

Water Law
Town of Louisville
Adopted September 9, 2026

PURPOSE & LIMITATIONS OF SERVICE

The Town Board recognizes that the future health, safety and prosperity of its residents and businesses depend upon an adequate supply of clean, potable water and the establishment and ongoing maintenance of an effective water system owned and maintained by the Town of Louisville. Such can only be assured through careful, vigilant regulation and a local law which provides the mechanisms and safeguards to prudently manage, conserve and distribute this valuable but limited resource and assures the funding necessary to achieve these goals.

While it is the desire of the Town to provide such water to all who have reasonable need for the same and are willing to abide by the conditions of service and pay the necessary charges, all users of the system, present and future, should be aware of the following limitations, which the Board deems to be reasonable and necessary.

- A. The first priority is to assure a fair and equitable distribution of water, with adequate pressure to all residents and businesses of the Town, with due regard to the fact that there must be a sufficient reserve within the Town water system to provide for growth and development, adequate fire protection, other emergencies, droughts and the unexpected.
- B. All of the users of the system must recognize that the Town may, in its discretion, interrupt and/or withhold service to everyone using the system, from time to time, for emergency and maintenance purposes, and/or that the water supply or pressure may be discontinued, delayed, diminished and/or interrupted due to water shortages for whatever reason.
- C. The Town has never been, is not and cannot be guarantor of adequate water service sufficient to meet the desires of everyone, and those who choose to use the system accept that risk. The Town does, however, assure the users of its system that it will, as it has in the past, do its best to properly maintain its system to the best of its ability and with the health, safety and well-being of the user in mind, but subject to the conditions expressed herein.
- D. The Town has deemed it necessary to impose the following charges and/or metering requirements but notes that the same are subject to change as necessary, simply because the Town cannot provide the service its users require and deserve unless it is provided with the funds to do so.
- E. The user must also recognize that the Town can only establish taps, make connections, perform maintenance and repairs and the like as promptly as labor, materials and budgetary constraints permit.
- F. Any and all current or future users accept continued or future service subject to the above basic purposes and limitations and the terms described herein, as their use of the Town water supply constitutes a contractual relationship whereby the user, in return for a supply of water, agrees to the policy, purposes, regulations and penalties set forth herein, agrees to pay the

rates established and also agrees to allow the Town employees or assignees access to the user's property for the purposes hereinafter mentioned.

ARTICLE 1 GENERAL PROVISIONS

290-1. Regulations of participation; compliance required; approved meter required

- A. The following laws, rules, and regulations established by the Town Board of the Town of Louisville, or as amended or modified, are made a part of any and all agreements or contracts with each consumer, taker or user of water furnished, directly or indirectly, from the mains of said Town. The following definitions shall apply to all Articles of this local law:
 - 1. Town — shall mean the Town of Louisville.
 - 2. Town Board — shall mean the Town Board of the Town of Louisville.
 - 3. Superintendent — shall mean the Town Water Plant Superintendent appointed by the Board, or his/her duly appointed employee, contractor, agent, or assignee.
- B. Each and every resident of the Town Water District(s), consumer, user or taker of water from Town water systems shall be bound by, and shall be considered to have agreed to, the rules, regulations, requirements, conditions and schedules of water rates and other charges herein or amended or modified by the Town Board as a condition precedent to the rights of service from said water system. Further, all such rules and regulations apply to all residents of the Water District(s) of the Town, whether or not they connect to the water system.
- C. All premises using the Town water supply must use a meter approved by the Town and owned by the Town. The Superintendent is a duly authorized representative of the Town with regard to the Town and the Town water district system's operation and maintenance.

290-2. Permanent and temporary connections

- A. Permanent connections.
 - 1. Eligibility for tax enforcement (i.e. lien for unpaid water charges) shall be a condition precedent to water service and shall apply to all new connections, reconnections, expansions of service, and any request for additional taps, curb stops, or other service modifications.
 - 2. Parties desirous of connecting to the water system of the Town shall make application for permission to the Town Clerk's Office or designee, on a form acceptable to the Superintendent, and which shall be accompanied by the application fee prescribed pursuant to this local law and/or the other valid requirements of the Town Board. After completion of the application and full payment of any fees, the Town Clerk shall promptly transmit the same to the Superintendent. It shall be in the discretion of the Superintendent, to fix and determine the charges for this service, in accord with current labor and material

costs.

