

Town of Keene
Local Law No. 1
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TOWN OF KEENE
WATER LAW
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TOWN OF KEENE WATER LAW
Local Law Number
Effective

LOCAL LAW of the Town of Keene, Essex County, New York, (the "Town") regulating the use of public water facilities and furnishing of water to the consumers of the Keene Water Districts (the "District").

Be it enacted by the Keene Town Board ("Town Board") as follows:

ARTICLE 1

General Regulations

- 1.1 The following rules and regulations are a part of all contracts between the District and water consumers ("consumers") for the supply and use of water. Each District consumer is bound by, and is considered to have agreed to, these rules and regulations as a condition of service from the District.
- 1.2 All water service of whatsoever kind and nature, shall be rendered by the District, and consumers shall be billed for such service by the Town of Keene.
- 1.3 The Town undertakes to use reasonable care and diligence to provide to users in the respective water districts a continuous supply of water at a reasonable minimum pressure but reserves the right at any time and without notice to shut off the water in any water district main for any purpose. The Town shall not be liable for a deficiency or failure in the supply of water or in line pressure from any cause whatsoever. The Town will give notice of the shutting off of water when time and conditions permit.
- 1.4 Permission of the Town Water Superintendent must be secured before any water can be turned on, off or tampered with. No person (except for fire protection purposes) shall open or interfere or draw water from any hydrant without permission of the Water Superintendent or the Town Board. No person shall molest, tamper with or damage any Town and or Town Water District facility, including but not limited to hydrants, mains, valves, curb boxes, meters, meter seals, service pipes, etc.. Any person violating this law shall be dealt with according to the Penal Law.

ARTICLE 2

New Connections to System

- 2.1 Application and Fee - Anyone wanting to connect to a District main must apply to the Town Clerk for permission, and pay a fee as established by the Town Board for each connection at the time of application. This fee is for the cost of the permit and inspection.
- 2.2 Curb Stop and Service Pipe - The District curb stop (shut-off) will be provided by the District and will be placed at the point on the consumer's property or right of way nearest to the main. All work incident to the digging of the trench, laying of service pipe, backfill, and making connection from the curb stop to the consumer's premise will be at the sole expense of the applicant, and must be done to the satisfaction of the Water Superintendent (the "Superintendent") or his representative. The curb stop will remain closed and will be opened only by the Superintendent, unless he grants permission otherwise.
- 2.3 Connection to District Main: Penalty - No one but the Superintendent will make any connection to the District mains, and no connection will be made to the service pipe between the main and the curb stop. Anyone who violates this provision will be subject to a penalty as established by the Town Board for each offense plus the cost of all necessary repairs and expenses incurred by the District.
- 2.4 Materials Used - All materials used, except for the curb stop, will
- (i) be at the sole expense of the applicant,
 - (ii) be proper and adequate for the type of service intended,
 - (iii) meet the quality standards of the American Water Works Association, and
 - (iv) be approved by the Superintendent before installation.

It is suggested that service pipe be Type K copper with bronze fittings. All underground copper connections will be of the flared or compression type. Galvanized can be used. Plastic with min. 160 PSI and double clamped brass fittings can be utilized. The service pipe will have an inside diameter of three-quarters of an inch, unless application is made for a larger size and it is approved by the Town.

- 2.5 Permits Required: Liability of Applicant; Indemnification - No work will be done until the applicant has obtained a street opening and building permit, if required. The applicant assumes all liability for injuries, claims or suits for damages occurring while, or arising out of, the work being performed. The applicant will indemnify and hold harmless the District and Town, their agents, servants and employees from all such injuries, claims or suits.
- 2.6 Separate Service: Penalty - A separate tap and service will be installed for each premise on a street in which there is a District main, and no consumer will supply water to another premise unless written permission is obtained from the Town. The word "premise" means a building under one roof occupied as a residence or for commercial purposes. Town permission will be granted for water service from one premise to another where only one of two or more premises on the same lot has frontage on a street in which there is a District main. In such case, the Superintendent must be notified before the connection is installed and before any water is drawn. Anyone who violates this provision will be subject to a penalty as established by the Town Board.
- 2.7 Existing Curb Stop - Where connection is made to an existing curb stop, all work will be performed according to these rules and regulations. It will be the Superintendent's duty to determine that the connection previously made (between the curb stop and main) is in satisfactory condition, and to make any repairs thereto required by the Superintendent; all of which will be at the applicant's expense. The connection to the existing curb stop and any repairs required will be made by the applicant to the satisfaction of the Superintendent.

