

LOCAL LAW NO. 2 OF 2023

**[TAX EXEMPTION FOR VOLUNTEER FIREFIGHTERS
AND VOLUNTEER AMBULANCE WORKERS]**

Section 1 – Legislative Intent and Purpose

By adoption of this Local Law, it is the intent and purpose of the Town Board of the Town of Schodack to extend to volunteer firefighters and volunteer ambulance workers the real property tax exemption provided by Real Property Tax Law § 466-a, as amended by Chapter 670 of the Laws of 2022, subject to the terms and requirements set forth hereinafter.

Section 2 – Exemption Authorized

The real property tax exemption granted by this Local Law shall be as follows:

a. Real property owned by an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service or such enrolled member and spouse residing in the Town of Schodack shall be exempt from taxation to the extent of ten percent of the assessed value of such property for town purposes, exclusive of special assessments. It is the intent of this Local Law that such exemption shall apply to all taxes levied by the Town of Schodack, including Town taxes, fire protection district taxes, and ambulance district taxes.

b. Such exemption shall not be granted to an enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service unless:

(i) the applicant resides in the Town of Schodack, which Town is served by such incorporated volunteer fire company or fire department or incorporated voluntary ambulance service;

(ii) the property is the primary residence of the applicant;

(iii) the property is used exclusively for residential purposes; provided however, that in the event any portion of such property is not used exclusively for the applicant's residence but is used for other purposes, such portion shall be subject to taxation and the remaining portion only shall be entitled to the exemption provided by this section; and

(iv) the applicant has been certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service as an enrolled member of such incorporated volunteer fire company, fire department, or voluntary ambulance service, for at least five years. An applicant's minimum length of membership service shall be evidenced by a certificate, in writing, issued by the authority having jurisdiction for the incorporated volunteer fire company, fire department, or voluntary ambulance service.

c. Any enrolled member of an incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who accrues more than twenty years of active service and is so certified by the authority having jurisdiction for the incorporated volunteer fire company,

fire department or incorporated voluntary ambulance service, shall be granted the ten percent exemption as authorized by this section for the remainder of his or her life as long as his or her primary residence is located within the Town of Schodack.

d. Un-remarried spouses of volunteer firefighters or volunteer ambulance workers killed in the line of duty shall be entitled to continue an exemption or reinstate a pre-existing exemption claimed under such statutes by an enrolled member of an incorporated volunteer fire company, fire department, or incorporated voluntary ambulance service; provided, however, that:

(i) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of an enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service who was killed in the line of duty; and

(ii) such deceased volunteer had been an enrolled member for at least five years; and

(iii) such deceased volunteer had been receiving the exemption prior to his or her death.

e. Un-remarried spouses of deceased volunteer firefighters or volunteer ambulance workers shall be entitled to continue an exemption or reinstate a pre-existing exemption; provided, however, that:

(i) such un-remarried spouse is certified by the authority having jurisdiction for the incorporated volunteer fire company, fire department or incorporated voluntary ambulance service as an un-remarried spouse of a deceased enrolled member of such incorporated volunteer fire company, fire department or incorporated voluntary ambulance service; and

(ii) such deceased volunteer had been an enrolled member for at least twenty years; and

(iii) such deceased volunteer and un-remarried spouse had been receiving the exemption for such property prior to the death of such volunteer.

f. Application for such exemption shall be filed with the assessor of the Town of Schodack on or before the taxable status date on a form as prescribed by the commissioner.

g. No applicant who is a volunteer firefighter or volunteer ambulance worker who by reason of such status is receiving any benefit under the provisions of Article 4 of the Real Property Tax Law shall suffer any diminution of such benefit because of the provisions of this Local Law.

Section 3 – Effective Date

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

CONTRACT ADDENDUM NO. 2020051-03

(Battisti Water WIIA Grant Administration Services)

DATED: February 2, 2023

TO
Agreement for Professional Services
(Original Agreement Dated: January 3, 2011)

The original Agreement, between Town of Schodack, Rcnsselaer County, New York, the CLIENT and Laberge Engineering & Consulting Group, LTD. (hereafter Laberge Group), is hereby amended as follows:

The contract shall be modified to include NYSEFC WIIA grant administration services related to grant awards received by the Town of Schodack for the Battisti Water District Improvements (Water District No. 10) Project as needed. The contract amount shall be increased by \$20,000 plus reimbursable expenses.