3. Parties requesting new service installation will be responsible for the cost of materials and labor. Parties may set up a payment plan with Town Board approval. If the total invoice is less than \$2,500.00, the party will have 365 days to pay with interest to be determined by the Town Board. Any outstanding balance after the 365-day period will be re-levied to the next Town and County Property Tax bill. If the total invoice is \$2,500.00 or more, the party will have 730 days to pay with interest to be determined by the Town Board. Any outstanding balance after the 730-day period will be re-levied to the next Town and Country Property Tax bill.
4. No person or persons shall make connection to the mains of the water system of the Town, except the duly authorized representatives of the Town.
5. The installation of a service pipe from the curb box to the meter shall be to the satisfaction of the Superintendent. The curb stop shall remain closed and shall not be opened by anyone other than the Superintendent.
6. All materials, the method, manner and location of same and the general arrangement and progress of the work shall conform to the specifications contained in the regulations of the New York State Department of Health and shall also conform to the standards and specifications of the original construction of the water district in which the premises is located. In the event of a conflict between the two, the Department of Health Regulations shall control.
7. No work shall be performed until the owner or applicant has obtained the necessary road crossing permit from the proper authority.
8. A separate tap and service shall be installed for each premises located on a Road in which there is a water main, and no connection will be allowed to supply water to another person or premises except with the written permission of the Town. When the word 'premises' is used herein, it shall be taken to designate:
 - a. A building under one roof, owned or leased by one person or occupied as a residence or for business, industrial or commercial purposes, except for accessory buildings as defined by the zoning code.
 - b. Each premises having its own frontage upon a road having a water main shall have its own individual service; except, however, that, in all cases where two or more buildings on the same lot have frontage on the road upon which there is a water main, the buildings which do not have a water service may connect onto the water line of the building having such a service, provided that when such connection is made, due notice is given to the Superintendent before any connection is made so that the Superintendent may place a separate meter for each building using water under such conditions.

9. The minimum size service pipe to be installed shall have a diameter of no less than 3/4 inch, as determined by the Superintendent at the time of application.
 10. No connection of any kind shall be made to the service pipe between the main and the meter.
 11. Where an application is made for a connection for which an existing service pipe is provided to the curb box only, all work shall be performed in accordance with these rules, regulations and specifications, as far as they are applicable. The connections shall be made at the curb stop instead of at the main. It shall be the duty of the applicant or his/her agent to determine that the portion of the connection previously installed is in satisfactory condition and to make any repairs thereto which may be required by the Superintendent, all of which shall be at the expense of the applicant. Detailed methods of connection to the existing service pipe shall be in accordance with the instructions of the Superintendent. The applicant must pay the charge which is applicable to the service connection previously installed upon application for such service connection.
 12. Where an application is made to increase the size of the service pipe or for any other change to be made in said pipe which serves any consumer, the corporation stop controlling such service must be closed at the main prior to any withdrawal of water through the reconstructed service pipe.
 13. The connection of any pumps or heat pumps or similar devices, which extract heat or cold from water, to the Town water supply, is expressly prohibited.
- B. Temporary connections. Those desiring the use of water for temporary purposes other than from temporary connections to the main shall make application therefore to the Town, setting forth in detail the reason therefore and the exact use which is to be made of the water, and the Town may issue the necessary permit under such terms and conditions as it may determine.
1. All physical connections which may constitute potential cross-connection are prohibited unless constructed, maintained and operated in accordance with the provisions of the New York State Sanitary Code, Chapter 1, Subpart 5-1, Section 5-1.31 or any amendment thereof. It shall be unlawful for the owner of property or the user of Town water, or both, to introduce or permit the introduction into the Town water supply system of pollution or contamination of any kind. Whenever cross-connection to other water supply into the Town system is found or whenever any other condition is found which presents the possibility of contamination or pollution, the water supply to such premises and/or other premises from which cross-connection is made shall be discontinued immediately until the cross-connection is eliminated or the condition remedied. The Superintendent may permit or require a backflow prevention device of pattern and design which the New York State Department of Health approves as reasonably adequate to prevent contamination if the operator determines that a complete physical separation from the Town water system is not practicable or necessary or

