall contain a statement of all uses for which water is desired. If usage beyond that stated in the application occurs or is above the accuracy of the meter originally installed or, in the opinion of the Board exceeds the supply available, water service may be discontinued. Application for additional uses may be made at any time and permit may be granted therefore subject to the best interests of the Water District as a whole.

**SECTION 6.** No person shall make any attachment to or connection with any of the pipes or mains of the District, nor make any repairs; additions or alterations to the service pipes, except on the consumer's side of the meter, unless he or she be an employee of the District or a person or corporation authorized so to do by the Town Board.



**SECTION 7.** A list of persons authorized as provided in Section 6 shall be on file in the Office of the District and with the Town Clerk.

**SECTION 8.** Any person or corporation may make application to the Town Board for the purposes set forth in Section 6. The application shall be accompanied by a bond in such sum as shall be fixed by the Town Board, in consultation with the Town Highway Superintendent, with one or more sureties acceptable to the Board, conditioned that he, she or it will comply with these regulations, rules and ordinances, will pay to the District all fees, penalties or other charges required hereby in consequence of the work undertaken and that he, she or it will restore openings made in streets, roads, lanes and other public places and pavement thereon and therein, to the same standard of condition as before the work started and keep and maintain the same in such condition for a period of one year after the work has been completed, and in case of failure so to do, will pay to the proper authority the cost of putting the same in such condition. The Town Board may, in its discretion, grant or deny such application. Such permission, so given, may be revoked by the Town Board at any time.

**SECTION 9.** No person shall tap any main or distributing pipe or make or interfere with any connection with the water system unless under the direction of and in the presence of the Superintendent or unless he/she be an employee of the District or unless specific permission in each case be given by the District. Nor shall any person make any alterations or additions in and about water pipes other than on the consumer's side of the meter, unless a written permit shall have been given by the District upon written application therefore.

**SECTION 10.** No street or public place shall be opened by any person for the purpose of making a connection with the mains or for the laying of water pipes or fixtures unless permission shall have been granted by the authority having jurisdiction therein.

**SECTION 11.** Whenever any street or public place shall have been opened for the purpose of making a connection with the mains or the laying of water pipes or fixtures, the applicant shall have proper regard for public safety and convenience and said Street or place shall be restored to its original condition as soon as practicable. Open trenches shall be guarded with barricades and sufficient warning lights or flares shall be displayed at all times.

**SECTION 12.** Service pipes shall be laid with at least five feet of cover at all points. The curb cock shall be installed between the sidewalk space and the curb line close to the curb line. The meter shall be installed within the building with visible reading outside to be served as close as practicable to point where the service pipe enters, unless otherwise directed by the District, and shall be set with the inlet and outlet in a horizontal line with a remote register so located as to be readily accessible at all times for reading outside of the building. A stop valve shall be provided within the building on the inlet and outlet side of the meter. A backflow preventer shall be placed on the outlet side of the meter between the meter and the stop valve as close to the meter as is practicable. A pressure regulator, not to exceed seventy (70) psi shall be placed on the inlet side of the meter between the stop valve and the meter as close to the meter as is practicable. All installations required by this section shall be installed and completed on all



services within the Arkville Water District. Provision shall be made to prevent hot water from reaching the meter. No red or white lead or joint compound shall be used on joints between the main and the meter. No tee or other fitting through which water can be taken will be permitted on the service pipe between the main and the meter.

**SECTION 13.** In the event that a change in ground elevation leaves a service pipe insufficiently buried, or results in the curb box projecting above the ground or being covered with earth, the consumer shall promptly lower or raise his service pipe and curb box to conform to the new ground elevation. In case the consumer fails or neglects to make such alterations promptly the supply of water will be shut off until the alterations are completed, and a charge, to be fixed by the Town Board, will be made to cover the labor and expense by the District resulting from the consumer's failure so to do. The Consumer shall be responsible for all labor and materials to repair a pipe that is damaged by freezing or any other damage resulting from insufficient burial.

**SECTION 14.** Service pipes and meter and the appurtenances thereto shall be kept in good repair and protected from the frost by the consumer at his own expense. In the event that any damage occurs to the piping or supply lines of a consumer allowing large amounts of water to leak or dissipate away, the District may use reasonable means to stop that flow of water, including digging up lines, turning off the curb cock, or other means in this District's discretion are reasonable and necessary to avoid wasting large amounts of water. The cost of digging, repair, terminating or otherwise acting to stop large leaks and similar situations shall be borne by the consumer.