Town of Schodack

265 Schuurman Road


Castleton New York 12033
City State Zip

BY: _____
Charles Peter, Supervisor

LABERGE ENGINEERING & CONSULTING GROUP, LTD.

4 Computer Drive, West

Albany New York 12205
City State Zip

BY:  _____
Richard F. Laberge, P.E., President

PROPOSED LOCAL LAW NO. 5 OF 2023

[AMENDING TOWN CODE SECTION 219-99(A)(1) TO ALLOW PRIVATE GARAGES OR CARPORTS AS A PERMITTED ACCESSORY USE TO NONCONFORMING RESIDENTIAL PROPERTIES LOCATED IN HIGHWAY COMMERCIAL DISTRICTS]

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Section 1 – Legislative Intent and Purpose

By adoption of this Local Law, it is the intent and purpose of the Town Board of the Town of Schodack to amend Town Code Section 219-99(A)(1) so as to allow “private garages or carports” as a permitted accessory use with respect to properties located in a Highway Commercial District and which are currently improved and used for the principal use of “one-family dwelling” as a legal nonconforming use.

Section 2 – Amendment to Town Code Section 219-99(A)(1)

Subsection (1) of Section 219-99(A) is hereby replaced and amended to provide as follows:

- (1) Shall not be enlarged, altered, extended, reconstructed or restored, except as provided below, or placed on a different portion of the lot or parcel of land occupied by such use on the effective date of this chapter, nor shall any external evidence of such use be substantially increased by any means whatsoever. Notwithstanding the foregoing, an owner of real property located in a Highway Commercial District and which is being lawfully being used as a “one-family dwelling” pursuant to a legal nonconforming use shall be permitted to improve said property with a private garage or carport as a permitted accessory use, provided that the area and bulk requirements applicable to RA Districts are met and subject to compliance with all applicable requirements of the Town Code.

Section 3 – Effective Date

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

PROPOSED LOCAL LAW NO. 6 OF 2023

[AMENDING TOWN CODE CHAPTER 175 – WATER REGULATIONS]

1

Section 1 – Legislative Intent and Purpose

By adoption of this Local Law, it is the intent and purpose of the Town Board of the Town of Schodack to amend Town Code Chapter 175 – Water Regulations – consistent with the Town’s general practice of periodically reviewing and updating its local laws and ordinances.

Section 2 – Amendment to Town Code Chapter 175 – Water Regulations

Chapter 175 of the Town Code of the Town of Schodack – Water Regulations – is hereby superseded and replaced in its entirety with the attached new Chapter 175 – Water Regulations, incorporated herein in full.

Section 3 – Effective Date

This Local Law shall be effective immediately upon filing with the New York Secretary of State.

Chapter 175

WATER REGULATIONS

[HISTORY: Adopted by the Town Board of the Town of Schodack 12-9-1999 by L.L. No. 5-1999; amended in its entirety 4-12-2001 by L.L. No. 3-2001. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Water rates — See Ch. 177.

ARTICLE I
Legislative Intent and Severability

§ 175-1. Quality.

The quality of Schodack's water supply and waterworks is fundamental to the quality of life in the town. It is hereby declared to be the intent of the Town of Schodack to provide its citizens with waterworks that are of the highest quality possible considering operation and maintenance, materials for construction, water quality, water quantity, water pressure, fire protection and overall cost.

§ 175-2. Impacts.

It shall be the intent of the Town of Schodack to continually consider and assess all the immediate and future impacts, on the well-being of our town and its limited potable water supply, of all actions taken with regard to expanding, upgrading and permitting water distribution systems.

§ 175-3. Planning.

It shall be the intent of the town that approval of any new waterworks must include, in addition to any and all other regulatory requirements, an acceptable engineering assessment of how that system could be integrated into a future town-wide system and the positive and/or negative impacts that any new system could have on existing systems, including municipal and private wells and aquifer supply and quality concerns.

§ 175-4. Construction.

It shall be the intent of the town to require that all new or proposed waterworks shall be constructed in such a way and of such materials that they meet the minimum standards set by the town and that there is as much standardization in the systems as is practicable.

§ 175-5. Severability.

The validity of any section, clause, sentence or provision of this chapter shall not affect the validity of any other part of this chapter, which can be given effect without such invalid part or parts.