that adequate inspection for cross-connection cannot readily be made or that such backflow preventer is necessary because of existing or possible backflow resulting from special condition, use or equipment. Any corrective measure, disconnection or change on private property shall be at the sole expense of the person in control of such property. Any changes required in the Town system outside the property or between the meter and the supply line or distribution system and any charges for cutoff or disconnection shall be added to the charges for water against the premises necessitating such expenditure.

2. Conditions and regulations for swimming pools and miscellaneous water sales. These conditions shall not be deviated from and may be periodically amended by the Town.
 - a. The program is intended to fill pools that are entirely empty. A chart is available from the Town for reference with regard to volume calculations.
 - b. The topping off of pools or partial filling is not generally supported. If, however, partial filling is requested and performed the charges will be based on filling the entire pool.
 - c. All users must request pool filling or miscellaneous water from the Superintendent.
 - d. Minimum of three (3) business days shall be allowed for scheduling.
 - e. Customer shall be responsible for charges established by the Town Board at time of filling. At the current time the rate is \$100.00 per tractor trailer/tanker load plus double the regular O&M and Reserve charge. Members of the Louisville Volunteer Fire Department (LVFD) are exempt from the tractor trailer/tanker load fee.
 - f. Pool filling shall be done at the discretion of the Superintendent as time, money, and work schedule shall allow.
 - g. Trucks hauling water shall pull from the water plant facility (clear well) only and must have plant operator approval.

Note: water may be discolored due to turbulence in the water main. Town and Superintendent assume no liability due to this occurrence, nor does it assume liability for damage to any pool or property.

290-3. General regulations

- A. Except in cases of fire, no person or persons shall take water from the fire hydrants of said Town for any purpose whatsoever without having obtained a special permit from the Town, which permit shall be conditioned in accordance with the circumstances involved at the discretion of the Town, and, in case of fire, said fire hydrants shall be opened and water taken there from only by Town employees or active members of the Fire Department.
- B. No work shall be performed upon the Town mains or upon services connected thereto between the main and the curb stop, except by employees or agents of the Town.
- C. The consumer is required to notify the Superintendent of any leak occurring in or damage

to the service line. In such case the water will be turned off at the curb stop and shall remain turned off until the leak or the damage is repaired to the satisfaction of the Superintendent. All repairs to the service line between the curb stop and the water meter shall be made by the Town at the consumers' cost and expense. The repairs to the service line between the main and the curb stop shall be made by the Town at the expense of the Town. In all cases, repairs shall be made in conformity with the specifications for new services insofar as they may be applicable. Nothing in this section shall be construed as violating any agreement heretofore entered into between consumers served through improved and accepted services and the Town, nor is it to be construed as affecting any future agreements similar to the ones heretofore executed.

- D. If it is desired to abandon a service, the Town shall be notified, and the service will be disconnected at the meter. The work shall be performed at the expense of the owner. A new service pipe will not be provided for an applicant while a service is disconnected in accordance with this provision. Abandonment of service does not alleviate the requirement to pay required charges (see 290-1. B.).
- E. The Superintendent, as a duly authorized representative of the Town, shall have control of the installation, maintenance, repair and adjustment of taps, mains, curb boxes, service pipes and meters. The Town shall not be responsible for breaks, obstructions or interruption in service arising from any cause whatsoever, except that it may take such steps as are reasonable upon proper notification to make such repairs as may be necessary to restore service from the main to the curb stop. Charges for such repairs are to be made in accordance with Subsection C of this section. In addition, the Superintendent may require copper service pipes to the Town system where the distance from the main to the house is 200 feet or less.
- F. Service shall be controlled at the curb stop. The water shall be turned off and on only by employees of the Town or its duly authorized representatives and only upon filing proper notice with said Town. Violations of this rule shall be sufficient cause for discontinuing the service.
- G. The Town shall not be liable for any damage which may result in consumers' pipes, appliances or other fixture from the shutting off of water mains or service pipes for any purpose whatsoever, whether previous notice has been given or not. No deduction from the service charge will be made for periods when the service is shut off. In cases where coils or other devices are installed in heating furnaces or separate heating devices for the purpose of providing domestic hot water, an approved check and relief valve must be installed at the expense of the owner in the supply of the feed pipe between the meter and the source of heat. This is not only to be installed at the expense of the owner but also at his/her peril. The Town assumes no responsibility for the proper operations and function of said valves.
- H. In cases where boilers or other special equipment is supplied with water, a suitable valve or other device must be installed at the expense and peril of the consumer to prevent collapse or explosion in case the water is shut off from the water main.