**SECTION 15.** A stop or waste cock shall be provided within the building so located that all piping on the consumer's side of the meter can be drained whenever necessary. All meters shall be installed on existing piping on the inside of all structures and shall meet the following criteria or as approved by the Engineer: a) Meters shall be located as close as possible to the point of entry of the supply line. b) Meters shall be located in a location that will prevent freezing and be so located to be accessible for reading, inspection and replacing. c) Meter shall be located from 2 to 4 feet above the floor, with the dial, pointing up. (Meter in horizontal position) d) All meter installations shall utilize a meter holding device specifically manufactured to facilitate the connection to existing piping, support the meter, make meter replacement simpler and more trouble free, and will provide electrical bonding around the meter. e) All installations shall include a bronze bodied gate valve located at the meter inlet and also on the meter outlet to facilitate meter removal.

**SECTION 16.** In case a house or other building is to be closed or become vacant, notice thereof should be given the District in order that the meter may be read and curb cock closed. Where such notice is not given and pipes burst from freezing or other cause, the value of water lost by reason thereof, as estimated by the District Superintendent, together with the additional sum, to be fixed by the Town Board, to cover labor and expense to the District, shall be added to the next bill and be paid in like manner as regular water charges.

**SECTION 17.** Where a new connection is made with street mains and where new extensions or attachments are made in unoccupied houses, the curb cock shall be closed by the person making the connection, extension or attachment. Notice of the completion of the work shall be given the District



and the curb cock shall not again be opened until the work has been inspected and approved by the District and the meter read. Pipes and connections between the main and meter shall not be covered until so inspected approved.

**SECTION 18(a).** Where a water meter fails to register the correct quantity of water delivered through it or where it otherwise becomes out of order or in need of repair, notice thereof shall be given the District. Another meter will then be loaned and installed during the time required for testing and repair. Where repairs are found necessary, the same shall be made by the District and the cost thereof borne by the District. When, in the opinion of the Superintendent of the District, a meter becomes unsuitable for further use it shall be replaced by another at the District's expense. In the event that the meter is not reading accurately, the District is not responsible for any overpayments made prior to the date on which the consumer gives written notice to the District.

**SECTION 18(b).** No charge shall be made for inspection and testing of meters found to be out of order when such have been duly reported but in the event the meter is in proper working order the consumer shall pay a charge to be set by the Town Board as part of its fee schedule for the Arkville Water District.

**SECTION 19(a).** No person shall open, interfere with or draw water from any fire hydrant in the District without permit from the District therefore except that hydrants may be opened by or on the order of any member of a Fire Department or any fire commissioner within the District in case of fire for the purpose of attaching thereto fire hose and equipment.

**SECTION 19(b).** Whenever a hydrant has been opened and used, a notification of such fact shall be promptly given to the District.

**SECTION 19 (c).** No tools or implements shall be used to open hydrants except such as are furnished by the District or by the Fire Department operating within the District.

**SECTION 20.** Where water has been turned off by direction of the District, it shall not be again turned on without the permission of the District

**SECTION 21.** The Town Board shall from time to time adopt fee schedules for water service, which shall become effective ten (10) days after publication in the official newspaper of the Town.

**SECTION 22.** Bills for water service shall become due and payable to the District and such payment shall be paid to the Water District Superintendent and received by the Water Clerk on a quarterly basis. The bills are due when presented, and are accepted within 30 days without penalty or interest to the consumer. (See Appendix "A")

**SECTION 23(a).** Water rents and charges and penalties thereon shall be a lien upon the real property upon which the water is used, and on or before the day when, under the Town Law, preliminary estimates of expenditures are required to be submitted, the District Superintendent shall prepare and file with the Town Clerk and Town Supervisor a statement showing all water rents and charges, with



penalties thereon, unpaid for more than ninety (90) days, which said statement shall contain a brief description of the property to which the water was supplied or upon which charges were incurred, the name of the owner liable to pay the same, so far as maybe known, and the amount chargeable to each.

**SECTION 23(b).** Such rents, charges and penalty remaining unpaid shall be reported to the Town Clerk for preparation of a statement of such unpaid water rents, charges and penalties; this statement will, pending a motion by the Town Board accepting the same, be forwarded to the County Treasurer for the purpose of levying the same as a tax against the property affected.

**SECTION 24(a).** When water is required for use in connection with building construction, application shall be made to the District therefore. Where the owner of the premises is not the applicant, deposit of such sum as the Superintendent of the District shall deem sufficient to pay for water to be used and charges attendant thereon, shall be paid in advance to the District. Where, after installation and commencement of use of water, in the opinion of the Superintendent, more water is used or will be used that is covered by the deposit, he or she may then require a further deposit, in default of which he may discontinue service when the amount of water charges and other District charges equals the amount of the deposit. After completion of the work, upon claim duly made therefore to the Town Board, any surplus of the deposit over and above the amount of the water charges and other expenses attendant thereon shall be refunded to the applicant. Charges for this purpose shall be the same as provided herein for permanent service except that if meter is returned to the District in good and serviceable condition, the cost thereof to the applicant will be refunded.