ARTICLE II
Applicable Standards and Definitions

§ 175-6. References to standards.

When reference is made to incorporate any statutes, codes, specifications or manuals of practice, said reference shall be to the latest additions thereof.

§ 175-7. Applicable standards.

The design, material and construction methods shall conform to the applicable sections of the current editions and subsequent revisions of the following documents. These documents may be reviewed in the Town Hall.

- A. Recommended Standards for Water Works, Great Lakes — Upper Mississippi River Board of State Public Health and Environmental Managers.
- B. Rural Water Supply, New York State Department of Health.
- C. Part 75-B, New York State Department of Health, 10 NYCRR.
- D. Subpart 5-1 of State Sanitary Code, New York State Department of Health, 10 NYCRR.
- E. AWWA Standards, American Water Works Association.
- F. Fire Suppression Rating Schedule, Insurance Services Offices.

§ 175-8. Definitions of terms; word usage.

- A. Definitions. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

APPLICANT — Any individual, firm, company, association, builder, developer, society, person, group or municipality having title to real property located in the Town of Schodack and applying for a permit or currently connected to a waterworks system in Schodack under this chapter.

CAPITAL COSTS — Those fixed costs which must yearly be borne by the district in making annual payments on indebtedness, which shall include land acquisition, required reserves for repairs or replacement and any other cost which is fixed, recurring and not includable in operation and maintenance.

COMMERCIAL SERVICE — Any service for nonresidential buildings for which the usage is not predominately industrial.

CURB BOX — Pipe located over the curb stop which extends from the curb stop to ground level and provides access for the operation of the curb stop at ground level.

CURB STOP — Shut-off valve on the service line normally located at the property line.

DEPARTMENT — A department or departments which the Town Board shall designate.

DISTRICT — Any regularly established water district governed by the Town of

Schodack, New York.

DISTRICT BOUNDARIES — The physical boundaries of districts or improvements as currently established, newly formed or as may be extended from time to time as duly enacted by law.

ENGINEER — The professional engineer retained in connection with the waterworks or the town engineer, as designated by the Town Board.

INDUSTRIAL SERVICE — Any service for which the water use is predominantly industrial.

METERED USAGE — The amount of water passing through the water meter.

OPERATION AND MAINTENANCE COSTS — Those variable charges which the district each year incurs for the maintenance of the waterworks. This charge shall include all those costs authorized by the State of New York and is to be ~~approved~~ ~~yearly computed~~ by the Town Board.

PERMIT — A license issued by the town, allowing and/or authorizing work to be done under this chapter by any plumber, contractor or excavator, builder, developer, applicant or any other person, firm or corporation.

PERSON — Any individual, firm, company, association, society, builder, developer, corporation or group.

PROPERTY LINE —

- (1) The edge of a public water right-of-way in those instances where the water service connects to the public water line not located in a street right-of-way; and
- (2) The applicant's property line in those instances where the water service connects to a public water main located in the street right-of-way.

PUBLIC WATER MAIN — A water main to which all applicants of abutting properties have equal rights and which is controlled by public authority.

RESIDENTIAL SERVICE — Any service for which the water usage is for domestic nature only.

SERVICE LINE — That portion of pipe located between the water main and the applicant's water meter.

WATERWORKS — All facilities for distributing, pumping, holding or storing, treating and obtaining water.

TOWN — The Town of Schodack, Rensselaer County, New York.

TOWN BOARD — The duly elected Town Board of the Town of Schodack or its authorized agent or representative.

B. Word usage. "Shall" is mandatory; "may" is permissive.

§ 175-9. Construal of provisions.

No statement contained in this chapter shall be construed to interfere with any additional requirements that may be imposed by the authorized representative of the State of

New York, the Rensselaer County Department of Health or other applicable rules and regulations.

**ARTICLE III
New Service**

§ 175-10. Applications for service.

