

Chapter 132

WATER

[HISTORY: Adopted by the Town Board of the Town of Conklin as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 73.
Mobile homes and travel trailer parks — See Ch. 91.
Subdivision of land — See Ch. 115.
Wellhead protection — See Ch. 135.
Zoning — See Ch. 140.

ARTICLE I

Installation of Water Services

[Adopted 9-22-1971]

§ 132-1. Insurance, bonds and permits.

- A. Certificate of insurance. The contractor must file with the Town of Conklin a certificate of insurance before any work is to be started.
- B. Street opening bond. The contractor must file with the Town of Conklin a street opening bond for \$5,000 before any work is to be started. [Amended 11-9-1999 by L.L. No. 2-1999]
- C. Permits. For any services that abound on New York State Route No. 7, the contractor must secure the necessary permits from the New York State Department of Transportation.

§ 132-2. Protection of the public.

The contractor shall provide and maintain all necessary barricades, lights and warning signs and take all necessary precautions for the protection and safety of the public.

§ 132-3. Lateral connections from curb box in the street to meter installations within a property.

- A. All applications for the introduction of water into any premises or for extension of any pipes for the conveyance of such water must be made by the owner or authorized agent of the owner of the premises, in writing, upon blanks furnished by the water district, whereby he agrees to abide by the rules and regulations of said district. All connections to the street mains will be made by the water district with extension to the curb, for which the applicant will pay as agreed at the time of application.
- B. No branch line will be allowed to be inserted in any service pipe without a written permit from a duly authorized representative of the water district, and this will only be issued on condition that a stop cock is provided that will always be under control of the water district. Where branches already exist not provided with stop cocks, in case of default in payment of water rent by any one consumer, the main service may be cut off until the back

charges are paid, and the Board shall not be liable for damages from any other consumer who may thus be deprived of water.

C. Water supply lines.

(1) Residential services. All water supply lines for a plumbing system shall be at least three-fourths-inch copper tube. Copper tube for underground service shall be of grade not less than Type K. The use of flared joints and fittings must be used for this class of work. No copper tube shall be installed in cinder filled ground unless protected from corrosion. No secondhand or used pipe of any description shall be used. The use of so-called speedy (plastic) pipes is prohibited. No copper tube shall be installed or bedded in concrete, and if passed through or under cinder concrete or cinder blocks, they shall be protected against external corrosion. Service lines shall have a minimum bury depth of four feet below grade.

(2) Commercial services. All water supply lines for a plumbing system shall be at least 3/4 inch. Service pipe size from 3/4 inch to 1 1/4 inches shall be of Type K copper tube. Service pipe size from 1 1/4 inches and up may be galvanized iron or steel, with galvanized malleable iron fittings, copper tube Type K and cast-iron water mains. Copper tube with sweated joints of silver solder may be used. The use of flared joints and fittings may be used for this class of work. No copper tube shall be installed in cinder filled ground unless protected from corrosion. No secondhand or used pipe of any description shall be used. The use of so-called speedy (plastic) pipe is prohibited. No copper tube shall be installed or bedded in concrete, and if passed through or under cinder concrete or cinder blocks, they shall be protected against external corrosion. Service lines shall have a minimum bury depth of four feet below grade.

D. Whenever connections with the street mains or branch lines are being laid or repairs are made to the same, said connections and lines are not to be covered with earth, stones, dirt or otherwise until inspected and approved by a duly authorized representative of the water district.

E. Employees of the water district may enter, and must be permitted to enter, upon any premises where water is being supplied or upon any premises for which application is made for a service for the purpose of inspecting all work in connection with such service. Water may be shut off by the water district from any service or main for the purpose of constructing new work or for making repairs to the water system. Whenever it is possible, due notice will be given, but in case of emergency, the water may be shut off without notice and the water district shall not be held responsible for any damage resulting therefrom.

F. The owner of property into which water is introduced by a service pipe will be responsible for maintaining in perfect order at his own cost and expense said service pipe from the point where it leaves public lands or lines owned by others and enters the lands of the property owner, so as to prevent loss of water by leakage. In the event that the lateral connection is not maintained in a suitable condition and causes loss of water by leakage, the property owner or occupant will be notified to correct such condition. If the property owner or occupant fails or neglects to correct such condition as specified in said notification within 10 days from the receipt thereof, the water district may thereupon enter

upon the subject premises and make such repairs as necessary, and the cost thereof shall be borne by the property owner. The water district shall not be responsible if the service pipes from the water main freeze, and if the district assists in thawing them out, the cost shall be borne by the property owner.