- I. The Town shall not be held liable for any damage sustained by reason of failure to supply water to any owner at any time or for any cause, and it reserves the right to control the amount of water supplied in the event that the supply becomes short for any reason, in particular, the right, at any time it is considered necessary, to prohibit the use of water for sprinkling of lawns or gardens or for any other purpose.
- J. The Town does not guarantee service from the road main to the meter or through the house or through any piping valves or connections therein.
- K. The Town shall be the sole judge as to the meaning of these rules and regulations. Its interpretation shall be final and binding upon all applicants for water service and upon all takers and users of water. In addition, the Town may, in its discretion, require such backflow valves and other protections as it reasonably deems necessary to protect the health and safety of the system.
- L. The Town shall not be held responsible for any changes to property status (i.e. change to status of land, agricultural status, land-locked status, new ownership, etc.). It is the property owner's responsibility to notify the Town, in writing, of such changes that may impact water service and/or pricing of service.

290-4. Furnishing of meters

Approved meters to be used within the limits of the Town will be furnished by the Town at the property owners' expense and shall remain the property of the Town; all connections in the Town will be metered.

290-5. Size of meters

- A. Meters shall be the size determined by the requirements of each particular installation and shall be adequate for delivering and measuring accurately the peak loads which they may be required to handle.
- B. The judgment and discretion of the Superintendent is final and binding.

290-6. Location of meter and remote or outside reader

- A. The service connection and the plumbing in the building to be served shall be so arranged that the meter can be placed in a horizontal position not more than three feet from the point at which the service enters the building. There shall be installed by the owner a suitable stop and waste valve between the point where the service enters the building and the meter, which must at all times be within clear view, and the location thereof must be easily accessible for reading, inspection and repair.
- B. The Town may install a remote or outside reader on any building served by the Town Water System. This remote or outside reader shall be installed by the Town at the expense of the property owner. The remote or outside reader shall be installed at a location which is easily accessible for reading. The Superintendent shall designate such location.

290-7. Right to enter

The Superintendent may enter the premises of the consumer, after giving notice to consumer to examine its connections and to determine the quantity of water used and the method and manner of its use. The hours between 8:00 am and 6:00 p.m. shall be considered reasonable hours for this purpose and notice shall be deemed sufficient if delivered to the premises personally 48 hours prior to the entry or postmarked 5 calendar days prior to any entry. Any entry for emergency purposes or with the express consent of the owner shall not be subject to the above notice requirements.

290-8. Damage to meter

Damaged and/or inoperable meters and all related equipment for determining usage shall be repaired by the Town at the expense of the consumer, except where the damage is caused by ordinary wear and tear.

290-9. Interference with meters

- A. All persons are forbidden to interfere with or remove a water meter from any service.
- B. No seal placed by the Town for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken except on written authorization from the Superintendent. Where the seal is broken, the Town reserves the right to order the meter removed for test at the expense of the consumer.
- C. Whenever a seal on a water meter shall be found to be broken, it shall be presumptive evidence that it was broken by the owner or occupant of the premises in which it is located.