- A. All applications for the use of water, provided by the town, must be made in writing on a form provided by the Department. On acceptance by the Department, the application shall constitute a contract between the town and the applicant, obligating the applicant to pay the town its applicable rates and charges as set forth in Article X and to comply with the rules and regulations of this chapter.
- B. Applications of contractors, builders and others for temporary service will be accepted, written permits will be issued and temporary water service will be supplied, provided that it does not interfere with the use of water for general purposes and that use of water from any hydrant shall be strictly in accordance with § 175-23 of this chapter. Applicants requiring temporary service shall reimburse the town for its expense in connection with providing the necessary temporary service connection.
- C. No agreement will be entered into by the Department with any applicant for water service until all charges due the town from the applicant for water or services at any premises now or heretofore owned or occupied by the applicant which are in arrears shall have been paid.
- D. Approval of the water service application for any new applicant or the providing of increased service to any existing water user requiring water for other than normal domestic purposes shall be subject to the review and approval of the Department. Where necessary in the opinion of the Department, the applicant shall provide at his own expense such water conservation, storage or flow-limiting facilities or such other devices necessary to obtain the approval of the Department. The Department reserves the right to refuse or limit service to any new applicant or existing water user if the foregoing requirements are not met to the Department's satisfaction.

§ 175-11. Installations and requirements.

- A. No applicant shall make any attachment with the mains of the town or may make any repairs, additions to or alterations with the service water lines, between the main and curb stop, unless the applicant is authorized in writing by the Department.
- B. A separate service line shall be required for each dwelling or commercial building.
- C. Any existing consumer in violation of these requirements may be notified on 30 days' written notice from the Department to conform to this regulation.

§ 175-12. New water systems or extensions of water mains.

The procedures to be followed by applicants in the town who propose to install new waterworks shall be in accordance with the rules and regulations of the Department and as enumerated in the following subsections:

- A. The applicant or his engineer shall furnish the Department with two prints of the proposed overall development plan on which are indicated the required water mains

and appurtenances. The Department shall also furnish to the applicant the Department's requirements regarding materials of construction and specifications for pipe, fittings, valves, hydrants and appurtenances along with any special conditions regarding installations. After this plan has been approved by the Department, one copy will be filed with said Department. Maps shall be 24 inches by 36 inches in size, drawn to the scale of one inch equals 50 feet.

- B. Before the applicant is ready to file the map with the Department of Health, the applicant shall furnish the Department, for its approval, with a copy of the proposed map, on which will be indicated the size of the water mains and appurtenances along with construction specifications, in writing, which should be consistent with the requirements of the Department furnished under Subsection A above.
- C. The installation of the waterworks will be inspected and supervised by the Engineer and the Department or representative. Upon completion, two 24" x 36" sets of paper record plans of the completed installation and a electronic file in PDF format shall be furnished to the Department by the applicant in a form acceptable to the Department. All expenses of plan review, installation, inspection and supervision of new water mains and appurtenances shall be borne by the applicant including any engineering charges.
- D. Upon completion of construction, the entire water system must be turned over to the town (§ 175-15). Before the town begins to take over such water system so installed in a private development, the developer must transfer its right, title, interest and ownership to the town for the nominal consideration of \$1 before it will undertake to keep it in operation and repair. The town must be furnished satisfactory proof that either the streets in which the water mains are laid have been dedicated and accepted by proper public authority or instruments granting easements to the town, in a form to be recorded in the Rensselaer County Clerk's office, with a satisfactory title company certificate showing same to be executed by all owners and mortgagees or other liens and that all valve boxes have been located and placed at the right levels.
- E. Upon satisfactory completion of the above subsections, the Department will then advise the New York Fire Insurance Rating Organization accordingly.

§ 175-13. Construction under public contract.

Water extensions, including individual building services to the property line, may be constructed by the town and/or district under public contract if, in its opinion, the number of properties to be served by such extension warrants the cost. Contractors constructing these waterworks facilities shall post a completion bond or certified check as set forth in § 175-15.

§ 175-14. Construction by applicant.

If the town does not elect to construct a water extension under public contract, the applicant may construct the necessary water extension if this extension is approved by the Town Board in accordance with the requirements of this chapter and the New York Town Law. The applicant must pay for the entire installation, including all expenses incidental thereto, and shall post a completion bond or certified check as set forth in § 175-15. Each extension must be installed and inspected as previously required, and the inspection fees shall be paid by the applicant to the town. The installation of the

extension must be subject to inspection by the Department, engineer or representative, and the expense for this inspection shall be paid for by the applicant. The Department's decisions shall be final in matters of materials quality and methods of construction. The extension, as constructed, must pass all required testing before any service lines are connected thereto. The entire cost of the extension, including inspection, shall be absorbed by the applicant or benefiting property owners.