General Operations

ARTICLE 3

- 3.1 Permit required to use hydrants; Exception for fires; Penalty - Except in cases of fire, no one will take water from District fire hydrants without obtaining permission from the Superintendent or Town Supervisor, which permission will be conditioned by the circumstances involved. A fee for the use of such water may be at the current per gallon rate as established by the Town Board and in effect. In case of fire, fire hydrants will be opened and water taken only by Town employees or active members of the Fire Department. Anyone violating these provisions will be subject to a penalty as established by the Town Board.

- 3.2 Work performed only by Superintendent - No work will be done upon a District main or upon the service pipe between the main and curb stop except at the direction of the Superintendent. No connection will be made to a main after November 1 and before May 1 except with permission of the Superintendent.
- 3.3 Reporting damage or leaks: Repairs - The consumer will notify the Superintendent of any leak in, or damage to, the service pipe. In case of such leak or damage, upon 24 hours notice to the consumer the water service may be turned off at the curb stop, and remain turned off until the leak or damage is repaired to the Superintendent's satisfaction. Repairs to the service pipe between the curb stop and the consumer's premise will be made by the consumer at his/her own cost and expense.
- 3.4 Responsibility for Water Lines and Service
- (i) The Town will control the installation, maintenance, repair and adjustment of taps, mains, curb stops, and service pipes between the main and curb stop. The District and Town will not be responsible for breaks, obstructions, or interruptions in service arising from any cause. However, they will take the steps necessary to restore service from the main to the curb stop.
 - (ii) The property owner will be liable for the service pipe from the curb stop to the owner's premise, including the costs and expenses of installation, repair, replacement, and damages. Such service pipe will be as specified in section 2.4 of the Town Water Law.
- 3.5 Control of Curb Stop Violations - Service will be controlled at the curb stop, and water will be turned on or off only by the Superintendent or an authorized representative of the Town. Violations of this provision will be sufficient cause for suspending service, in addition to which a penalty may be imposed as established by the Town Board.
- 3.6 Town Not Liable for Change or Shut Off of Water: No Guarantee of Service - The District and Town are not liable for any damage or loss that may arise from or be caused by any change, diminution, or increase of water pressure or by the termination of water service. No deductions from the service charge will be made for periods when the service is temporarily shut off. The District and Town do not guarantee service from the main to the premises or through any piping, valves or connections therein.

- 3.7 Safety Valves - All steam boilers, heating systems and hot-water tanks supplied with District water **must** contain a suitable safety valve in the form of a check valve, vacuum valve, backflow preventer or other similar device. This will prevent damage to the consumers equipment due to a loss of water or the infusion of liquids from the consumers premises to the district main. Such valve(s) will be installed at the consumer's expense, and at his/her peril. The District and Town assume no responsibility for proper operation and functioning of such valves.
- 3.8 Control of Water Supply - The District and Town are not liable for any damage sustained by failure to supply water to a consumer, and they reserve the right to control the amount of water supplied. They also reserve the right at any time considered necessary to prohibit the use of water for sprinkling of lawns or gardens, irrigation, or for any other purpose.
- 3.9 Misuse of Town Water - In case of misuse of water the following procedure will be followed:
- (i) The Superintendent will identify the water misuse and report it to the Town Board.
 - (ii) Written notification by certified mail will be given to the misuser, granting him/her three days to correct the misuse.
 - (iii) If the misuse continues after three days, the Superintendent will declare a continued misuse and will turn off service at the curb stop.
 - (iv) Service will be reinstated upon correction or discontinuance of the misuse, and upon recommendation of the Superintendent to the Town Board. Payment of all indebtedness and a connection fee as established by the Town Board must be paid **BEFORE** service is reinstated.
- 3.10 Interpretation of Rules - The Town Board will be the sole judge of the meaning of these rules and regulations. Its interpretation will be final and binding upon all applicants for water service and upon all consumers of water.

