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Chapter 1. Water

[Village to fill in date of adoption and general comments on any amendments]

§1.1: Approval; Regulations to be Part of Contract

- 1.1.1 The Board of Trustees of the Village of Menands, has approved and duly adopted the following rules and regulations. Said rules and regulations included herein shall be a part of the contract with any person, firm, corporation or other entity who is supplied with water (or whose property/premises is supplied with water) by the Village of Menands. Every such person, firm, corporation or other entity that is supplied with water (or that has property/premises supplied with water) by the Village of Menands shall agree to be bound hereby.

§1.2: Connection to Public Water Supply

- 1.2.1 The owner of any property used for human occupancy, employment, recreation or other purposes, located within the Village of Menands and abutting on any street, alley or right-of-way in which there is now located or may in the future be located a public water main, are hereby required to be connected to the public water supply of the Village of Menands. Any exemption must be approved by the Board of Trustees of the Village of Menands. To be granted exemption, the Board of Trustees of the Village of Menands must deem connection impractical or cost prohibitive.

§1.3: Applicable Territory

- 1.3.1 The territory to which this chapter (and the rules and regulations included herein) applies includes the Village of Menands and vicinity, Albany County, New York, where water supply is provided by and is the responsibility of the Village of Menands

§1.4: When Effective

- 1.4.1 This chapter shall take effect upon filing in the office of the Secretary of the State of New York State or as otherwise provided by law.

§1.5: Authority of Village; Department of Public Works

- 1.5.1 The Board of Trustees of the Village of Menands shall have the power and authority to create, manage and oversee a Department of Public Works. Through the Department of Public Works, the Board shall have cognizance, direction and control of the construction, maintenance, extension, repair and care of the municipal water supply system. The Board shall also have the supervision, care, management and control of the water supply and the greater waterworks of the Village of Menands.

- 1.5.2 It shall be the duty of the Board of Trustees to prescribe rules and regulations for the use of water facilities and to establish water rates or water rents.
- 1.5.3 The Board of Trustees reserves the right to order a meter to be placed on any service pipe of any property/premises, whenever it is deemed expedient to do so. Thereafter, the Board reserves the right to charge water rents based on meter rates for water used. All water passing through a meter will be charged for, whether used or wasted. The Village shall provide reasonable notice for the meter placement, except for emergency situations.
- 1.5.4 The Village reserves the right to enter the property/premises of any water customer, at a reasonable time and with reasonable notice, to examine water meters and other fixtures.
- 1.5.5 The Village reserves the right to expose, uncover and inspect private water mains and services following reasonable notice to the property owner. If a leak is discovered, the property owner will be responsible for the pipe repair and associated restoration. If the repair is not completed in a timely manner, the Village may repair the pipe, restore the property and charge the property owner for the Village's costs. If no leak is discovered, the Village will restore the property.
- 1.5.6 The Board of Trustees reserves the right to limit the amount of water furnished to any water customer, or to entirely shut off water service should circumstances seem to warrant such action (i.e. an emergency scenario).
- 1.5.7 During any new work, repair work, or any other construction type activity, the Board reserves the right to limit or cease water service to any customer, without notice, for as long a period as may be necessary.
- 1.5.8 The Village reserves the right, with reasonable notice, to discontinue or terminate water service to any water customer should the owner, tenants, or other occupants of that property/premises be found in violation of any condition of this contract.
- 1.5.9 The Village reserves the right to discontinue or terminate water service to any water customer should they be found delinquent in payment. The Village also reserves the right to file and/or maintain an action or proceedings in a court of law so as to compel compliance or restrain delinquent parties by injunction.

§1.6: Indemnification

- 1.6.1 It is understood and agreed that the Village of Menands and its Board of Trustees shall not be liable for any damage which may result to any person, firm, corporation or other entity, or premises or property from the shutoff of the water from any main or service for any purpose whatsoever, even in cases where no notice is given.
- 1.6.2 The Village of Menands and its Board of Trustees shall not be liable for any damage or loss of any name or kind to property, persons, firms, corporations or other entities which may arise from, or be caused by any change in or increase of water pressure from any

cause whatever or for any damage resulting from any steam boiler, hot water heater or other fixture deriving its supply from the Village water system.