290-10. Rates and charges

General rates and minimum allowed usage. The Town shall set the water rates and charges annually. The District billing period will be quarterly. Water shall initially be charged to all consumers, users or takers of water in accordance with the following rates:

A. Fixed Cost Rate:

- 1. The rate to be charged for District debt and Administration for Louisville Water District I (WD 1) is \$316.00 per user unit per parcel (EDU) annually. The rate to be charged for District debt and Administration for Louisville Water District 2 (WD 2) is \$402.00 per EDU annually. The rate to be charged for District debt and Administration for Louisville Water District 3 (WD 3) is \$552.00 per user unit per EDU.
- 2. The number of user units of the property connected shall be determined or modified by Resolution of the Town Board annually, and filed with the Town Clerk. Effective on the billing period beginning with the adoption of this law, the user units are as follows:

- a. One Family Residence, including guest house dwelling 1 Unit

b. Two Family Residence including guest house dwelling	2 Unit
c. For each additional Family or Apartment over listing described	1 Unit
d. Businesses or Commercial Use without living quarters Per 10 on site employees, Minimum 1 Unit charge	1 Unit
e. Commercial Use with living quarters for one family	2 Units
f. Commercial Use with living quarters for two families	3 Units
g. Churches	½ Unit
h. Restaurant without living quarters	1 Unit
i. Restaurant with living quarters for one family	2 Units
j. Bar with Restaurant (Full Menu)	2 Units
k. Beauty Shops or Barber Shops	1 Unit
l. Laundromat (per washer)	½ Unit
m. Post Office	1 Unit
n. Adult Homes (per apartment)	1 Unit
o. Car Wash (per wash bay)	3 Units
p. Vacant-buildable lot	½ Unit
q. Hotel and Motel	1 Unit + 1/3 Unit/room
r. Golf Course	1 Unit
s. School	1 Unit per 15 students/staff
t. Seasonal Campground	1 Unit per 11 camp sites
u. Public Beach (up to 500 permitted attendees)	3 Units
v. Fire Department Lot with Building(s)	1 Unit
w. Any improved lot*	1 Unit
x. Vacant lot with curb stop	1 Unit
y. Marina	1 Unit per 11 boat slips plus 1 unit for each building plus 1 unit for each hydrant

*A parcel or lot with a residence or other permanent structure that becomes part of, placed upon, or is affixed to such a parcel or lot. Any lot with a curb stop in addition to the main use shall be charged ½ an EDU for each such additional curb stop.

3. EDU rates will be established annually by resolution of the Town Board for payment of all debt incurred. In the event of no change, the Town Board is not required to adopt any further resolution. In the event the certificate of occupancy of any parcel has been revoked by the code enforcement officer or order of any court of competent jurisdiction, the Town Board may determine the EDU rate for that parcel by resolution of the Board.
4. All users in which the water distribution mains are adjacent to their property lines are required to pay for debt portion of the District costs even if they do not connect.
5. A vacant buildable lot and guest house dwelling is defined pursuant to the zoning ordinance of the Town. In the event any guest house dwelling has its own address, it shall be charged an additional 1 Unit above that charged to the main structure on the property.
6. The Town Board recognizes that there exist a number of parcels that are owned by the same owner that are effectively managed as a single real property parcel. It is the policy

of the Town that the owners of real property in this situation be allowed to combine the parcels and will be billed one EDU per the EDU schedule. In the case where the parcels are divided by a town line and cannot be combined, the property owner will not be charged for the lot that cannot be combined.

B. Operation, Consumption, & Maintenance. Effective with the passage of this law, all customers of the Town of Louisville Water District shall pay the following established rates:

1. Metered rates inside or outside the Water District, per billing period;
2. The billing period for water used will be quarterly with the fixed cost payment.
3. Water Usage Rate Schedule for Water District #1, #2 and #3 customers using water is \$2.70 per 1,000 gallons for Operation and Maintenance per quarter; in addition, \$0.68 per 1,000 gallons shall be charged for establishment and maintenance of a Reserve fund. Minimum use is set at \$40.12 per quarter for 12,000 gallons (3 months at 4,000 gallons/month). This rate and usage shall be adjusted annually by the Town.
4. In the event a premises has previously used water, this minimum use charge shall continue until the curb stop is removed at consumer's expense.
5. Any water to consumer supplied by the Village of Massena will be billed to consumer at the rate established by any Inter-municipal Agreement made with the Village of Massena and the Town of Louisville Water District(s).