§ 132-4. Cross connections prohibited; enforcement.

- A. No connection of the piping (either inside or outside of the premises) serving water supplied by the town water mains will be permitted with any other source of supply.
- B. The penalty for violation of this section will be the shutting off at the water main of the water supply to the premises and the charging of the owner of all expenses of every nature incidental thereto. Water service will not be restored until violations have been removed and all costs in connection therewith paid.
- C. Such a violation is a violation of the New York State Sanitary Code.

§ 132-5. Water meters.

- A. A property owner or occupant shall during any reasonable hour permit the entrance on the premises of a duly authorized representative of the water district for the purpose of removing a water meter for repair and/or testing and shall permit the entrance on the premises of said representative for the purpose of reading and/or inspecting a water meter, which meter will be furnished by and remain the property of the water district.
- B. It shall be the responsibility of every property owner or occupant to keep water meters in an accessible location where the authorized representative may conveniently inspect, read or remove said water meter.
- C. In the event that the water meter cannot be inspected and/or read and/or removed with convenience, the property owner or occupant will be notified by a duly authorized representative of the water district to correct the existing condition with regard to the water meter. If the property owner or occupant fails or neglects to correct the condition as specified by the duly authorized representative of the water district, then and in that event the water district shall discontinue water service to the property owner or occupant of the premises until such time as compliance is made with the directions of the representative.

§ 132-6. Use of curb stop.

No person other than duly authorized personnel of the Water Department or other person who has first obtained permission so to do shall open, close or operate in any way the curb stop in the water service line. The owner of the property served by the water service shall be liable for any costs arising from damages to the curb stop, service box and/or piping on either side of the curb stop unless the curb stop is operated by employees or agents of the town or by a person having permission of the person in charge of the Water Department.

§ 132-7. Damage to water distribution system.

Any injury or damage to service pipes, street mains, hydrants, valves, valve boxes or other fittings and devices and any damage that may be caused by leaking or flow of water occasioned

by such injury caused by the installation or repair of any sewer or drain line, electrical conduit or cable, telephone conduit or cable or by any excavation, embankment, paving or other construction operation shall be repaired at the expense of the contractor doing the work causing the injury or damage or by the owner of the premises or by the person or corporation for whom such work is being done.

§ 132-8. Restriction of water use.

The use of water is permitted subject to such conditions or reservations as the Water Department may, in its sole discretion, consider to be reasonable. The Water Department reserves the right to restrict or prohibit extraordinary use of water if water supply conditions so require.

§ 132-9. Refrigeration and air-conditioning equipment.

- A. No installation of refrigeration and/or air-conditioning equipment shall be installed on any premises supplied from the town system until a written permit has been issued by the Water Department to the owner on whose premises the installation is to be made.
- B. Applications for permits for refrigeration and/or air-conditioning equipment shall set forth the details of the equipment to be installed and the conditions under which it is to operate.

§ 132-10. Extension of mains. [Amended 11-9-1999 by L.L. No. 2-1999]

Upon receiving a written petition containing a statement of proper facts and circumstances from which it will appear that the extension of any main or mains or distributing pipe or pipes is necessary and required in order to service properties of petitioners, the Town Board and its Water Department may authorize such extension, provided that the cost shall be paid wholly by the owners of the lands benefited or abutting the street where said work is done.

§ 132-11. Water and repair bills. [Amended 2-10-2009 by L.L. No. 1-2009]

- A. All domestic water bills are issued quarterly. Bills are to be paid on or before the 30th day of the month in which the charge is made. An added charge of 10% must be collected when payment is made after the 30th day. Failure to receive bills shall be no reason for not paying the ten-percent added charge.
- B. Whenever bills for water are more than 30 days past due, a final notice will be issued and if the bill is not paid before the 30th day after date of final notice, the water will be shut off until the account is settled. A service fee will be made for turning the water on again, which amount must be paid in advance to the water service being restored. The fee shall be determined by resolution of the Town Board on an as-needed basis.
- C. All meter or service repair bills are to be treated the same as and considered a part of the regular water bills.
- D. Water furnished to any property for any purpose stands charged against such property regardless of change of ownership, and the water district reserves the right to discontinue the service from such property for any unpaid bill or bills accumulated by former owner or owners, and refuses to turn same on again until all arrearages and penalties are paid. In case of transfer of a property, the Water Department shall be immediately notified so that proper

adjustment may be made of any changes or repair bills against such property. In case the water is turned off by an agent of the water district for proper cause, no person shall turn water on again without permission from the water district. For any extra, other than the quarterly meter reading, a reasonable charge will be made.

