

TOWN OF GENOA
LOCAL LAW No. 1 of the year 1972

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A local law providing for rules and regulations governing the use and supply of water within the Genoa-King Ferry water district.

Became a law August 14, 1972. Passed by the local legislative body of the town of Genoa. Filed in the office of the secretary of state August 18, 1972.

Be it enacted by the town board of the town of Genoa as follows:

SECTION 1. LEGISLATIVE INTENT

It is recognized that a water district must employ standards and a system of practices to serve the public in an orderly and effective manner.

The supplying of water to a populace from a common pipe system is a communal function, involving the water district, the individual and all others in a community.

The purpose of this local law is twofold: First-to define the authority and responsibility of all water district

personnel in their relations with the consuming public. Second-to provide the consuming public with a written statement of the conditions under which water service will be furnished and continued by the Genoa-King Ferry water district.

SECTION 2. LEGISLATIVE FINDINGS

These rules and regulations are prescribed by the town board of the town of Genoa acting as the board of water supply and every person who shall be supplied or whose property shall be supplied with water by the Genoa-King Ferry water district, must agree to comply, and must comply with these rules and regulations; and the same shall constitute a part of the contract existing between such person and the Genoa-King Ferry water district.

SECTION 3. APPLICATION OF TERMS

- A. Applicant. The owner of property of agent applying for water services.
 - B. Superintendent. The superintendent of water for the board of water supply.
 - C. Customer. The owner or agent of record receiving water service from the Genoa-King Ferry water district.
 - D. Date of Presentation. The date upon which a bill or notice is mailed or delivered personally to a customer.
 - E. Domestic Service. Provision of water for household residential purposes, including water for sprinkling laws,* gardens, and shrubbery; watering livestock; washing vehicles; and other similar and customary purposes.
 - F. Fire Protection Service. Provision of water to premises for automatic fire protection.
 - G. Flat Rate Service. Provision of water in unmeasured quantities.
 - H. Commercial Service. Provision of water to premises where the customer is engaged in a trade.
 - I. Industrial Service. Provision of water to a customer for use in manufacturing or processing activities.
 - J. Irrigation Service. Provision of water for commercial, agricultural, floricultural or horticultural use.
 - K. Main Extension. Extension of distribution pipelines, exclusive of service connections, beyond existing facilities.
 - L. Mains. Distribution pipelines located in streets, highways or public ways which are used to serve the general public.
 - M. Meter Rate Service. Provision of water in measured quantities.
 - N. Municipal or Public Use. Provision of water to a municipality or other public body.
 - O. Premises. The integral part or area, including improvements thereon, to which water service is or will be provided
 - P. Service Connection. The pipe, valves and other facilities between distribution mains and property line, curb valve, or shut-off valve.
- Note: No person other than the superintendent of water or persons authorized and employed by him shall be permitted to tap or make any connection with any street main or distribution pipe.
- Q. Tariff Schedule. The entire body of effective rates, rentals, charges, and regulations.
 - R. Temporary Service. A service for circuses, bazars,* fairs, construction work, irrigation of vacant property and similar uses and because of their nature, consumption or use will not be regular or permanent.
 - S. Service Area or Water District. That area known as the Genoa-King Ferry water district in which service is or will be furnished as prescribed and approved by the water resources commission, conservation department, state of New York in decision, dated January fifth, nineteen hundred sixty-seven.

SECTION 4. DESCRIPTION OF SERVICE

- A. Supply. The board of water supply will exercise reasonable diligence and care to deliver a continuous* and sufficient supply of water to a customer at a proper pressure and to avoid any shortage or interruption in delivery. The board has, however, the right to limit the amount of water furnished.
- B. Quality. The board of water supply will endeavor to furnish a safe and potable water for human consumption at all times.
- C. Classes of Service. All services installed by the water district will be classified as follows:

1. Residential;
2. Commercial;
3. Industrial;
4. Irrigation;
5. Municipal or Public Use;
6. Fire Protection

D. Types of Service. The types of service available from the water district are:

1. Flat Rate;
2. Metered Rate;
3. Temporary

SECTION 5. APPLICATION FOR SERVICE

A. Application

1. All applications for the use of water must be made in writing on forms provided by the board. When accepted by the board the application shall constitute a contract between the water district and the applicant, obligating the applicant to pay the district its established rates and to comply with its rules and regulations.
2. Applications will be accepted subject to there being an existing main in the street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the board to extend its mains to serve the premises excepting hereinbefore provided.
3. A separate application must be made for each premises. The word "premises" as used herein shall be defined as follows:
 - a. A building under one roof owned or leased by one customer, and occupied as one residence or one place of business.
 - b. A combination of buildings owned or leased by one customer, in one common enclosure, occupied by one family, or one corporation or firm, as a residence or place of business.
 - c. Each unit of a multiple house or building separated by a solid vertical partition wall, occupied by one family, or one firm, as a residence or place of business.
 - d. A building owned or leased by one customer having a number of apartments, offices or lofts which are rented to tenants, and using in common one hall and one or more means of entrance
 - e. A building one or more stories high under one roof, owned or leased by one customer and having an individual entrance on the ground floor for occupants of the upper floors.