C. Adjustments to water charges.

1. Authority. The Town Board shall have the authority to consider and, at its discretion, to make adjustments to individual water charges.
2. Threshold amount of water bill. No water charge shall be considered for adjustment unless said bill shall be at least \$100.00 larger than or three times greater than the average of the four previous water charges for the same characteristics of water use.
3. Application; proof and procedure for adjustment.
 - a. Written application shall be made by the landowner or other person responsible for payment of the water charges within 20 days of receipt. It shall contain the name of the landowner, the premises serviced by the water meter and the name and address of any other person(s) responsible for the water charges. Such application shall also contain a detailed statement setting forth the reasons for the increased usage.
 - b. Upon receipt of the application, the Town shall direct the Superintendent to investigate the material allegations contained in the statement. The Superintendent shall make any other investigation as shall be fit.

- c. No water charges shall be adjusted by the Town Board if it shall appear that the increased water usage has been of benefit to the landowners or other persons, is a result of negligence or lack of due care by the landowner or other person responsible for payment of the water charges, or where the loss occasioned by the increased usage may be recovered from other sources, including insurances.
 - d. No adjustment shall be made more than one time in a five-year period by a landowner or other person responsible for the water charges, as they deem appropriate.
- 4. If the criteria set forth in Subsection 3 (a) and (b) above are met, the Town Board may make an adjustment to said charges, as they deem appropriate.
- 5. When making such adjustments, the Town Board shall consider all costs attributable to the production of the wasted water. The total adjustment will be figured as one half of the gross quarter usage minus the average quarterly use (not to be less than 12,000 gallons) multiplied by the Operation and Maintenance rate (as detailed in Section 290-10, Subsection B). Example: usage 500,000 gallons minus 12,000-gallon minimum billing = 488,000 gallons divided by 2 = 244,000 gallons multiplied by O&M rate of \$2.70/1000 gallons = \$658.80 credit given.
- D. Allocation Between Districts of Shared Expenses. The Town Board, at a public hearing after notice as required by the Town and Open Meetings Law of the State of New York, shall allocate the costs of any district improvements used by more than one district. Said allocation shall be calculated so as to fairly allocate the costs between the Districts in the discretion of the Town Board as allowed by Section 202-b of the Town Law of the State of New York.
- E. The tap and easement application fee shall be \$25.00 as of the adoption of this local law and shall be amended from time to time by resolution of the Town Board.
- F. Any charges under this local law may be amended from time to time by resolution of the Town Board.

290-11 Shutting off and turning on of water

Should it be desired by the consumer to discontinue the use of water, the Town shall be notified in writing as to the desired time and place at which the service is to be discontinued. The Board shall require the Superintendent or his/her representative to shut off the service at the curb box. When it is desired to resume service, similar notification shall be given to the Town and, upon payment of all indebtedness, the Superintendent or his/her representative will turn on or off the water at the curb box. The charge made for turning on or off the water shall be \$20 and reviewed and adjusted annually by the Town Board. The minimum fees as set forth in 290-10 shall apply even when the service is discontinued as set forth above.

290-12. Testing of meters

- A. It is the policy of the Town to make periodic tests at approximately eight-year intervals of all

meters sized one inch and smaller, without specific charge to the consumer. There shall be, however, no obligation upon the Department to make these tests, nor shall the failure to do so give rise to the assumption that the meters are in any way out of order or incorrectly registering.

- B. The meters will be tested at the request of the property owner upon the payment, in escrow, to the Town of the sum of \$20. If the tested meter is found to be within the error limits established by the Superintendent, said deposit will be forfeited to the Town. If the tested meter exceeds the error limits established by the Superintendent, the above deposit will be returned to the consumer or owner. Such testing will be at such times as is convenient for the Superintendent.
- C. If there should be a disarrangement of the meter or a faulty registration of the quantity of water consumed for the current quarter, the correct amount shall be taken to be that of the registration plus the deficiency or less the excess that the subsequent readings of the meters shall indicate, and if it is found that the meter is stopped or fails to register, the quantity of water consumed shall be taken to be the same as that of the average of the previous four quarters and the bill rendered accordingly.

