



Village of Arkport

Arkport NY 14807

Village of Arkport Water use Law Enacted 2009

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ARTICLE 1. Applicability

The following rules and regulations shall apply to any person, corporation, or institution whose property shall be supplied with water by the village Water Authority.

ARTICLE 2. Application for service

The property owner or his duly authorized agent must make application for water service at the office of the village clerk. A drawing showing minimum, location of premise, street right-of-way, structures to be served and existing utilities shall accompany each application. The applicant shall pay the Village the installation fee and connection charge in full. Applications for water service outside the village will be accepted but may not be approved. All applications are subject to Board of Trustees approval. Outside service shall be such premium as the Water Authority may from time to time fix.

ARTICLE 3. Attachments and connection by unauthorized persons prohibited

No unauthorized person shall make any attachments, additions, alterations or connections to the water mains of the Water Authority.

ARTICLE 4. Connection to water main

Each lot shall have a separate water service connection. All service connections to the water mains and service pipes from said mains to approximately two (2) feet from the lot line or designated right of way, including tapping of the main, corporation stop, service pipe and curb stop box, shall be installed only by properly authorized persons acting under the direction of the Village Board or its designated representative. All cost, labor and expense incident to the installation of the water service shall be paid by developer or the contractor.

ARTICLE 5. Curb Stops

Each water service shall be provided with curb stop which shall be protected by cast-iron curb box leading from the curb stop the surface of the ground and covered with an iron cover with letters Water thereon and so exposed as to be easily found. The curb box must not be covered and shall always be accessible. No plumber or person other than a Village employee is permitted to turn water on or off at the curb stop or valve unless written permission has been

given by the Water Authority, nor shall any person tamper with or use the curb stop or valve from any other purpose what so ever except on such permission.

ARTICLE 6. Service pipe connections

- A. All connections from curb stop to the meter location shall be made by customer at the customer's own expense. All installations shall be subject to the approval of the Water Authority.
- B. All service pipe connections made to the mains shall be Type K-copper or PE tubing conforming to ASTM 2730 with 200PSI rating with compression-type fittings. Residential service pipes shall not be smaller than three-quarter (3/4) inch in diameter.
- C. The use of bushings are prohibited. When necessary to reduce pipe sized, compression type reducing coupling must be used.
- D. All service pipes from curb stop to the building must be at the depth of not less the four and on-half (4 ½) feet below the finished grade and laid in a straight line at right to curb line.
- E. Service pipe should not be in the same trench as the sewer pipe.
- F. No connections are permitted to a service pipe between the water main in the street and the meter.
- G. A shut off valve must be placed in every service line immediately beside the building wall and so situated that the water to the premised can be completely shut off, draining the meter and system to prevent freezing when not in use.
- H. Every service pipe, whether in a trench or a building, must be inspected by the water Authority before it is covered or concealed. Upon acceptance of the installation by the Water Authority, the service may be covered.

ARTICLE 7. Protection of service pipes

The owner of the property into which water is introduced by service pipe will be required to maintain in perfect order, at the owner's expense said pipe from the curb stop to the meter on or for the owner's premises, including all fixtures therein provided for delivering or supplying water for any purpose. In cases where such services and fixtures are not kept in repair, the Water Authority may make all necessary repairs which shall be paid by the property owner.

ARTICLE 8. Meters

- A. All water furnished through service pipes shall be metered. No meters, after being set shall be removed, tampered with or disturbed expect by the Water Authority. All meters shall be furnished by the Water Authority after payment of the meter fee and the connection charge. The Water Authority shall approve the location of the meter.
- B. The size of the meter for any water service shall be determined by the Water Authority after determining the anticipated water use.
- C. If, in the judgment of the Water Authority, local conditions require it the meter will be set outside the building in a special box to be constructed for that purpose, but the cost of such installation shall be paid by

the property owner. The special covered box must be in minimum of four and one-half (4 1/2) feet deep by twenty (20) inches inside dimensions.

- D. The Water Authority is the owner of all meters. The Village will however, exchange said meters in good working order for one which has become defective or inaccurate free of charge, provide that such defect or inaccuracy is not due to the fault, negligence or carelessness of the owner or occupants or the premises or guest present therein. Meter shall be sealed and shall be subject to exclusive control and jurisdiction of the Water Authority.
- E. Meters shall be kept accessible to Village of Arkport Personnel. The Water Authority at its option may install readers at owner's expense. The owner or occupants of the premises shall not store or accumulate household materials on or immediately adjacent to the water meter.

ARTICLE 9. Meter repairs

The Water Authority shall make repairs to all meters and all people other than Village employees are prohibited from removing the meter or tampering with it in anyway. Repairs made necessary by the carelessness or negligence of the owner or occupants of the premise shall be charged for by the Village at prevailing rates to the owner. Other repairs to meter shall be made without charge.

