

VILLAGE OF AURORA
LOCAL LAW NO. 2 of 2016
AMENDING LOCAL LAW #4
OF 2015

A LOCAL LAW FOR RULES AND REGULATIONS
GOVERNING THE USE AND SUPPLY OF WATER

Be it enacted by the Board of Trustees of the Village of Aurora as follows:

1. Rules. Part of Contract.

Every person who shall be supplied, or whose property shall be supplied, with water by the Water Department of the Village shall be deemed to have accepted, and approved the rules of the Village governing and regulating the supplying of water, and the same shall constitute a part of the contract between such person and the Village. Wherever the word consumer shall be used in the Rules and Regulations, it shall mean the owner or owners of the premises. The continuance of the consumer to take water after any amendment or change of these rules shall be deemed an acceptance of such amendment or change.

2. Work To Be Done by Water Department, Licensed Plumber, or by Special Permit.

A. All service connections with the principal mains, and service pipes from said principal mains to approximately two feet back of the curb line, or gutter line where there is no curb, including the stop or curb cock or valve, and box for same, shall be put in and installed only by properly authorized employees of the Water Department, acting under the direction of the Superintendent of said Department.

B. From curb cock or value to meter.

No person shall make any connection with the above mentioned curb cock located either at the curb or property line, except a regular employee of the Water Department acting under the direction of the Superintendent, or a person having a special permit from the Water Department.

3. Agent or Owner.

The plumber designated and employed by the owner of the premises will be considered the agent of such owner while employed in the prosecution of the work of introducing water into said premises, and in no sense as the agent of

the Water Department. The village will not be responsible for the acts of such plumber.

4. Application for Service.

Every person desiring a supply of water through the principal water mains must make application at the office of the Water Department for a service pipe and connection with the Village mains. Such application shall be made in writing and must be signed by the owner of the property or his duly authorized agent.

5. Material of Service Pipe.

The service pipe, between the corporation cock at the main and the curb cock at the curb, shall be seamless copper tubing, Type K. All pipe between the curb cock and the meter, wherever located, shall be of the same quality, approved by the Water Department.

6. Opening of Curb Cocks.

The curb cock or valve controlling any service shall not be opened or left open by the plumber or any other person after connecting said service at the curb, so that the water may be supplied to such premises by said service, unless the service pipe installation has been approved by the water Department and the meter installation completed. In case of building operations, special permission may be given by the Water Department under such conditions as it may prescribe.

7. Injury to Mains, Pipes, Etc.

Any person responsible for any injury to any main, pipe, hydrant, or other water facility, shall reimburse the village for the loss of water caused thereby. He shall not be responsible for any damage caused by such escaping water.

8. Responsibility for Trench.

In the case of any excavation in any street or public grounds for the introduction of any water pipe or connection under authority of a permit from the Water Department, where the work is not done by said Department, the owner and plumber will each be held responsible for the trench opened by them.

Whenever any street or public ground is opened for making a connection with or laying any water pipe, or fixtures, public safety and convenience shall be duly regarded and conserved by the construction of such bridges across open trenches as may be required to accommodate business and

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to insure safety to the public. Red lights, barricades and all such other means of protections against accident must be provided.

9. Laying of Service pipes.

Service pipe will be required to be laid not less than four feet below the surface of the earth at any point to the inside of the foundation wall of the building into which the water service is introduced and, in case the final grade of the street or sidewalk has been officially determined and established, then the said service pipe shall be laid at a depth of not less than four feet below such established grade at all points, so that when the street and walk are graded, there shall be not less than four feet covering of earth over the pipe at any point.

'10. Trenches Inspected.

Where trenches are opened for the laying of service pipes and such service pipes installed, said trenches, materials and workmanship shall be inspected by the Water Department before the same are back filled. The owner or the plumber performing such work shall notify the Water Department that such trench is ready for inspecting.

11. Service Pipes Installed and Maintained.

The owner of property into which water is introduced by a service pipe will be required to install and maintain, in perfect order, at his own expense, the said service pipe from the curb stop or property line. The Water Department has the right to shut off water to the property until repairs are made.

12. Step and waste Cocks.

Just inside of the basement wall of the building into which the service pipe extends, a shut off valve shall be installed before the water meter.

13. Steam Boilers.

In all places where steam boilers or hot water tanks are supplied with water from the Village water supply, the owner or consumer must see that the plumber places a suitable safety valve, vacuum valve or other proper device to prevent damages from collapse or explosion when the water is shut off.

The Water Department, its employees, or the Village of Aurora shall not be liable for any damage resulting from the sudden shutting off of the water from any steam boiler or other fixture deriving its supply from the village water supply. When practicable, suitable notice of such shutting off shall be given to the owner or occupant.