290-13. Repair of meters.

- A. Where repairs to meters are necessitated by the normal deterioration of the meters through use, the cost of repairing such meters shall be borne by the Town of Louisville.
- B. Where repairs to meters are necessitated by any other reason, the consumer shall be charged for the cost of the repair work. Such cost, however, shall not exceed the cost of purchasing a new meter of the same size.

290-14. Reading of meters

When bills are desired by the consumer at other than regularly specified times, a bill will be given after the receipt of a written request.

290-15. Responsibility for frozen services

The Town of Louisville does not assume responsibility for frozen services, notwithstanding the fact that installation of any service which may subsequently become frozen had been installed by the Town or its representatives. In the event the Town assists the consumer with frozen service, the consumer shall reimburse the Town for such assistance at a rate to be determined from time to time by the resolution of the Board.

290-16. Billing procedure

- A. Each consumer will, unless it is otherwise provided, receive a bill for water quarterly, the same to be due and payable upon presentation.
- B. In any case where the amount of water used is of such quantity that the Superintendent shall

deem it advisable to issue a bill monthly, it shall be done notwithstanding the provisions of the foregoing subsection. The decision of the Superintendent shall be binding, and the bills shall become due and payable upon presentation.

- C. The responsibility for payment of all bills rests upon the owner of the premises, and he shall be liable for all charges when due and payable, and such charges shall be a lien upon the premises until fully paid.
- D. Failure to receive a quarterly bill does not entitle any consumer to avoid the penalty as hereinafter prescribed. The Town does not guarantee billing or delivery of bills to any consumer.

290-17. Penalties for delinquent bills

- A. In the event the current water bill, whether rendered quarterly or monthly, has not been paid in full, a penalty of 5% of the amount of the current quarterly unpaid bill will be assessed and added to the water bill. Said penalty of 5% shall go into effect on the last day of the month in which the bill was due.
- B. If payment is made by use of a night deposit box, payment shall be presumed timely if the payment is removed by 8:00 am the morning after the due date of the bill. It is then backdated one business day and posted with such date.

290-18. Nonpayment of bills

- A. Unpaid bills for water-service charges or other charges incurred by the consumer are a lien upon the property. The Town may enforce the collection of unpaid bills by cutting off the supply of water after penalties start to accrue on the unpaid bill or may enforce collection of such bill by any other means as provided by law. The costs of collection, including reasonable attorney's fees shall be paid by the consumer.
- B. Annually, the Superintendent shall submit to the Town Board a statement showing the names of the owners of property who have not paid the water rent as provided or prescribed herein and the amount of such delinquency. Such amounts shall be levied as taxes upon the several properties owned by the persons named in such statement and shall be shown in a separate column in the tax roll under the name of "Water Rents." Such water rents may also be collected in the manner prescribed in Subdivision 4 of - 452 of the General Municipal Law.

290-19. Private fire-protection regulations and rates

- A. In cases where it is desired to install connections to private fire-protection systems, written application shall be made to the Town, setting forth the details thereof. The application shall be accompanied by a sketch or diagram showing the plan of the system to be installed. This plan must be approved by the Town previous to any work being done.
- B. The Town reserves the right to impose specific regulations in connection with the supply to private fire-protection systems. The rates for such service shall be as follows:

1. All installations necessary to serve private fire-protection systems shall be constructed and maintained at the sole expense of the owner or applicant. Connections for private fire-protection purposes shall be properly valved at the expense of the consumer in order to prevent the use of water for any other purpose than those which are contemplated by this article. Private hydrants shall be charged a rate of \$40 per year.