ARTICLE 10. Meter for construction purpose

Water meter for construction purposed shall be set by the Village at the expense of the contractor or person making such application therefore. In case it is impractical to place metered for such construction purpose, water may be supplied to contractor or owner at the flat rate.

ARTICLE 11. Access to premises

Village officials or employees of the water Authority, upon presentation of proper credentials, may enter upon any premise where water is being supplied by the Water Authority or upon any premises when application is made to connect to a water service for the purpose of reading or repairing meters or the inspecting the plumbing and fixtures of the water services. Village officials or employees of the Water Authority may also apply to Town of Hornellsville Court or other court of competent jurisdiction for a warrant or court order granting access to private premises upon a showing of reasonable cause to believe that there is a malfunction or misuse of the water system taking place on those premises.

ARTICLE 12. Shutting off water

The Water Authority reserves the right to shut off water in the case of fire or constructing new work or in making repairs or leakage tests. The right is reserved to shut off water from any consumer without notice for as long a period as may be necessary. The Water Authority, its employees or the Village shall not be liable for any damage which may result to any person, property or premises from shutting off of water from any main or service for any purpose whatever, even in case where no notice is given.

ARITCLE 13. Change of pressure

The Water Authority shall not be liable for any direct, indirect or consequential damage or loss of any kind to property or persons which may arise from or be caused by any change, either increase or decrease, in pressure of water supplies from unexpected water main leaks or emergency fire fighting flows.

ARITCLE 14. Connection with other water supplies

No connection between the Village water supply and any other water supply will be allowed except by special permission from the Water Authority. In case permission is granted, it will be only under the strictest precaution against possible contamination of the Village water supply by the use of double-check valves or back flow preventers installed according to instruction from the Water Authority and in accordance with the Department of Health, and must be inspected annually.

ARITCLE 15. Wasting water prohibited

No person shall be permitted for any reason to waste water. In case any person deliberately, intentionally or unnecessarily waste or allows any water to be wasted upon the owner's premise, whether such water is paid for by meter or not, the water to premises shall be shut off by the Water Authority

ARITCLE 16. Vacating of premises

Consumers vacating premises having water service must promptly notify the Water Authority that the water may be shut off and the meter read. Such consumers and owners of the premise will be held responsible for the full minimum water rent until such notice is given

ARITCLE 17. Damage to water facilities

Any person responsible for any damage to any water main, pipe, valve hydrant or other water facility shall reimburse the Water Authority for the damages and for the loss of water caused thereby. Said person shall also be responsible for any damage cause by such escaping water.

ARITCLE 18. Control of Hydrants

- A. All street or road fire hydrants for private fire protection from unrestricted service lines are under the control of the Water Authority. No person, except an authorized agent or employee of the water Authority or person permitted by the Village Board to take there from, shall operate, use or disturb any hydrant or any part thereof or take any water there from under any circumstances whatever, except fire companies for use to control, prevent or extinguish fires.
- B. Fire tankers may be filled with out permission during a fire emergency. The Water Authority shall be notified of said use the next scheduled business day.
- C. Fire practice sessions shall give the Water Authority advance notice and receive written Water Authority for hydrant use.

ARTICLE 19. Damage to hydrants

In case any damaged to a street or road hydrant is done by person or said person's agent having permit for taking water from said hydrant, the holder of permit shall pay such damages and all cost and expenses tha may occurred by reason thereof, on demand to the Water Authority including loss of water.

ARTICLE 20. Use of hydrant

No person shall use any fire hydrant for construction or other purpose with out first obtaining permission for such use fro the Water Authority. The hydrant shall be operated only by proper hydrant wrench, which shall be obtained from the Water Authority. Water must not be allowed to run except when being used. All person using hydrants shall immediately obey any instruction or orders that my be issued by the Village Board to regulate the use of these hydrant. If required by the Village Board, a meter shall be applied to the connection made with the hydrant at the expense of the party using the same, and said party shall pay for all water by measurement or bulk rate.

ARTICLE 21. Opening and closing valves restricted

No person except a duly authorized representative of the Water Authority shall open, close or in any way interfere with the valve or gate in any water main or pipe. Any person who has disturbed or displace a valve box or who has covered a valve box with dirt, paving, plank or other material shall immediately replace the valve box or remove the obstruction.

ARTICLE 22. Sale of water by consumer prohibited

No consumer with the Water Authority shall sell water to anyone for any purpose whatever.

ARTICLE 23. Sale of water outside the Water Authority restricted

No water through any connection, pipe or main shall be sold or furnished outside the Water Authority without consent, in writing, of duly authorized agent for the village Board after action of the Village Board.