ARTICLE 4

Water Meter Installations (Water District #2)

- 4.1 Water Meters; Installation; Penalty - Each consumer will be supplied with a District meter, which must be installed according to specifications, at the consumer's expense, Town, by October 31, 2005. It is strongly recommended that such installation be made by an experienced plumber. The meter must be installed at each location so that it is safe from tampering and freezing, to be served as close as practical to the point where the service pipe enters the building from an outside wall, and will be set with the inlet and outlet in a horizontal line and the register on top. A horn will be provided by the District if necessary. The meters must be located to be readily accessible always for reading, inspection and repair. Stop valves will be installed on both inlet and outlet sides of the meter, and the final installation must be approved by the Superintendent. Upon this approval, a \$50 credit will be made to the consumer's account. Nothing but the stop valve can be installed before the meter. Any consumer who has not installed a water meter by October 31, 2005, will be subject to a penalty as established by the Town Board.
- 4.2 Access - Each owner of premises provided water by the District grants to the District and Town an easement over such premises for purposes of entering thereupon with men and machinery at any reasonable time to examine the pipe and fixtures, ascertain the quantity of water used and the manner of its use, and inspect, operate, maintain, repair and replace any District Property.
- 4.3 A Service Pipe That Extends Beyond 200' From The Curb Stop. If the service pipe extends beyond 200' from the curb stop, the meter will be installed in a ground meter pit or surface container as close to the curb stop as possible. All summer lines will be drained and meters winterized at the end of the season. Any exceptions must be approved by the Town Board.
- 4.4 Improper Functioning of Water Meters
- (a) The District and Town assume no responsibility for frozen service, notwithstanding the fact that installation of the service was made or approved of by the Superintendent. All cost associated with the replacement or repair of frozen meters shall be the responsibility of the consumer.

- (b) When a meter is found to be no longer functional, a replacement thereof shall be made by the Town. The Town reserves the right to remove and test any meter, at no cost to the consumer, at any time if it is deemed necessary by the Superintendent.
 - (c) In the case of a malfunctioning water meter, which includes a stuck, noisy or leaking meter, the consumer shall, with all diligence, give timely notice thereof to the Superintendent.
 - (d) If it is found necessary to remove the meter for repair, another meter shall be substituted and installed by the Superintendent or his representative. The most current water bill may be adjusted as necessary either up or down to compensate for the meter error. The cost of water will be based on the previous year's recorded use.
 - (e) The costs of all damages due to negligence caused by other than a Town employee shall be borne by the consumer.
 - (f) The District will store any meter turned into the Superintendent by the consumer at no charge.
- 4.5 Sub-metering Prohibited - Sub metering or resale of water by consumers is prohibited unless specifically approved by the Superintendent or Town Board.
- 4.6 Meter Tampering Prohibited - Meters and seals shall not be tampered with or disturbed by any unauthorized person. Tampering with meters or seals is a violation of 16.15 of the Penal Law, entitled "Theft of Services."

ARTICLE 5

Reading of Meters

- 5.1 Where authorized personnel of the District are unable to read a meter during the scheduled period, an estimated bill shall be rendered. The estimated bill shall be at the minimum charge or an average amount based on previously recorded consumed water in an equivalent period during previous years, whichever is higher.