§ 175-15. Acceptance of new waterworks; guarantee.

All new waterworks, after final approval by the Department and acceptance by the Town Board, shall become the property of the district and shall thereafter be maintained by the district. Said waterworks, after their acceptance by the district, shall be guaranteed for one year by the applicant or contractor. The guarantee shall be in such form and contain such provisions as provided for by the district and town. A completion bond or certified check in the amount of 10% of the total cost of the project shall be retained by the town for a period of one year. Said retainer will be released to the applicant or contractor upon certification by the Engineer that all work has been completed in accordance with the permit and that all other conditions, if any, imposed by the town/Department have been satisfied.

§ 175-16. Public safety.

Whenever any street or public grounds shall be opened for the purpose of making a connection with the mains or for laying any water lines or fixtures, public safety and convenience shall be duly regarded, and the street or public place shall be restored to its original condition as soon as possible, and all work must conform to the safety requirements as set forth by the State of New York and OSHA.

ARTICLE IV
Mains, Service Lines and Meters

§ 175-17. Ownership.

- A. At his or her own expense, the applicant shall install from the curb stop to the meter on the premises a service line to be approved by the Department. Every service line must have a curb stop of an approved type at the property or easement line and be provided with an iron curb box and cover. This curb stop may not be used by the applicant for turning on or shutting off the water supply. The curb stop is for the exclusive use of the Department unless authorized by permit.
- B. The service line from the curb box to the meter shall at all times remain the sole property of the applicant, in whom title thereto shall vest. All service lines installed shall have no sweat joint between the curb box and the foundation.
- ~~B.C. A pressure reducing valve (PRV) may be required by the Department to be installed on the consumer side of the water meter. If a PRV is installed, regardless of who installed it, or how it was initially supplied and installed, the PRV shall become the sole property of the applicant.~~

§ 175-18. Maintenance and replacement.

- A. The applicant, at his own expense, will maintain and protect from freezing the service line and meter from the curb stop into the building and, when necessary, replace such service line at the applicant's expense. Specifications for service lines are contained in § 175-19.
- B. Should a leak occur in a service line, the applicant shall forthwith cause the same to be repaired at the applicant's own expense. Should the applicant fail to effect such repair after two days' written notice from the Department, the Department will cause the water service to be discontinued until such repair has been made.

§ 175-19. Service line specifications.

- A. All service lines shall be installed and maintained five feet below the surface of the ground and will be installed in accordance with applicable standards.
- B. All service lines shall not be less in size than three-fourths-inch inside diameter and shall be United States Government Specification Type K soft-tempered copper tubing ~~or IPS SDR9 PE4710 Potable Water pipe~~ with only mechanical joints underground. For over 100 feet, one-inch minimum size is required. For services three inches in diameter or larger, ductile-iron cement-lined Class 52 pipe of quality equal to American Water Works Association or federal specifications and of weight suitable for service under a pressure equivalent to at least 150 pounds per square inch is required. The Department reserves the right in all cases to stipulate the size and type of service lines to be used.

§ 175-20. Service line connection specifications and rules.

- A. All tapping into the public water mains shall be performed by or under the

supervision of the Department. No tapping will be done after November 1 or before April 1 unless weather permits, at the discretion of the Department.

- B. The curb stop and box will be placed at the easement or property line. The Department reserves the right to select a location suitable to the town.

- C. No outlet through which water can be taken between the meter and the district's main in the street will be permitted.
- D. No one shall leave the curb stop open or allow the water to run on the premises after making any new connection with the street main or after making any new extension or attachment in unoccupied premises; but in cases where the work is a simple extension or additional attachments on the consumer's side of the meter, in places where the water is then in use, the installer may leave the water on.
- E. No additions or alterations whatever, in or about public water mains or service lines, except on the pipes on the consumer's side of the meter, shall be made by any person until application therefor has been made to the Department and written permit given.
- F. When the supply of water to any premises has been turned off by the direction of the Department, service shall only be returned by and with the authority of the Department.
- G. If any building is razed, moved or abandoned, it will be the responsibility of the applicant or the authority which requires such razing, moving or abandonment by virtue of public improvement to notify the Department to remove the water meter. The applicant shall disconnect the water service line at the curb stop, under the supervision of the Department.