ARTICLE 24. Connection between water systems

No connection of whatsoever in nature shall be made by any person between the facilities of said Water Authority and any other water system, public or private, without the consent, in writing, of a duly authorized agent for the Village Board after action of the Village Board.

ARTICLE 25 Water rates

- A.** Generally, all water consumed shall be recorded and paid for by meter registration or rates to be fixed by the Village Board. Such rates may from time to time be changed by resolution as the Village Board may determine. Water rates for turning on and off, meter fees and taking meters in and out, outside sprinkler and hydrant fees and new service lines fee will be on file in the Village Clerk's office
- B.** There will be a connection fee for every water use in service.
- C.** There will be a basic charge for water.

- D. There will be a fee for the actual usage consumed or metered. This figure will be calculated by multiplying the Village Board's set rate per thousand gallons or cubic feet by the actual or calculated usage.

ARTICLE 26 Bills

- A. Bill for metered water shall be payable quarterly and in each instance meter bills, if not paid by the end of quarter, shall be increased as a penalty for failure to pay promptly. Failure to receive a bill shall not act as a waiver of said penalty. In case of inability to read meter, an estimated bill will be submitted to the consumer. A 5% penalty per month is added to unpaid bills not paid by end of month. A termination notice may be issued for any account which remains unpaid 30 days after the due date of the last water bill. The Village Board may, by resolution, authorize discontinuance of water service which is more than (90) days in arrears with respect to payment of water charges, including penalties.
- B. No service shall be discontinued hereunder until written notice, sent by registered or certified mail, return receipt requested, to the customer at the customers last known address and advising the customer that water service will be discontinued at a specific time and date not less than five (5) days from the date of the mailing unless full payment is received prior to such specified time and date, has been given.
- C. Any customer whose service has been discontinued for nonpayment may have water service reinstated upon the payment of all past due amounts and a service and connection fee is determined from time to time by resolution of the Village Board.

ARTICLE 27. Unpaid charges

All charges for water, service pipe installation, repairs and damages caused by carelessness or neglect, penalties, etc. shall be made against the premises applied, and the owner of the premises shall be responsible therefore. Such charges, if not paid, shall be lien on the property benefited. All such unpaid charges shall be added to the next general tax against property.

ARTICLE 28. Water sourced in the Village

No person shall within the Village for any reason without prior written consent of a duly authorized agent of the Village Board after authorization of such by the village Board of Trustees:

1. Drill a well;
2. Construct or develop a spring;
3. Develop any other water source; or
4. Use any other potable or non-potable water, except for incidental use of bottled water

ARTICLE 29. Penalties for offenses

Any person found to be violating any provision of this law shall be served by the Village with written notice stating the nature of the violation and providing a reasonable time for satisfactory correction thereof. The offender shall, within a period of time stated in such notice, permanently cease all violations.

Failure to cease all such activities within the time prescribed in said notice shall be a violation, punishable By the maximum dollar amount and days of imprisonment as the law allows.

ARTICLE 30. Charge Description

The Water Authority will charge the owner for basic water charge. The service charges appropriated on quarterly basis is for maintenance for the water supply system, inclusive of cost for state and county mandated requirements. All charges will be governed by the rules and regulations set forth in articles 25, 26, 27 of the Arkport Village Water System.

For the purpose of clarification to the reading public, the definition of a service unit is as follows and includes any parcel of land, structure, object, item or any other property that is using or is capable of using the water service the village water authority supplies. With the sole exception of what is defined as n Institutional unit.

1. **R001 Residential dwelling unit-** Any building or structure that is used by single family unit for the purpose of housing or dwelling.
2. **A002-A004 Apartment unit-** Any building or structure or parts (s) thereof that is divided into more than one individual dwelling unit.
3. **M001-M100 Mobile homes Parks or Manufactured housing parks-** Any building or structure that is used by single family unit for the purpose of housing or dwelling. (Example: M010 equals 10 sight locations)
4. **C001-006 Commercial 1-6 Business unit-** Any building or structure or part (s) thereof that is used for the sole purpose of producing taxable or non-taxable income. (Bars/Taverns, Salons, Restaurants, Hair dresser) Shall be billed at one (1) unit per number of seating/ stations and staff
5. **I001 Institutional unit-** Each church building proper shall be exempt from unit charge except in the event that there shall exist a dwelling unit for clergy or other miscellaneous unit shall be charged as unit accordingly.
6. **S001 School units-**Any school located within the village shall be billed at one (1) unit per number of students and staff
7. **V001 Improved Parcel Property/Miscellaneous unit-**Any structure, parcel of land, object or item that does not fall under any of the above mentioned descriptions that is using or capable of using the service, (Warehouse, Storage units, Horticulture)
8. **V002 Unimproved Parcel Property/Miscellaneous unit-**Any structure, parcel of land, object or item that does not fall under any of the above mentioned descriptions that is not capable of using the service
9. **O001-004 Outside user-** Any building or structure that is used by single/multi family for the purpose of housing or dwelling which fall outside of village limits.