§ 132-12. Fire hydrants.

All hydrants are under the control of the water district. No person shall use a wrench to open a hydrant except an authorized employee of the water district or of the Fire Department. Any person causing damage to a fire hydrant by collision or otherwise will be held responsible for any damage caused thereby, and they should immediately report the same to the Water Department or nearest fire station, giving name and address.

§ 132-13. Permits for use of hydrants.

The Water Superintendent will not issue any permits for the use of hydrants unless there is no other possible way to get water without unreasonable hardship. No permits will be issued in winter. If the Water Superintendent issues a temporary permit, the person or persons making application will pay a fee as provided by resolution of the Town Board. Additional charges will be made for water used in accordance with the schedule of water rates.

§ 132-14. Installation of water mains and services.

After November 1 of any year, the water district will make no installation of water mains or service connections until weather permits in the spring, except in case of emergency.

§ 132-15. Fire lines.

- A. A "fire line" is defined as a cast-iron water line making a connection to the water district system for the purpose of supplying water to fire hydrants on private property around the exterior of buildings situated thereon; or a cast water line making a connection to the water district system for the purpose of extending said line into buildings situated on private property for the purpose of supplying sprinkler heads or hose reels.
- B. The semiannual rate to be paid by the property owners to the water district for each fire line connection shall be as provided by resolution of the Town Board. [Amended 11-9-1999 by L.L. No. 2-1999]
- C. The terms of payment for each fire line connection as aforesaid shall be net cash; statements are to be rendered by the water district on or about July 1 and January 1 for the preceding six-month period. Any fire line connection made within the six-month period prior to the next billing date shall be prorated by the water district and the property owner shall pay only for that period of time during which the connection is made.

§ 132-16. Compliance required; penalties for offenses. [Amended 11-9-1999 by L.L. No. 2-1999]

All persons, firms, corporations or partnerships making installation of water mains within the water district shall hereafter comply with the provisions of this article. The violation of any of the provisions of this article shall be subject to a fine not exceeding \$250 or imprisonment not

exceeding 15 days, or both.

§ 132-17. Applicability.

Each and every provision of this article shall apply with full force and effect to any and all water districts of the Town of Conklin, including all extensions thereof, and to any and all water districts to be formed hereafter, including extensions thereof.

§ 132-18. Changes in rules and regulations.

The Town Board reserves the right to change the rules and regulations and rates for use and supply of water from time to time as conditions may require.

§ 132-19. Water pressure in the water system.

- A. The water pressure in the Conklin water districts is 100 plus pounds per square inch.
- B. Each homeowner in the district is required to install a pressure-reducing valve in his individual water system. This pressure-reducing valve should be installed in those residential water systems where 70 plus pounds per square inch of water pressure may cause pipes to burst or leak. Pressure-reducing valves are designed to reduce water pressure and prevent bursting or leaking pipes caused by high water pressure.

§ 132-20. Rates. [Amended 10-25-1988; 11-9-1999 by L.L. No. 2-1999]

Water rates shall be as provided by resolution of the Town Board. The rates shall remain in effect until amended or modified by the Town Board of the Town of Conklin. It is further resolved that unpaid charges in arrears for 30 days or longer after the due date set forth in the water bill shall be subject to a penalty of 10% of the amount due. The supply of water may be cut off if water charges are not paid within 60 days of the date due.¹

ARTICLE II
Cross-Connection Control and Backflow Prevention
[Adopted 5-12-1998 by L.L. No. 2-1998]

§ 132-21. Purpose.

The Town of Conklin has continued to implement safeguards to protect public water supplies within the Town of Conklin. The New York State Department of Health has now established rules and regulations regarding backflow and cross-connections for the purpose of protecting potable public water supplies from contamination from these sources. The Town of Conklin has determined that it is in the best interests of the town to implement backflow and cross-control regulations on a local level and hereby acts accordingly.