14. Fire Service.

Stand pipes, or other pipes for automatic suppression of fires in buildings, which fixtures are only intended for such use, may be permitted to be attached to the water supply system. Application for such permits, accompanied by a plan of the proposed pipe system must be submitted to the Superintendent of the Water Department for his approval. No additional fixtures, connections or extensions, shall be made in any fire protection system without the approval of the Superintendent.

The entire cost of installing the fire service shall be borne by the owner of the building supplied.

15. Fire Services Maintained.

The owners of the premises where pipe lines are in service for fire protection shall maintain such services pipes in perfect order over their entire length from the street main into the premises, and they shall be responsible for any damage that may be caused by leakage, or breaking or bursting of such pipes, unless such damage has been caused through some fault of the Water Department.

16. Inspectors May Enter Premises.

Officers or employees of the Water Department, upon presentation of proper credentials, may enter upon any premises where Village water is being supplied or upon any premises when application is made for a permit to connect plumbing with the water pipes, for the purpose of installing, reading, removing or repairing meters, or for inspecting the plumbing and fixtures of the water service, and all work in connection with such service.

17. Limit the Water Furnished.

The Water Department reserves the right to limit the amount of water furnished to any consumer should circumstances seem to warrant such action, although no limit may be stated in the application or permit for use; or said Water Department may entirely shut off the water supply used for any manufacturing purpose, or for furnishing power, or for lawn sprinkling, at any time, by giving reasonable notice to the consumer of such intended action.

In the case of making or constructing new work, in making repairs or leakage tests, the right is reserved to shut off the water from any consumer, provided a good faith effort is made to give reasonable notice, for as long a period as may be necessary, excepting that in emergency situations, no notice shall be required.

18. Shutting Off.

It is understood and agreed that the Water Department of the Village of Aurora shall not be liable for any damage which may result to any person or premises from shutting off of the water from any main or service, for any purpose whatever, even in cases where no notice is given.

19. Change of Pressure.

The Water Department of the Village of Aurora shall not be liable for any damage or loss of any name or kind, to property or persons, which may arise from, or be caused by any change, either increase or decrease, in pressure of water supplied, from any cause whatever.

20. All Services To Be Metered.

All water furnished through service pipes, whether for residential, commercial or industrial use, shall be metered. All meters shall be furnished and installed at the expense of the Water Department, except as otherwise provided.

At the option of the Water Department, service lines used exclusively for fire protection may be left unmetered. Wherever surreptitious use of water by the consumer is discovered from any such connection, the Water Department may either discontinue such service, or compel the owner to install a suitable meter at his own expense.

A. OUTDOOR USE WATER METER POLICY

The Village of Aurora has adopted a policy for second water meters "outdoor use water meters" to provide water usage for irrigation purposes. The customer will not be charged a sanitary sewer fee for water flowing through these meters.

The procedure for installing an outdoor use water meter is outlined below:

1. The property owner must apply for this meter through the Village Department of Public Works (DPW) Superintendent.

2. The outdoor water meter must be permanently installed at the expense of the property owner.

3. Backflow prevention devices will need to be installed in compliance with state plumbing code.

4. Inspection and approval by the Village DPW of the completed installation must occur before utilization of the outdoor use meter. The DPW will have the right to make subsequent inspections to ensure compliance with this policy.

5. Water usage will be billed on a quarterly basis for all water used. An Access Fee of \$10.00 will be charged botbregardless of the amount of water used in addition to the current rate/gallon.

6. The charges may be changed as needed by the Village Board of Trustees.

21. Damaged or Missing Meters.

Any damage which the meter may sustain, resulting from the carelessness of the owner, his agent or tenant, or from neglect of either of them to properly secure and protect the same, including any damage that my result from allowing said meter to become frozen, or to be injured by hot water or steam getting back from a boiler or hot water tank, shall be paid to the Water Department by the owner of the premises.

Cost for meters missing from premises shall be paid to the Water Department by the owner of the premises.

Ordinary wear and tear of meters shall be the responsibility of the Water Department. Meters shall be repaired only by the Water Department or their authorized agents.

22. Access to Meter.

Whenever a meter is set, whether at the curb, in the sidewalk or area vault or any part of the basement of any building, the space occupied by the meter and the meter box shall at all times be kept free from rubbish or obstructions of any kind.

The owner and tenant shall provide ready and convenient access to the meter so that it may be frequently read and examined by agents of the Water Department.