- 5.2 The property owner shall be responsible for making a special arrangement to have the meter read if two (2) consecutive readings are estimated. If special arrangements cannot be made for reading the meter on a weekday between 8:00 a.m. and 2:30 P.M. the consumer should notify the District and request a special meter reading. Water service may be discontinued to the premises until such time as authorized personnel of the Department are able to read the meter. If a special meter reading on a weekend day is necessary as a result of the consumer's schedule, there may be a charge for each meter reading as established by the Town Board.

ARTICLE 6

Expansion of Water System (New Development)

Engineering Plans and Approval Required.

- 6.1 Engineered plans and specifications prepared and stamped by a professional engineer licensed to practice in New York State shall be required for any new water system extensions. Plans shall be subject to review and approval of the Town's Engineer. Where expansion is proposed by someone other than the Town Board on behalf of the District, all cost associated with the expansion including the cost of such review shall be borne by the person proposing the extension. Funds to cover review expenses shall be deposited in escrow with the Town prior to review work being performed.
- 6.2 Standard Specifications and Details. Extensions to the water system shall be made in accordance with Town of Keene Standard Specifications and Details for Water Facilities, as adopted by resolution of the Town Board.
- 6.3 Construction Inspection Required. Construction of water system expansions shall be inspected by the Town, or, at the discretion of the Town Board, the Superintendent. Where extension is proposed by someone other than the Town Board on behalf of the District, the cost of inspections may be borne by the person proposing the extension. Funds to cover inspection expenses shall be deposited in escrow with the Town prior to construction work being performed. No work shall advance unless inspected to the satisfaction of the Superintendent and the Town Board.

- 6.4 Testing and Certification. All water system extensions must be successfully leak tested in accordance with AWWA specifications, and disinfected and tested for bacteriological contamination in accordance with regulations prior to acceptance by the district. Written certification by a New York State licensed professional engineer attesting as such shall be provided to the Superintendent by the person making the extension prior to the Town Board's acceptance of the extension.

WATER CODE

- 6.5 Record Drawings. Record drawings shall be prepared for all water system extensions by the design engineer which reflect any substantive modifications to the original plans and specifications made during construction.
- 6.6 Dedication of Facilities. Upon written acceptance by the Town Board, completed facilities for water system expansions which have been privately constructed, shall be dedicated to the District, at which time they will become the property of the District. At the time of dedication, the person dedicating the facilities to the Town shall provide a guarantee against defects in materials and workmanship for a period of one year. The guarantee shall be in such form and contain such provisions as deemed necessary by the Town Board, secured by a surety bond or such other security as the Town Board may approve.
- 6.7 Easements. Any expansion of the water system constructed on or adjacent to private property which property must be entered upon for the purposes of maintaining or reconstructing said water system extension will require easements. Any such easements will be written such that the Town and the District has the right to access for maintenance and reconstruction of the waterlines. Easements shall extend along the length of the waterline a minimum width of 30 feet: 15 feet on each side of the centerline of the waterline.
- 6.8 Restoration. All surface features and landscaping shall be fully restored to at least as good a condition as existed prior to construction by the person making the water system extension. Restoration shall be the responsibility of the developer.

ARTICLE 7

Shutting Off and Turning On Water

- 7.1 If a consumer wants to end service, the Superintendent will shut off the water at the curb stop upon three days notice and the consumer will be given a \$25 service charge. If service is ended for one continuous calendar year or more, there will be no water charge for such premises after such year. If water is provided to the premise any time during the calendar year, the full year's water charges will apply. When a consumer wants to resume service, three days notice must be given to the Superintendent.
- 7.2 Upon payment of all indebtedness, the Superintendent will turn on the water at the curb box. There will be a fee for this service as established by the Town Board.