§ 175-21. Water meters.

- A. An individual meter shall be required for each separate service line. The users of water shall at no time tamper with the meter. Any tampering with the water meter shall constitute a violation of the Town Code.
- B. ~~A meter which meets town specification~~ 3/4 inch and smaller meters shall be supplied by the town and shall remain the property of the district in which installation shall be made. Larger meters shall be supplied by the applicant and meet Town specifications, but shall remain the sole property of the applicant. The purchase and installation of the meter will be the responsibility of the applicant. All meter installations must be inspected and sealed by the Department or by authorized individuals.
- C. Submetering will not be permitted.
- D. Meters larger than ~~one~~ one 1/4 inch shall be furnished and installed by the applicant at the applicant's expense and shall be placed in an area designated by the Department, and all expense in connection with its proper housing, including a bypass for testing, shall be borne by the applicant. Such meters shall be maintained and repaired at the direction of the Department and at the expense of the applicant. A diagram of the proposed installation and proper piping shall be submitted and approved by the Department.
- E. The Department reserves the right to remove, inspect, test and repair any meter when necessary, ~~with the applicant's approval after mailing applicant written notice~~ 30 days prior.
- F. ~~If~~ If any premises is vacated, the consumer may, on written notification to the Department, request that the water meter be removed and stored. During the period

the meter is out of service, ~~no charge~~ minimum charge for water service will be ~~made~~ remain in effect. When service is again requested, the district will restore service and install a meter, at the expense of the district, for a minimum charge of not less

than ~~\$25~~100.

- ~~175-21~~ Meters will, at all times, be protected by the applicant from freezing. In the event that the meter is damaged by freezing or other, external cause the Department will replace the meter and a bill will be rendered to the consumer for the cost of repairs and/or replacement except as stated in Subsection D.
- ~~175-21~~ The district will maintain, inspect, repair and test when necessary all ~~one~~ one ~~and smaller meters~~ 3/4 inch meters larger than ~~one~~ 3/4 inch at the applicant's own expense. The Department reserves the right to remove and test meters as required.

ARTICLE V
Private Fire Protection and Temporary Service

§ 175-22. Sprinkler-head fire protection service.

- A. Any and all sprinkler systems installed in residences, multiple dwellings and commercial buildings (i.e., any and all buildings) shall meet the requirements of the following:
- (1) The latest version of New York State Department of Health State Sanitary Code.
 - (2) The latest version of National Fire Protection Association Standards for Installation of Sprinkler Systems (Bulletin 13).
 - (3) New York State Building Code.
- B. The Department shall require the furnishing of detailed drawings showing the proposed installation and to approve or disapprove the type of valving to be installed on such a system and to inspect by its own forces or duly authorized representatives any such installation past, present or future.
- C. The applicant will furnish "as-built" drawings of these facilities to the Department and the Fire Department that provides protection to the applicant's facilities.

§ 175-23. Private fire hydrant protection.

- A. Any and all private water supply distribution systems installed within the town equipped with hydrants for fire protection shall conform to the requirements of the following:
- (1) The latest version of New York State Water Resources Commission Rules and Regulations Governing Water Supply Applications.
 - (2) New York Fire Insurance Rating Organization.
 - (3) Type of hydrants shall be in accordance with town specifications.
- B. Detailed plans and drawings of any and all such installations shall be furnished for the approval of the Department before any permit to allow installation or to build shall be issued. Inspection of the installation during construction to guarantee compliance will be performed by the Department, or any other regulatory body having jurisdiction over said installation, and "as-built" drawings will be furnished to both the Department and the Fire District that provides protection to the applicant's facilities.
- ~~C. Any private hydrant systems shall be inspected and flushed at least annually by the Department and any cost necessary to repair or replace them shall be the responsibility of the Applicant. If private hydrants are found to be used for purposes other than fire fighting or maintenance purposes, a fine of \$1,000 per day shall be levied upon the applicant.~~
- ~~D. The Department reserves the right to require any sprinkler system installation or any hydrant system installation installed prior to the date of this Town Code to be~~

brought up to the standards referred to at any time.

§ 175-24. Temporary water service.

Water for contractors, builders and other temporary purposes (§ 175-10B) will be billed

for such privilege, according to the metered usage. The willful waste of water under temporary permits shall constitute a violation of this Town Code, and the Department may cancel such permit.