SECTION 6. APPLICATION FOR TEMPORARY SERVICE

Application of contractors, builders and others for temporary water service will be accepted and temporary water service will be supplied providing it does not interfere with use of water for general purposes. The quantity of water taken for such purposes shall be determined either by the meter or by the estimate and paid for in accordance with the rate schedule applicable to metered general purposes. Customers requiring temporary water service shall reimburse the water district for all its expenses in connection with the necessary temporary service connections and a deposit, in an amount specified by the board, will be required in every instance.

Where service is desired for multiple dwelling, commercial, or industrial use, a detailed plumbing plan showing service supply, fixtures and equipment and any other water use facilities must be submitted at the time of application.

The application is merely a written request for service and does not bind the applicant to take service for any particular length of time nor does it bind the water district to give service, except under reasonable conditions.

SECTION 7. SUB-METERING

No person or corporation shall sub-meter water without the written consent of the board.

SECTION 8. AGENT OF OWNER

Any plumber designated and employed by the owner of the premises will be considered the agent of such owner until employed in the prosecution of the work of introducing water into said premises; and in no sense as the agent of the water district. Neither will said board of water supply nor the water district be responsible for the acts of such plumber.

SECTION 9. CURB COCK, SEALS OR VALVE KEYS

No person shall by any means, including a valve key, wrench or other device, turn on or off water at the curb cock, or remove the seal from the curb cock or otherwise tamper with the curb cock, seal or their appurtenances, without the express authority of the board or the water superintendent; and no person unless specially authorized by the board shall have or hold such a key in his possession.

SECTION 10. OPENING OF CURB COCKS

The curb cock controlling any service shall not be opened or left open by the plumber or any other person after connecting said service at the curb or elsewhere; or after making any new extension or attachment in unoccupied premises so that water may be supplied to said premises by said service without a formal permit from the board; but in cases where the work is a simple extension or additional attachment in premises where the water is then in use and where a permit has been duly obtained to make the same, then the plumber may leave the water on the premises.

SECTION 11. WATER SHUT OFF UNTIL METER IS SET

When the plumbing work in any building has been completed and tested it shall be the duty of the plumber to shut off the water and leave it turned off until a meter has been set, when the water will be turned on by the water superintendent.*

SECTION 12. INJURY TO REPAIRS OR FIXTURES

An injury to service pipes, street mains, hydrants, valve boxes, or other fixtures, and any damage that may be caused by leakage or flow of water occasioned by such injury caused by putting in any sewer, drain, or other pipe, or by any

excavation, paving or other construction, shall be paid by the contractor doing the work, or by the owner of the premises, or the person or corporation for whom such work is being done.

SECTION 13. TAPS-SIZE AND NUMBER

The board of water supply will determine the size of the tap to be inserted in any water main under any application and permit.

Each service must be provided with a stop cock and metal extension box outside of the premises connected with the same. Where a larger tap or a branch is required to replace a tap or taps previously made, the tap or taps which are abandoned shall be shut off at the curb cock, and any branch abandoned shall be capped at the owner's expense. Service supply pipes shall not be laid across adjoining premises unless a written easement is obtained from the owner of the adjoining premises. The easement shall be in writing and shall be in a form required for the recording of deeds and shall contain a provision providing for entrance upon the adjoining lands for repair, replacement and maintenance of any service pipes of other appurtenances relating thereto by the applicant, and authorized agents of the board.

The installation of two or more service supply pipes to any one premises shall not be allowed, unless the applicant shall first obtain written authorization from the board. In the event more than one service supply pipe is authorized the applicant must install a meter for each service supply pipe at his own cost and expense.

SECTION 14. KIND OF PIPE

No service pipe except it be of cast iron lead, or copper type "K" shall be laid in any trench or under any cellar floor, or be covered by earth except beyond the point where the water passes through the meter. The quality, strength and weight of the pipe shall be equal to that used by the board of water supply. In case this rule is not complied with, water will not be turned on by the water superintendent until the pipe or fittings shall have been made to comply with this rule.