ARTICLE 8

Bills and Penalties

- 8.1 All charges to an account shall be payable to the Town within sixty-three (63) days of the date of the bill. An additional charge of ten percent (10%) of the total amount of current charges shall be added to the bill, if payment has not been received within sixty-three (63) days of the date of the bill. Partial payments will not be accepted.
- 8.2 If payment is not received by September 1st, all delinquent amounts will be added to the Essex County Tax rolls. Payments for the delinquent amounts after September 1st cannot be accepted by the Town. Any such payment to the Town after September 1st will be returned to the consumer.
- 8.3 Bills are due and payable in full as of the date of billing. Regardless of any understanding or agreement to the contrary between other parties, the owner of the property shall be responsible for payment of the bill. However, by special written arrangement, a bill may be sent to the owner in care of a tenant or lessee for payment, but the owner remains responsible for all unpaid bill.
- 8.4 Errors in bills - Any consumer finding an error in his bill shall report same to the Town as soon as possible after receipt of the bill so that any valid adjustment may be made.

8.5 Change in ownership

- (i) If property is to be conveyed, the current owner or his authorized representative shall notify the Town in writing to have the meter read at least one (1) week prior to conveyance of the property, after which a statement of charges due on the account shall be rendered.
- (ii) The new owner or his authorized representative shall make a notarized application for water service upon taking title to the property, although water service may not have been interrupted. The new owner or his authorized representative shall be responsible for all current water charges and any unpaid balance upon accepting title to the property.

8.6 All parcels within a water district may be charged a debt service fee regardless of water usage.

ARTICLE 9

Private Fire Protection

9.1 Application for connection to private fire protection systems will be made in writing to the Town. The application will set forth the details thereof, and will be accompanied by a sketch or diagram showing the plan of the system to be installed. This plan must be approved by the Town before commencement of any work. All installations serving private line protection systems will be constructed and maintained at the sole expense of the owner or applicant. Connections for private fire protection purposes will be properly valved to prevent the use of water for purposes other than fire protection.

ARTICLE 10

Violations

10.1 Service of any notice upon the owner or consumer may be made personally or by sending it to his/her last address furnished to the Town.

ARTICLE 11

Abandonment of Town Pipes

11. The District and Town can abandon all their water mains and pipes that are no longer in use.

ARTICLE 12

Outside Users

- 12.1 Anyone wanting to use District water whose premise is not within the District must petition the Town for permission to connect a private service line to the District main or the nearest source of District water. If such permission is granted:
 - (a) These rules and regulations will apply.
 - (b) There will be a control valve located on the District line for all mains, branch lines, and service lines outside the District, and
 - (c) The District will have the right to end water service to any outside user whenever an emergency arises, when the District water supply is so depleted to allow the District to supply water only to District residents, and in cases of violations of rules and regulations. All expenses and costs of installation, maintenance and repair of water mains, branch lines and water service lines outside the District will be borne by the owner.
 - (d) All outside users will sign an "Out of District User Agreement."

ARTICLE 13

Water Charge, Fines, and Penalties

- 13.1 The charge for water use and all and any fines and penalties associated with this Local Law will be established from time to time by Town Board Resolution.

ARTICLE 14

Effective Date

- 14.1 This Local Law shall take effect upon its being duly filed in the office of the Secretary of State.

**TOWN OF KEENE
WATER DISTRICT FEE SCHEDULE**

ITEM	FEE	INSTRUCTIONS
1. Meters (New Installation)		Paid by the Water District.
2. Meters (Replacement of disfunctioning meter)		Paid by the Water District.
3. Meters (Replacement of meter damaged by consumer)		Paid by Consumer. (8)22-#75)
4. New Connection	\$300 Min. (actual cost)	Must be installed by an experienced plumber under the supervision of the Water Supt.
5. Reinstatement of Service - Seasonal User	\$25	Must be done by Water Dept. Personnel.
6. Fine for Meter tampering	\$100	Includes hook-ups and shut-offs by unauthorized persons. (Plus cost of any damages/necessary repairs).
7. Fine for non-installation of meter	\$100	Per billing cycle (if no installation after 3 consecutive cycles, water will be suspended).
8. Reinstatement of service after suspension	\$150	Must be done by Water Dept.
9. Fine for tampering with Fire Hydrant	\$100	
10. Fine for misuse of Town Water	\$100	Plus suspension of water Service, (reconnection fee of \$50 will be charged).