ARTICLE 31. Debt Service

The Water Authority will charge the owner for the Debt Service. This debt was incurred by capital expenditures required by the NYS Department of Health to be in compliance with Department of Health Public Water Systems.

Village of Arkport Water System

APPENDIX A

Water Rates & Fee Schedule

1. RETAIL SERVICE

BILLED QUARTERLY on the first day of February, May, August and November (See unit code schedule)

	Within Village limits	Outside Village Limits
Base charge per unit	\$35.00	\$35.00
Charge per 1,000 gallons	\$3.00	\$4.50
Debt service	\$55.00	\$55.00

2. CATASTROPHIC CONSUMPTION RATE

	Within Village limits	Outside Village Limits
Charge per gallon 1,000 gallons	\$3.00	\$4.50

The Water Authority recognizes there may be a condition when a water leak occurs, not be known to the customer and not caused by waste as defined in Article 15, with consumption far beyond the average usage. Catastrophic consumption is defined as the average usage for that account times three times the average consumption for that account. Average use is based on the previous year's consumption. New accounts would use the average based on previous meter reads up to the last four (4) billed quarters.

Example: Meter read consumption for the quarter was 61,120 gallons
 Previous year consumption for account #1999 = 65,704 gallons
 $65,704 \text{ gallons} / 4 = 16,426 \text{ gallons per qtr}$
 $16,426 \times 3 = 49,278 \text{ gallons}$
 Catastrophic consumption rate would apply for 49,278 gallons
 Customer would be billed for \$147.84 for water consumption ($49,278 \times .003$)
 (See note on how to apply for catastrophic review)
 Balance of 11,842 gallons would qualify for catastrophic discount

How to apply for catastrophic review:

Customer or agent thereof may request in writing a review of the account. The Water Admin Clerk will process the request and respond within 5 business days from the date of receipt. Notification will be sent with the results of the review. If in finding catastrophic consumption, a catastrophic discount will be applied to the account. NOTE: Catastrophic review does not reduce or pardon the penalty for bills not paid by due date. See Article 26:A.

3. HYDRANTS All hydrant installations at cost

4. NEW SERVICE CONNECTION CHARGE

Any Village installed service line shall be billed at the village's cost of construction, including cost of materials and the going hourly rates for labor and equipment.
 (revised: see August 2, 2011 minutes)

5. FIELD SERVICE CHARGES

A. METER TEST-CUSTOMER CHARGES

At cost (unless faulty meter which is replaced at no cost)

B. SERVICE SHUT OFF AND/OR METER REMOVAL

Meter removal (seasonal)	\$25.00
Meter set	25.00
Service on/off	25.00

C. REPLACEMENT OF FROZEN METER At Cost

6. UNIT CODE SCHEDULE

Rates listed below are the current rates for the Village of Arkport Water System. Rates are billed quarterly. Codes listed do not reflect user types or service codes as defined in the Gemini Software program.

Rate Code	Description	Debt Service (DS)	Basic Charge (BC)	Water usage (WU)
R001	Residential	55.00	35.00	3.00 per 1000 gals.
A002	2-Apartment	110.00	70.00	3.00 per 1000 gals.
A003	3-Apartment	165.00	105.00	3.00 per 1000 gals.
A004	4-Apartment	220.00	140.00	3.00 per 1000 gals.
M005-100	Mobile/Trailer Parks	55.00 x units	35.00 x units	3.00 per 1000 gals.
C001	Commercial	55.00	35.00	3.00 per 1000 gals.
C0015	Commercial – 1.5 units	82.50	52.50	3.00 per 1000 gals.
C002	Commercial – 2 units	110.00	70.00	3.00 per 1000 gals.
C003	Commercial – 3 units	165.00	105.00	3.00 per 1000 gals.
C004	Commercial – 4 units	220.00	140.00	3.00 per 1000 gals.
C005	Commercial – 5 units	275.00	175.00	3.00 per 1000 gals.
C006	Commercial – 6 units	330.00	210.00	3.00 per 1000 gals.
I001	Institutional	55.00	35.00	3.00 per 1000 gals.
S001	School	55.00 x units	35.00 x units	3.00 per 1000 gals.
V001	Improved Parcel	55.00	35.00	3.00 per 1000 gals.
V002	Unimproved Parcel	55.00	N/A	N/A
O001	Outside Users	55.00 x units	35.00 x units	4.50 per 1000 gals.

Commercial /School unit: 1 unit equals 14 seating capacity/staff or 14 students/staff and/or 2 stations.