§ 132-22. Applicability.

This article shall be applicable to all property owners within the Town of Conklin serviced by the

¹. Editor's Note: The drawings of a Typical Service Installation and a Meter Installation that were included at the end of the 1971 Rules and Regulations Governing Installation of Water Services are on file in the Town offices.

Town of Conklin public water supply system.

§ 132-23. Definitions.

As used in this article, the following terms shall have the meanings indicated:

AESTHETICALLY OBJECTIONABLE SITE — Any property serviced by the Town of Conklin public water supply that has substances present which, when introduced into the public water supply, would constitute a nuisance in appearance or smell but would not endanger or have an adverse effect on public health. Examples of an aesthetic objection would include but not be limited to food grade dyes, hot water, stagnant water or water with an odor.

HAZARDOUS SITE — Any property serviced by the Town of Conklin public water supply that has substances present which are capable of being introduced into the public water supply system through backflow or cross-connection contamination and which would endanger or have an adverse effect on the public health and welfare of others using the public water system.

NONHAZARDOUS SITE — Any facility not deemed a hazardous or aesthetically objectionable site as defined for purposes of this article.

§ 132-24. Program enforcement and procedure.

- A. The Town of Conklin Water Department shall be responsible for reviewing potentially hazardous and aesthetically objectionable sites within the Town of Conklin for purposes of this program. Upon a determination by the Water Department that a site is a hazardous site or is an aesthetically objectionable site, the customer and the owner of the property, if different, shall be notified in writing by first class mail at the last known address. The notice shall contain the type of facility, the nature of the problem, the degree of hazard, the recommended type of containment or method of correction and a directive that a written intent to comply must be returned to the town within 30 days.
- B. A hazardous site or an aesthetically objectionable site shall be governed by the regulations set forth in the New York State Sanitary Code, as amended, and the New York State Department of Health 1981 Cross-Connection Control Manual and all revisions and supplements.
- C. The customer or owner must forward the letter of intent to comply with the recommended type of containment or method of correction within 30 days of the postmark of the notice from the town. Such letter shall also include the engineering firm that will be designing the means of containment or method of correction and the anticipated date of installation of any corrective or containment measures.
- D. The customer or owner must submit applications and plans which comply with New York Code of Rules and Regulations Section 5-1.31 and any amendments thereto, in quadruplicate, to the Town of Conklin within 60 days of the initial written notification from the Town of Conklin. The plans will be reviewed by the Town of Conklin Water Department, the Broome County Health Department and the New York State Department of Health Bureau of Public Water Supply Protection. Any plans which are disapproved at any level shall be returned to the customer or owner for correction. Corrected plans must be resubmitted within 30 days of receipt. Upon final approval, the plans, together with a letter

or certificate of approval, will be forwarded to the Town of Conklin and to the owner or customer.

§ 132-25. Appeals.

Any customer or property owner who seeks to challenge the town's determination that a property is an aesthetically objectionable site or a hazardous site may submit written objections to the Town of Conklin Water Department within 15 days after receipt of the initial determination by the Town of Conklin. The Town of Conklin will then solicit advice from the Broome County Health Department or the New York State Department of Health. A final determination by the Town of Conklin will then be mailed to the customer or property owner if different.

§ 132-26. Installation and testing.

The customer or property owner shall have the approved correction or containment device or system installed as prescribed in the approved plans within 15 days of the mailing of the notice of approval by the Town of Conklin. The customer or owner must notify the Town of Conklin Water Department upon completion of the installation and prior to the initial testing of the device or system. All devices or systems must be tested by a New York State Department of Health certified backflow device tester. A copy of the initial test report of the device or system must be immediately submitted to the Town of Conklin Water Department using the New York State Department of Health test forms. Thereafter, the Town of Conklin shall require all backflow and cross-connection devices or systems to be tested annually, upon the anniversary month of the original testing; after any repairs are made to the device or the system; and after every rebuild of the device as required under New York Code of Rules and Regulations Section 5-1.31.

§ 132-27. Penalties for offenses.

The failure of any customer or property owner to comply with any provisions of this article may result in the immediate termination of water service by the Town of Conklin. In addition, violators are subject to a fine of not less than \$500 per day, not to exceed \$1,000 per day, for each day that said property remains in violation of this article.