§1.7: Application for Service; Permits; Supervision

- 1.7.1 Any person, firm, corporation or other entity that desires/requires a new service or supply pipe into their property/premises must first submit a written application, on a form for that purpose, to the Department of Public Works. The application must be made by the water customer (property/premises owner), who shall be held responsible for the payment of water rent and tapping fees.
- 1.7.2 Application forms can be found on the Village web site or may be obtained from the Village Clerk. When an application is duly submitted and approved, a permit will be issued, in an appropriate amount of time. If a meter is to be set, a permit will not be issued until payment is made for the meter.
- 1.7.3 Applications must be submitted 14 days prior to the commencement of any work to be done.
- 1.7.4 Acceptance of applications for the introduction of water service is partially dependent on proximity to the existing main. Applications for service shall be accepted only if there exists a main in a street or right-of-way abutting the property/premises to be served. An application in no way obligates the Village to extend its mains to serve the property/premises under consideration.
- 1.7.5 Applications will not be accepted for customers in arrears. No agreement shall be entered into by the Village, with any applicant for water service, until all past due and current charges due (from the applicant for water or services at any property/premises now or heretofore owned or occupied by the applicant) have been paid in full.

§1.8: Financially Responsible Parties

- 1.8.1 The entire water service, including corporation stop, curb stop, valves, backflow preventer, etc. from the water main to the building must be installed by a licensed plumber at the expense of the property owner. Such expenses include permits for street opening, material and labor for service installation, repair of the street, replacement of sidewalks and curbs, etc.
- 1.8.2 All water customers shall be charged for any meters supplied by the Village.
- 1.8.3 All water customers are required to maintain, in perfect order and at their own expense, the service pipe, fixtures and all appurtenances provided for delivering or supplying Village water to a property/premise.
- 1.8.4 The water customer shall be responsible for any damage to water meters on the serviced property/premises caused by freezing, tampering or negligence.

- 1.8.5 Any penalties imposed for violation of any ordinances related to the water supply of the Village will be the financial responsibility of the property/premise owner.
- 1.8.6 Water customers must assume all liability of damage caused by any leakage of a service pipe in addition to payment for unmetered water as estimated by the Village.

§1.9: Capital Charges; Fees

- 1.9.1 No unauthorized person shall uncover, make any connections with, use, or disturb any public water main or water service without first obtaining a written permit from the Department of Public Works. When submitting the application for a permit, the property owner will be required to pay the permit application fee, which shall be as determined from time to time by resolution of the Board of Trustees of the Village of Menands.
- 1.9.2 The Village retains the right to require full payment of the tap-in charge prior to the commencement of any work. The owner will indemnify the Village from any loss or damage that may directly or indirectly be the result of the connection/installation of the property/premises' water service.
- 1.9.3 The cost for tap-ins to the water main will be established by resolution from time to time by the Village Board. For a schedule of current fees, contact the Village Clerk.

§1.10: Schedule of Rates and Charges

- 1.10.1 Water shall be furnished by the Village at such rates as established from time to time by resolution of the Board of Trustees of the Village. The reading of a duly installed meter showing the amount of water consumed shall be used for all metered billing purposes, except where it appears that the meter has ceased to register or has registered inaccurately.
- 1.10.2 Meters are read semi-annually during the months of May and November. May readings are billed in July and November readings are billed in January.
- 1.10.3 Payment for Water/Sewer bills is due by the end of the month received (July and January) and is payable to the Village of Menands. If payment is not received by the 1st of the following month, interest is charged each month until it is paid or until it is transferred to the Village Property Tax as a lien. Current interest rates may be obtained from the Village Clerk as set by resolution of the Board of Trustees.
- 1.10.4 In the event of a failure of a meter to register accurately, water consumption will be billed based on an average of three (3) prior readings of the same six (6) month period, except in cases where there has been a change in occupancy, in which case an equitable adjustment shall be made.

- 1.10.5 Water for construction, filling pools or other non-customary purposes not passing through a metered service connection, must be approved by the Department of Public Works. If water is drawn from a fire hydrant or other unmetered method, the Village will provide a meter and backflow preventer. Regular water meter rates will apply.
- 1.10.6 All charges for water rents, repairs, damages caused carelessness or neglect, penalties, etc. are the responsibility of the property owner. Such charges, if not paid by April 30th, shall be a lien on the property benefitted. All such unpaid charges shall be added to the next Village tax against the property. The Village will assess a \$50.00 service charge for all such charges transferred to the Village Tax.