**SECTION 24(b).** Installation, unless otherwise permitted by the District shall conform to the rules and regulations herein provided for permanent service.

**SECTION 25(a).** Persons or corporations, desiring to use water for construction purposes, other than mentioned in Section 23(a), shall make application to the District therefore, setting forth the name and address of the applicant, the object and purpose of the use of water, the quantity estimated to be needed and shall give such other information as the Superintendent shall require. If such application is granted, the supply of water shall be furnished in such manner as the District shall allow. The water rate for such water usage shall be in accordance with the fee schedule adopted by the Town Board. A meter shall be furnished by the District for the use of which a reasonable charge will be made by the District, and, where the Superintendent shall deem it advisable, an inspector, appointed by the Town Board, shall be maintained on the work at a wage to be fixed by the Town Board, to be paid by such applicant. Where water for such purpose is taken from a hydrant, provision shall be made for the protection of the meter and for quick disconnection in case such hydrant or hydrants are needed to extinguish any fire.

**SECTION 25(b).** No such application shall be granted unless a bond, in such sums as the Superintendent shall deem sufficient, approved as to sureties and form by a majority of the members of the Town Board, shall be delivered to the District to indemnify it for any damage which may be suffered by it to its water system gate boxes, meters, valves or fire hydrants by reason of the construction contemplated.



**SECTION 25(c).** All applications shall contain a provision to the effect that the applicant agrees to indemnify and hold harmless the Water District and the Town of Middletown from damages by reason of injury to person(s) or property by reason of the construction work done in installing and connecting water to the applicant's premises, or by reason of any acts of omission or commission committed by the applicant or persons acting in his or her behalf.

**SECTION 25 (d).** The provisions of Section 23, insofar as it provides for the deposit of money to secure payment of water charges and insofar as it provides for reimbursement of surplus deposit, shall apply to the use of water for the purposes contemplated by this Section 25(a) except that no deposit shall be required of the State or any municipal corporation or any district, bureau or department thereof, where the work is being done by its own employees and where the purpose for which the water is used has been duly authorized, in which current bills for water charges shall be rendered at such times as the Superintendent shall deem advisable.

**SECTION 26.** Whenever any of the provisions of this ordinance or regulations adopted thereunder are violated, the Town Board may order the Superintendent of Water to shut off the water and remove the meter. In case of leakage causing wastage of supply the Superintendent of Water may, in his or her discretion, act before consulting the Town Board.

**SECTION 27.** The Superintendent of the District or his or her authorized agents shall have full power to enter the premises of any consumer, at all reasonable hours, Monday – Friday between 8a.m. – 6p.m. or on weekends by appointment, with full exception for emergencies at the Superintendent's discretion, to examine the meter or to examine fixtures, plumbing and the manner of using water.

**SECTION 28.** Wherever it is referred to herein that permission be granted by or that an application be made to, or that an act be done by or that an act be approved by the District, it shall mean the Superintendent of Water Supply of the District.

**SECTION 29(a).** Each service shall be provided with a corporation cock, curb cock and box and service pipe from the street main to a point between the outside sidewalk line and the curb line. The curb cock and box shall be located as designated by the Superintendent of the District; the service shall be installed by the property owner or his agent.

**SECTION 29(b).** A charge shall be made by the District for a new corporation cock, meter and one quarter of water service at the minimum rate. Before the application for service is approved and the connection made the applicant shall pay the District the full amount of the service connection charge.

**SECTION 29(c).** The service pipe and fitting and the meter settings shall be of a make, size and pattern determined by the Town Board.

**SECTION 30.** In all places where steam boilers or hot water tanks are supplied with water from the water system, the owner or consumer must see that the plumber places a suitable safety valve, vacuum valve, or other proper device, to prevent damage from collapse or explosion when water is shut off. The District shall not be liable for any damage resulting from sudden shutting off of the supply of water from any steam boiler or other fixture deriving its supply from the water system.



**SECTION 31.** The District reserves the right to limit the amount of water furnished to any consumer, should circumstances warrant such action, although no limit may be stated in the application or permit for use, or said District may entirely shut off the water supply for such uses as commercial and industrial uses, car washing uses, lawn and garden watering, and the filling of pools, but not limited to said uses, at any time, by giving reasonable notice of such intended action, or in case of making or constructing new work, or in making repairs, or in emergency, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

**SECTION 32.** The District shall not be liable for any damage or loss of any name or kind to property or persons that may arise from or be caused by any change, diminution in or increase of the water pressure from any cause whatever.