ARTICLE VI
Nonessential Water Use

§ 175-25. Nonessential facilities.

Construction of nonessential water-using facilities which are attached to the water system, including but not limited to underground sprinkler systems, swimming pools and certain types of air conditioning, refrigeration and heating units is required to obtain a permit from the Department.

§ 175-26. Permits for nonessential uses of water ~~and bulk water purchases.~~

~~E.~~ Permits for uses of water considered to be nonessential ~~and bulk water purchases~~ will only be granted where the applicant has demonstrated to the Department that sufficient capacity in the supply, storage and distribution facilities is available and that proper back-flow measures have been taken. ~~Non permitted use of water for nonessential and bulk water purchases shall have a fine of \$1,000 per day shall be levied upon the applicant.~~

§ 175-27. Town's right to restrict approved usage.

The town shall have the right, in periods of drought or emergency, to restrict nonessential uses of water such as the use of water for sprinkling, pools or other outside nonessential use or to prohibit such use entirely. Notice of such restriction shall be published by the town in the official town newspapers, ~~provided in writing to each resident and posted on the Town's website, and~~ to the extent possible, broadcast over local media. Notification shall also be provided when the restrictions are lifted.

ARTICLE VII
Cost Allocation and Billing Provisions

§ 175-28. Allocation of costs.

- A. Capital costs shall be allocated to each parcel of property in the district based on the assessed valuation, units or front footage of property along which water mains are constructed or a combination of these methods as approved by the Town Board. These costs shall be included in the property taxes of all properties in the district. The method of allocation will be determined by the Town Board at the time the capital expenditures are approved.
- B. Operation and maintenance costs will be allocated to each property connected to the waterworks based on metered water usage.
- C. Any changes in rates for either capital or operation and maintenance costs shall be made by the Town Board after a public hearing has been held, ~~and all property owners in the district have been notified of the hearing by the Department and the proposed changes by mail at least 30 days prior to the hearing. Notification will be posted on the Town's website 30 days prior to said public hearing.~~

§ 175-29. General billing provisions.

- A. All bills are payable in accordance with the terms of the rates and charges set forth in Article X. For new services installed at any time during the billing period, the charge will be prorated accordingly, ~~to the number of days remaining to complete the billing period after the service has been made available.~~
- B. Meters will be read and billed monthly or quarterly or more often for temporary service such as service for construction. Bills may be rendered in advance or arrears.
- C. The quantity recorded by the meter shall be considered the amount of water passing through the meter, which amount shall be conclusive on both the applicant and the Department, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, if the meter is found to be reading fast the customer will be billed the minimum charge for the period in question. If the meter is reading slowly the actual reading will be used but will never be less than the minimum allowance.
- D. All bills are due and payable without penalty 30 days after the date thereof. All charges by the Department shall be a lien upon the real property upon which or in connection with which such water is used. If such charges are not paid within 30 days from the date due, the water supply may be cut off until said charges are paid. A penalty of 10%, per quarter, of the amount of the bill shall be added to the bill for late payment.
- E. There shall be filed annually, with the Town Board, a statement showing the unpaid water charges and penalties payable, with a brief description of the applicant's property.
- F. Bills for water used or services performed by the Department shall be paid to the Receiver of Taxes.

- G. Water rates, penalties and charges are as may be established by the Town Board.
- H. No bill will be rendered for less than the minimum charge for each billing period.
~~No payment will be accepted for less than the amount stated on the bill.~~

ARTICLE VIII
General Provisions and Penalties

§ 175-30. General provisions.