23. Permit To Set Or Remove Meter.

No meter shall be set or removed or disturbed without a permit from the Water Department. In general, all meters shall be installed and removed only by duly authorized agents of the Water Department.

24. Meters For Building, Conversion Or Remodeling Purposes.

Water meters for building, conversion, or remodeling purposes shall be set by the Water Department at the expense of the contractor or person making such application therefor.

In case it is impracticable to place meters for such building purposes, water may be supplied to the contractor or owner at flat rates duly established.

25. Certificates of Occupancy.

No meter shall be set or water furnished if a Certificate of Occupancy has not been issued for the premises indicating compliance with New York State Fire and Building Code.

26. A Back Flow Prevention Device.

A back flow prevention device shall be installed at the Owner's expense.

HYDRANTS

27. Control.

All street fire hydrants, or hydrants for private fire protection from unmetered service lines, are under the control of the Water Department. No person, except an authorized agent or employee of the Water Department, the Department of Public Works, Fire Department, or a person permitted by the Water Department to take water therefrom, shall operate, use or disturb any hydrant, or any part thereof, or take any water therefrom, under any circumstances whatever.

28. Damages.

In case any damage to a street hydrant is done by any person having a permit for taking water from said hydrant, the holder of the permit shall pay such damages and all costs and expenses that may be incurred by reason thereof, on demand, to the Water Department.

29. Use of Hydrants for Construction Purposes.

No person shall use any fire hydrant for construction or other purposes without first obtaining a permit for such use from the Water Department and making any advance payment demanded by said Department. All hydrants used for any construction purposes such as sewers, buildings, paving, etc., must have reducing couplings attached to the nozzles of the hydrants, with an independent valve for regulating the supply.

The main valve of the hydrant must be opened full at the beginning of work each day, and remain open until the stoppage of work at night. The water supply shall be regulated by the independent valve. The hydrant shall be operated only by a proper hydrant wrench, which shall be obtained from the Water Department.

Water must not be allowed to run except when used. No leaking hose, pipe or joints shall be permitted. All persons using hydrants shall immediately obey any instructions or orders that may be issued by the Water Department to regulate the use of these hydrants.

If required by the Water Department, a meter shall be applied to the connection made with the hydrant, at the

expense of the party using same, and said party shall pay for all water by meter measurement, at the stipulated rates.

VALVES

30. Operated by Employees Only.

No person, except a duly authorized employee of the Water Department shall open, close or in any way interfere with any valve or gate in any water main, conduit, or street pipe.

31. Displaced or Covered.

Any person who has disturbed or displaced a valve box so that the valve stem cannot be reached by a key, or who has covered a valve box or manhole cover of a valve chamber with dirt, paving, plank or other material shall immediately replace the valve box or remove the obstruction.

32. Certain Cross Connections Not Permitted.

The Water Department having the management and regulation of the potable water supply furnished to the municipality shall not permit any physical connection between the distribution system of the said supply and that of any other water supply, unless such other water supply is regularly examined as to its quality by those in charge of the potable water supply to which the connection is made and is also found to be potable. This prohibition shall apply to all water distribution systems either inside or outside of any building or buildings.

33. Fixtures Not To Be Cross-Connected.

No plumbing fixture, device or construction shall be installed, or shall be connected to the municipal water supply, when such installation or connection may provide a possibility of polluting such water supply or which may provide a cross-connection between a distributing system or water for drinking and domestic purposes and water which may become contaminated in such plumbing fixture, device or construction.

34. Payments by Consumers. Registration.

Generally, all water consumed shall be recorded and paid for by meter registration and at rates to be fixed by the Trustees of the Village, except as otherwise provided for. Such rates may from time to time be changed as the

trustees may determine.

35. Water Rates (Responsibility).

All charges for water, service pipe installation, repairs, damages caused by carelessness or neglect, penal ties, etc., shall be made against the premises supplied, and the owner of premises shall be held responsible for such charges, if not paid, shall be a lien on the property benefited. All such unpaid charges shall be added to the next municipal tax against the property.

36. Meter Bills.

Bills for metered water shall be payable quarterly. In each instance meter bills, if not paid on or before the due date stated on the bills rendered, shall be increased five per centum as a penalty for failure to pay promptly. Failure to receive bill shall not act as a waiver of such penalty.

In the event that more than one meter is used upon the same premises, separate bills shall be rendered for each meter reading.

37. If Meter Fails to Register.

If the meter stops or fails to register, the consumer will be billed at the average daily consumption, over the year previous, as shown by the meter, when it is in order.