**SECTION 33.** Service pipes and fittings, corporation cocks, curb cocks, curb boxes, pressure regulators, back flow preventers, shut off valves, meter and meter setting shall concern to such standards and shall be of such make and type as the Town Board shall adopt and shall be of such size proper as the Superintendent deems proper. Service pipes from the curb box to the water meter, less than two inches in diameter, shall be of pure, seamless, soft-tempered copper tubing with bronze fitting and/or a material approved by the Water District Superintendent. Tubing shall be of the following thickness:

NOMINAL PIPE SIZE	OUTSIDE DIAMETER OF	GUAGE (BWG)
	TUBING	
$\frac{3}{4}$ "	$\frac{7}{8}$ "	16
1 "	1 $\frac{1}{8}$ "	16
1 $\frac{1}{4}$ "	1 $\frac{3}{8}$ "	16
1 $\frac{1}{2}$ "	1 $\frac{5}{8}$ "	15

**SECTION 34(a).** Each violation of any of the provisions of these ordinances, rules and regulations shall constitute a misdemeanor and shall be punishable by fine not exceeding Two Hundred Fifty Dollars (\$250.00) or imprisonment not exceeding thirty days or by both.

**SECTION 34(b).** The District may in its discretion furnish water to consumers outside the District provided that all charges to such consumers shall be the same plus an amount equal of what amount would be paid in Water District taxes if the premises so supplied were in the District as applicable for that current year.

**SECTION 34(c).** During periods of emergency the Superintendent of water supply shall be privileged to reduce the water supply to consumers outside the district in proportion to the reduction of water available to the district. Where, in the judgment of the Superintendent of Water Supply, there is an endangerment of short supply of water for district consumers, the Superintendent of Water supply may,

in his or her sole judgment and discretion curtail, suspend or terminate the supply of water to consumers outside the district during the continuation of such emergency period. Such curtailment, suspension or termination under the aforementioned circumstances shall apply equally to all consumers outside the District without special privilege one over the other.

**SECTION 35.** The right is reserved to change and amend these Rules, Regulations and ordinances, to make special rates, variations and contracts in all proper cases, or to turn off the water supply without notice in case of extensions, repairs or other necessity without liability for damages for lack of water, or for any damage which may result from the turning off of the water supply.

**SECTION 36.** This Ordinance supersedes all prior Ordinances, Laws, Rules and Regulations pertaining to the operation of the Arkville Water District.

**SECTION 37.** These Rules, Regulations and Ordinances shall become effective ten days after publication and posting thereof as required by statute.

BE IT ENACTED THIS 10<sup>TH</sup> day of December, 2013 by the Town Board of the Town of Middletown, Delaware County, New York.

  
MARJORIE MILLER, SUPERVISOR

Aye/Nay

  
MICHAEL FINBERG

Aye/Nay

  
BRIAN SWEENEY

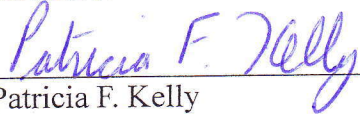
Aye/Nay

  
JACOB ROSA

Aye/Nay

Councilman John Roucek was Aye/Nay  
JOHN ROUCEK absent.

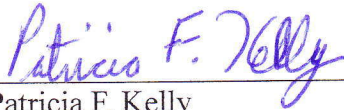
ATTEST:

  
Patricia F. Kelly  
Town Clerk



I hereby certify that the local law annexed hereto, designated as Local Law No. 3 of 2013 of the Town of Middletown was duly passed by the Town Board on December 10<sup>th</sup>, 2013, in accordance with the applicable provisions of law.

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law as duly adopted.


  
\_\_\_\_\_  
Patricia F. Kelly  
Town Clerk

Dated: December 10<sup>th</sup>, 2013



STATE OF NEW YORK  
COUNTY OF DELAWARE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

  
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John R. Fairbairn III, Esq.  
Attorney for the Town  
Town of Middletown



## **APPENDIX "A" - FEES, CHARGES AND SHUTOFF**

The Town Board of the Town of Middletown hereby sets the fees and charges to be imposed, other than the water rates that are set by separate Resolution of the Town Board, as follows, which may be amended from time to time by the Town Board by Resolution, with the understanding that water bills are levied quarterly and due within 30 days of receipt:

1. For bills that are more than 30 days overdue: a penalty of 10% per month shall be charged.
2. For bills that are more than ninety (90) days overdue from the end of that billing quarter (e.g. April 1<sup>st</sup> for the previous October - December billing quarter), service shall be discontinued and the Water Superintendent shall turn off the water supply to all properties covered by such overdue bill.
3. If the service is discontinued for arrears in payment the service will not be restored until the amount due for water, plus the sum of 10% per month penalty, plus the sum of Fifty Dollars (\$50.00), to cover the expense of discontinuance and restoration of service, is paid IN FULL.
4. There will be a Twenty-five Dollar (\$25.00) fee for any and all returned checks paid to the District.