- A. Water service may be discontinued by the Department for any one of the following reasons:
- (1) Use of water other than as represented in an applicant's applications or through bypass connections of the meter or place reserved thereof.
 - (2) Willful waste by use of water through improper and imperfect pipes, or by any other means.
 - (3) Tampering with any service line, seal or meter.
 - (4) Nonpayment of bills for water or services rendered by the Department in accordance with these rules and regulations.
 - (5) Cross-connecting pipes carrying water supplied by the district with any other source of supply or with any apparatus which may endanger the quality of the district's water supply.
 - (6) Refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters or inspecting water piping and other fixtures.
 - (7) Violation of town water regulations.
 - (8) Failure to promptly repair leaky service lines.
- B. No person shall open or interfere with the fire hydrants or draw water therefrom without permission from the Department or, in case of fire, by the Fire Departments or their representatives.
- C. In the interest of public health, the Department will not permit mains or service lines to be connected in any way to any piping, tank, vat or other apparatus that contains liquids, chemicals or any matter which may flow back into the district service lines or mains and consequently endanger the water supply, except as expressly permitted by the New York State Department of Health.
- D. Upon receipt of an application for a new service or for the reinstatement of an existing service, the Department will assume that the piping and fixtures that the service will supply are in proper order to receive the same, and the Department will not be liable in any event for any accident, breaks or leakage arising in any connection with the supply of water or failure to supply the same.
- E. Any person who damages any street hydrant shall be liable for the actual costs incurred by the Department to repair all damage as well as the estimated loss of water wasted before the hydrant can be shut off.
- F. The Department undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to consumers, but reserves the right, at any time, without notice, to shut off the water in its mains for the purposes

of making repairs or extensions or for other purposes, and it is expressly agreed that the Department shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever nor for any damage thereby or by the bursting or breaking of any main or service line or any attachment to the district's property. All applicants having boilers upon their premises depending upon the pressure in the district's pipes to keep them supplied are cautioned against danger of collapse, and all such damage shall be borne exclusively by the applicant. For routine maintenance such as line flushing or planned outages the Department will take reasonable measures to notify applicants.

- G. In those cases where the applicant's service line, from the curb stop to the meter, is frozen, the thawing shall be done at the expense of the applicant. To avoid a recurrence of freezing, the Department may order an examination of the applicant's service line; and, if the same is not at a depth of 60 inches as required, the Department reserves the right to require it to be so relocated before service is resumed.

§ 175-31. Notice of violation.

Any applicant found to be violating any provision of this chapter shall be served by the town with written notice stating the nature of the violation and providing a thirty-day-or-less time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

§ 175-32. Penalties for offenses.

Any applicant who fails to comply with the provisions of this chapter, other than those provisions pertaining to the payment of charges for services established herein, shall be guilty of disorderly conduct and shall be subject to fine not exceeding \$250 for each offense. The continued violation of any provision of any section of this chapter, other than those pertaining to the payment of charge for services established herein, shall constitute a separate offense for each and every day such violation of any provision hereof shall continue.

§ 175-33. Other remedies.

Upon violation of this chapter, the Town Board, in addition to other remedies, may institute any appropriate action or proceedings, including an injunction to prevent the occupancy of any building, structure or land where said violations of this chapter are found.

§ 175-34. Liability of offender to town.

Any applicant violating any of the provisions of this chapter shall become liable to the town and/or district by reason of such violation and shall also be liable for all costs and Department expenses associated with the repair of the damage and for any fines imposed as a result of such violation.

§ 175-35. Interpretations.

The Town Board's opinion shall be controlling in the event that differences between a

Department and applicant exist on matters concerning interpretation and execution of the provisions of this chapter.

§ 175-36. Penalty for false statements.

Any applicant who knowingly makes or supplies any false statements, representation, records, reports, plans or other documentation filed with the municipality required under this chapter shall be punishable in accordance with Penal Law.

§ 175-37. Orders to cease and desist.

The town is also authorized to issue an order to cease and desist and direct those persons not complying with such prohibitions, limits, requirements or provisions of this chapter to comply forthwith or comply in accordance with a time schedule set forth by the town, or the appropriate remedial or preventative action in the event of a threatened violation.

§ 175-38. Revocation of permit.

If any conditions of a permit or this chapter are not strictly adhered to, the permit may be revoked.

ARTICLE IX
Citizen Advisory Committee

~~§ 175-39. Duties and responsibilities.~~

~~When a Citizen Advisory Committee, recognized by the Town Board, exists in any district, the Town Board shall consult with that Committee before approval of any changes or issuing any permits involving water within the district, including, but not limited to, changes in rates, extensions or expansions, including permits for individual wells. Such Committee shall, from time to time, offer suggestions concerning the operation of the district. Recognized committees shall consist solely of property taxpayers of the district.~~

ARTICLE X
Rates and Charges

§ 175-40. Current rates and charges.

All current rates and charges for each district will be appended to this chapter and be available for public inspection in the Department's office.