§1.11: Specifications and Conditions for Meters, Hydrants, and Other Equipment

1.11.1 Meters:

1.11.1.1 Residential Water Meters up to 1" size:

- 1.11.1.1.1 Water meters up to 1" size, for one and two-family structures, shall be furnished by the Village. The cost to the property owner will be determined by resolution by the Board of Trustees.
- 1.11.1.1.2 The water meter furnished by the Village will remain under Village ownership and the Village will maintain the meter as far as ordinary wear and tear is concerned. Any damage from freezing, hot water backup, external damage, or tampering will be the financial responsibility of the property owner.
- 1.11.1.1.3 The property owner shall be responsible for furnishing, installing and maintaining all piping, valves and appurtenances other than the meter. Meters are to be located before any points of use, in an accessible location, and a minimum of 30 inches above the floor.
- 1.11.1.1.4 The Village Board reserves the right to, at any time deemed appropriate, attach meters to any service pipe, remove any meter for testing and replace any water meter.

1.11.1.2 Commercial and Residential Water Meters Larger than 1":

- 1.11.1.2.1 For all commercial properties and residential properties with meters larger than 1", the property owner must supply, install and repair the meter (per Board of Trustees Resolution dated May 12, 1930). Meter manufacturer and meter reading device must be the Village standard and approved by the Village prior to installation.
- 1.11.1.2.2 All meters shall be checked for accuracy and calibrated not less than every 12 months. Calibration costs are the responsibility of the property owner.

- 1.11.1.2.3 The results of all meter calibrations and annual accuracy verifications shall be provided directly to the Village Clerk by the person or firm conducting such calibration tests. Calibration results of both before and after servicing the meter shall be provided.
- 1.11.1.2.4 All meters shall be maintained to provide accurate measurement of water delivered to the consumers within a range of 98.5% to 101.5% of actual water usage.
- 1.11.1.2.5 Meters that are damaged or found to be defective at any time shall be repaired immediately, and calibration tests shall be conducted to ensure that repairs have been performed accurately.
- 1.11.1.2.6 The Village shall at any time, upon reasonable notice, have the right to inspect and check the accuracy of the meter's flow, and, in the event that such device shall be metering incorrectly, the consumer shall repair the same or the Village shall repair the same at the consumer's expense, and the Village shall bill the consumer for any excess flow previously delivered and not previously billed, and the Village shall adjust the consumer's billing in accordance with the such findings.
- 1.11.1.3 Outdoor meter pits may be installed/required by written approval of the Department of Public Works. Such meter pits must be constructed in accordance with the Standard Specifications and Details at the expense of the property owner.
- 1.11.1.4 For commercial and residential properties (other than one and two-family homes), a master meter may be required to be installed near the right-of-way line.
- 1.11.1.5 Extension of private water mains require a master meter at the point of connection.
- 1.11.1.6 Meters shall be accessible for inspection and reading by the Village's authorized representative at any reasonable hour. After three attempts by the Village to get access to the owners' property to check the meter, the owner will be charged \$200 per billing period until the water meter is repaired in addition to estimated water use charges. The Village reserves to the right to turn off the water supply after three attempts by the Village to access the meter.
- 1.11.1.7 It shall be unlawful for any person, not specifically authorized by the Village, to interfere with, remove, replace or tamper with a meter or meter seal.
- 1.11.1.8 No connections shall be made to any water service pipe between the water main and the meter. All water used shall pass through the meter. If an unlawful connection is found, the water will be shut off and the property owner serviced by the service pipe will be fined.

1.11.2 Hydrants:

- 1.11.2.1 No person shall open or interfere with or draw water from any fire hydrant without permission from the Department of Public Works, except members of the Fire Department when engaged in their official capacity.
- 1.11.2.2 If granted permission by the Department of Public Works, use of fire hydrants is only acceptable with the use of a Village provided meter and backflow preventor, so that the customer can be accurately charged for water use.
- 1.11.2.3 Hydrants are to be F-2640 Eddy Fire Hydrant by Clow Valve Company.
- 1.11.2.4 Hydrants are to be equipped with red 5" Storz x 4.5" NH Fire Hydrant Converter with Nut Cap.
- 1.11.2.5 Property owners are responsible for furnishing, installing, maintaining, testing and inspecting a backflow prevention device on their water service in accordance with NYSDOH requirements and the Cross-Connection Control Manual, appropriate for the degree of hazard present.

1.11.3 Depth of Buried Pipes:

- 1.11.3.1 Service lines and water mains are to be buried with no less than five (5) feet of cover to prevent water from freezing.