290-20. Discontinuance of water service to multiple dwellings

A. The Water Department shall not discontinue water service to an entire multiple dwelling (as defined in the Multiple Dwelling Law or the Multiple Residence Law) located in this Town for nonpayment of bills rendered for service unless such Department shall have given 15 days' notice of its intention so to discontinue as follows:

1. Such notice shall be served personally on the owner of the premises affected or, in lieu thereof, to the person, firm or corporation to whom or which the last preceding bill has been rendered and from whom or which the utility has received payment therefore and to the superintendent or other person in charge of the building or premises affected, if it can be readily ascertained that there is such superintendent or other person in charge.
2. In lieu of personal delivery of the person or persons, firm or corporation specified in subsection A1 above, such notice may be mailed in a postpaid wrapper to the address of such person or persons, firm or corporation.
3. Additional notice.
 - a) In addition to the notice prescribed by Subsection A1 and A2 above, 15 days' written notice shall be:
 1. Posted in the public areas of such multiple dwelling;
 2. Mailed to the occupant of each unit in that multiple dwelling;
 3. Mailed to the local health officer and the director of the social services district for the political subdivision in which the multiple dwelling is located;
 4. If the multiple dwelling is located in Town, mailed to the Town Supervisor; and
 5. Mailed to the County Executive of the county in which the multiple dwelling is located or, if there is none, then the Chairman of such county's legislative body.
 - b) Notice required by Subsection A3a (4) and A3a (5) may be mailed to the persons specified therein or to their respective designees. The notice required by this subsection shall state the intended date of discontinuance of service, the amount due for such service and the procedure by which any tenant or public agency may

make such payment and thereby avoid discontinuance of service.

- c) The written notice required by Subsection A3a(3), A3a(4) and A3a(5) above shall be repeated not more than four days nor less than two days prior to such discontinuance.

- B. Whenever a notice of intention to discontinue utility service has been made pursuant to the provisions of this section and obligations owed the Department have been satisfied, the Department shall notify, in the same manner as it gave such notice of intention, the occupant of each unit that the intention to discontinue service no longer exists.

290-21. Penalties for offenses

- A. Any violation of the rules hereinbefore and hereinafter set forth shall constitute a violation. Any such violation shall be punishable by a fine of up to \$500.00 for each offense along with restitution for any damages. In addition, the Town may discontinue the supply of water, and such supply shall not be made available until all of the rules and regulations are complied with and until all unpaid charges, fines, penalties, and rents shall be paid. The foregoing shall also include the charge for turning off the water and reasonable attorney's fees.
- B. Service of any notice authorized or directed by or on behalf of the Town may be made upon the owner or consumer, personally or by leaving the same at the premises where the water is supplied or by sending the same by mail to such party at the last address furnished to the Town.

ARTICLE II EMERGENCIES DUE TO FREEZING PIPES

290-22. Declaration of emergency

Whenever the public health, welfare or order of the Town is endangered due to the freezing of water service or supply pipes of the water consumers of the Town, the Town Board is hereby empowered to declare that a public emergency exists.

290-23. Consumer agreement

Upon the declaration by the Town Board that a public emergency exists due to the freezing of water service or supply pipes, the Town, by its agents, is hereby authorized and empowered to enter into a written agreement to provide for the continuous flow of water at a minimum charge with any and all property owners whose water service or supply pipes from the main to the building are freezing or are in danger of freezing as determined by the Superintendent during the emergency declared to exist, upon written application by said property owner and upon the following terms and conditions:

- A. The property owner agrees to pay and does pay to the Town for each month for the duration of the emergency period a sum equal in amount to the average monthly charge for water based on the last four quarterly meter readings, and said Town, upon making such agreement,

allows to such water consumer the amount of water that such average quarterly charge will purchase at the current water rate.

- B. Upon the execution of such an agreement by the water consumer and the duly authorized agency of the Town, it shall be mutually agreed that such consumer will pay to said Town the sum of \$0.25 per 1,000 gallons for all water used in excess of the allowance hereinbefore provided.

290-24. Termination of emergency

An emergency declared to exist hereunder shall cease and terminate on the first day of May following its declaration, and the meters of water consumers making the agreement herein contemplated shall be read on that day and the water consumption determined.

ARTICLE III GENERAL PROVISIONS

290-25. Effect of Invalidity

If any clause, sentence, paragraph, section, or part of this local law shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair, or invalidate the remainder thereof.

290-26. Effective Date

This local law shall take effect immediately upon filing with the Secretary of State.