38. Charges in Case of Leaks.

All water that passes through a meter shall be charged for whether used, wasted, or lost by leakage, except that the Village Board of Trustees may make such abatement as seems to its right and proper in the case of underground leaks, where it does not seem that the owner or user could reasonably be expected to know of the leak or to have had a fair chance to stop the same. Such reduction shall not exceed one-half of the excess above the usual

bill.

39. **Test of Meters.**

Upon the written application of any consumer of the municipal water supply made to the water Department and accompanied by an inspection fee of \$10.00 the Water Department shall remove the said meter, bring the same to their shop and there test the same, in the presence of the owner, if he so desires. If upon such inspection the meter is found to be more than 5% fast said Water Department shall return to the consumer the above inspection fee and make such reduction in the current bill as the facts warrant. If, however, the meter does not over-register more than the above mentioned 5%, the Department shall retain the above inspection fee as its expense of the testing.

40. **Miscellaneous.**

Whenever practical a meter shall be placed and the water consumption paid for at the established meter rates.

For building purposes where it is not advisable or practical to install a meter the owner or contractor may be furnished water at a fixed flat rate. In such instances the owner or contractor should make written application to the Water Department on a form provided by the Department giving the data required. The Water Department may demand payment in advance of the amount of charges for water at scheduled rates for work thus stated.

41. **No person shall** willfully or maliciously break, injure, or disturb any water main, service pipe, meter, or water fixture or facility of any kind. No person shall disturb, remove, alter or tamper with any water meter. No person, except members of the fire or water department, or department of public works, shall unlock, unscrew, or remove any water meter.

42. **Easement Requirements- Generally.**

1. Permanent easements are required for all infrastructure and improvements referenced in these regulations, including, but are not limited to easements for: storm sewers and appurtenances, storm water drainage-ways and areas, sanitary sewers and appurtenances, water mains and appurtenances, streets and sidewalks, conservation and recreation areas and specialty pedestrian routes (trials, etc.).

2. All easements granted to the Village are necessary to ensure that infrastructure and improvements may be maintained, modified, repaired and/or replaced in a safe, effective and expeditious manner so as to limit disruption of services to potentially affected parties and such other

purposes as may be deemed appropriate by the Village.

3. All easements shall include provisions such that any and all areas disturbed and/or damaged shall be fully restored to a condition at least as good as the condition of the area and/or feature just prior to the start of the work. Wherever and whenever possible, all easements must be in such form and substance as prescribed by the Village and meet the approval of the Village attorney, it being the intent of these regulations that all permanent easements shall be recorded with the Clerk of the County.

4. For new developments that include improvements and installations that will be dedicated back to the Village, the developer shall be responsible to show all proposed and finalized easements on all design and final project drawings, shall prepare all easement agreements to be used in such form and manner as directed by the Village, and shall prepare all the required maps and legal descriptions suitable for filing as required, complete the field stakeout of said easements and reimburse the Village for all costs to conduct reviews and to file completed documents.

Detailed Requirements

1. For either newly proposed developments which will include the installation of new facilities and utility pipes that will be dedicated back to the Village, or for locations where existing utilities presently exist on private property without any existing easement, the following requirements shall apply. It is understood that where no easement presently exists, the intent of this regulation is to ensure a permanent easement agreement with the landowner is obtained and filed with the Clerk of the County thereby providing the Village unobstructed access to operate, maintain, modify, repair/replace and or re-design the utility in its overall responsibility to protect public health, safety and welfare. Wherever and whenever a private landowner shall seek to obtain land use approvals of any type, or building or other permitting approvals of any type, the Village shall include as a condition in such approval(s) the landowner's obligation to enter into a permanent easement agreement with the Village in such a form and content as prescribed by the Village in order to protect the Village's interests in any and all utility infrastructure passing through, above, or under the subject landowner's property. Failure to adhere to the Village's conditions as to the granting, or modification, of an approved permanent easement, or easements, as the case may be, shall subject the landowner to the revocation of the approval(s) or permit(s) being sought.

2. All permanent utility easements shall be a minimum width of 20 feet (centered on the pipe or feature), wherever the pipe is no greater than 36" in diameter and/or the depth of bury to the pipe invert is no greater than 10 feet below the ground surface. For all other utility installations which exceed these thresholds, or where two utility features are to be included within a single easement area, the

easement width shall be accordingly widened to a minimum of 25 feet or greater, depending on the specific circumstances that exist.

3. For each permanent easement granted to the Village, an additional temporary easement shall be agreed upon which will provide a suitable access route to the permanent easement area as well as additional working widths adjacent to the permanent easement (10 feet wide), so as to allow adequate space for performing whatever work is needed.

43. This local law supersedes all previous versions and takes effect immediately upon filing with New York State.