§1.12: Restrictions on Water Use

- 1.12.1 The Board of Trustees reserves the right to restrict water usage in the event of an emergency, drought or other situation which may affect the health and welfare of the residents of Menands. Affected residents will be notified.
- 1.12.2 Any person within the Village of Menands who violates the water use restrictions shall be fined not less than \$25 for the first offense. A second and/or subsequent violation during the same period shall result in a fine of not less than \$100.
- 1.12.3 The Village of Menands Department of Public Works Foreman, in addition to Village police officers, shall be designated as the enforcement officers of the restrictions as noted above.

§1.13: Change in Occupancy/Unoccupied Property

- 1.13.1 The property owner shall notify the Village Clerk in writing in any instance of a change in ownership, in the event a building, house or structure is to be closed, or in the event that a building, house or other structure is to become vacant.

- 1.13.2 The Village is not a party to any adjustments to be made between owners upon the change of ownership.
- 1.13.3 The minimum charge as herein specified will apply regardless of whether the apartment unit, home, business, building or structure is occupied.

§1.14: Penalties for Offenses

- 1.14.1 Any person, plumber, caretaker, owner or tenant in possession of the property violating these rules and regulations shall be punished, upon conviction, by a fine not to exceed \$250 plus restitution or by imprisonment not exceeding 15 days, or both such fine and imprisonment. Each day of violation constitutes a separate offense.
- 1.14.2 Any property owner who has been notified that its meter is not working must have the meter repaired prior to the next billing period. If a meter is not repaired within said time frame a penalty of \$100 will be added to each estimated bill until the meter is repaired.

§1.15: Discontinuation of Water Service

- 1.15.1 Any customer wishing to discontinue water service must give written notice to the Village Clerk.
- 1.15.2 The Village retains the right to discontinue water service to any customer should the property owner, tenants, or other occupants engage in (regardless of intent) any of the following:
- 1.15.2.1 Willful waste or use of water through improper and imperfect pipes or any other means.
 - 1.15.2.2 Molestation of any seal, meter or any other appliance owned by the Village.
 - 1.15.2.3 Cross-connecting pipes carrying water supplied by the Village with those carrying water from any other source of supply or with any apparatus which may endanger the purity or quality of the Village supply.
 - 1.15.2.4 Refusal of reasonable access, following reasonable notice, to the property for the purpose of inspecting fixtures or piping or for reading, repairing, testing or removing meters.
 - 1.15.2.5 Submetering or reselling water except to tenants as in the case of multiple-unit dwellings.
 - 1.15.2.6 Failure to pay within the specified payment window.

§1.16: Definitions

Terms defined as used in this article shall have the meanings indicated:

BACKFLOW

The flow of water or other liquids, mixtures or substances into the distribution pipes of a potable supply of water from any source or sources other than its intended source.

PROPERTY/PREMISE WATER SERVICE

The pipe which extends from the termination of the public water service pipe to the water distribution system of the building served.

OWNER

A proprietor; one who owns or has exclusive right of possession.

PERSON

Any individual, his or her heirs, executors, administrators and including a firm, partnership, corporation, company, association, society, church, school and its successors.

PLUMBING FIXTURES

The installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquids.

POTABLE WATER

Water which is satisfactory for drinking, cooking and domestic purposes and meets the requirements of the health authority having jurisdiction.

PREMISES

A structure under one roof owned by the customer in which one or more dwellings or businesses or combinations thereof are used by the owner or rented to tenants.

PUBLIC WATER MAIN

Water supply pipe for public use controlled by the Village.

PUBLIC WATER SUPPLY SYSTEM or WATERWORKS

The works, structures, equipment and processes required to supply, treat and distribute water to people at large or to any considerable number of members of the public indiscriminately for domestic, commercial, industrial and fire uses.

VILLAGE OF MENANDS BOARD OF TRUSTEES

The Trustees of Village of Menands, a municipal corporation of the State of New York and/or its duly authorized officers or agents. May be referred to as: “the Board”, “the Board of Trustees”, “the Village”, “the Village Board”, or similar terms.

WATER MAIN or MAIN

The principal pipes of a water supply system to which water services may be connected.

WATER PLUMBING SYSTEM

The water supply and distribution pipes, plumbing fixtures and traps and water-treating or water-using equipment, including their respective connection to the water main.

WATER SERVICE PIPE or WATER SERVICE

The pipe from the water main to the building served.

WATER SUPPLY PIPING

The water-distributing pipes and necessary connecting pipes, fittings, and control valves in a building which convey water from the water service pipe to plumbing fixtures and other water outlets.

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