SECTION 15. SERVICES-LAID

Service pipes will be required to be laid so as to be no less than four (4) feet below the surface of the ground at any point outside the foundation wall of the building into which the service is to be introduced; and in case final grade of the street or sidewalk has been officially determined and established, then the said service shall be laid at a depth of not less than four (4) feet below said established grade at all points so that when the street and walk are graded there shall be no less than four (4) feet of earth over it at every point; and in no case shall a service be permitted to be laid in the same trench with a sewer, gas, steam, electrical or other conduit and must be at least four (4) feet therefrom.

SECTION 16. SERVICES: NO STREET MAIN

Owners desiring to introduce water into premises along any front on which water mains have not yet been laid, must make application therefor at the office of the board of water supply and in case permit is granted, the board of water supply will furnish a map or other explicit directions in detail in regard to the point of attachments to the water district main, the method of attachment, the position and depth which said service must occupy in the street; the service must in all other respects comply with the rules and regulations covering the service pipes.

SECTION 17. SERVICES MAINTAINED

The owner of property into which water is introduced by a service pipe shall be required to maintain in perfect order at his own cost and expense the said service pipe from the curb cock to his own premises, including all fixtures therein provided for delivering or supplying water for any purpose; and the curb box must be kept in view and the

top thereof even with the sidewalk or street grade at all times, and in a serviceable condition. In case such service and fixtures are not so kept in repair, the water may be shut off from the premises until the requirements of this rule are complied with; or the board of water supply may make the necessary repairs to conform to this rule and charge the cost thereof to the owner of the property at which this rule is violated, and collect such cost from the owner of such property or shut off the water from such property until such charges are paid.

The water district will maintain and repair such service pipes between the water main and the curb cock controlling the service, provided the same is in the roadway of the street; provided also that said service has been installed in full compliance with the rules covering the introduction of the said water, and provided that failure of said service or the injury thereto, rendering repairs necessary, does not result from some improper act or omission on the part of the owner to keep or protect the service inward from the curb from injury or from frost; or otherwise from which act or omission injury results to that part of the service in the roadway of the street, in which latter case the owner shall pay the whole cost of the necessary repairs thereto.

SECTION 18. CHARACTER AND WORKMANSHIP

All of the parts of the water service inside the building shall be of such form, character and workmanship as is hereinafter described or may be approved by the board of water supply.

SECTION 19. METER STOP AND WASTE

Just inside the basement or foundation wall of the building into which the service pipe extends, a stop cock shall be conveniently located and arranged so that water may be drawn back and all of the pipes within the building be emptied to such stop.

SECTION 20. PROTECTION FROM FREEZING

Service pipes in buildings shall be located in the parts thereof best protected from frosts. In building where there is no cellar the pipes shall be carried to the center of the building or to unexposed parts {previously to be carried upward.}

In all cases where the service pipe passes through areas or basements having windows, grating, or traps open to the weather, the openings shall be closely covered and the windows and doors closed to the outside area during the cold weather. In all exposed situations the service pipes and fixtures shall be properly wrapped with felt or other nonconducting substances if necessary to protect such service from freezing. Said protection shall be at the expense of the owner, and in case he neglects to protect his service as aforesaid, the board of water supply may order the water to be shut off.

SECTION 21. DEFECTIVE SERVICES

In all premises where water from wells or other sources has supplied a system of pipes and fixtures as a water service, and where the service pipes and fixtures are not of the standard or pattern prescribed in the rules and regulations of the board of water supply; or which such fixtures and devices for the prevention of damage to the service or wasting of water as are prescribed in said rules and regulations are lacking from said system, the owner of said premises shall at any time when so required by order of the board of water supply make such changes in and additions to said system or fixtures as shall be necessary in order to comply with such rules and regulations; and at their own cost and expense. In case of failure to comply with this rule at any premises, the water may be shut off from such premises until this rule is complied with.

SECTION 22. LIMIT THE WATER FURNISHED

The Genoa-King Ferry water district 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 board of water supply 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.

And in case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

SECTION 23. LARGE-CUT-IN SERVICE CONNECTIONS

No service pipe connection larger than two inches (2") shall be installed without the written consent of the board.

SECTION 24. FIRE SERVICE

"Stand pipes" of pipes for automatic suppression of fire in buildings which fixtures are only intended for such use shall not be installed without the written consent of the board.

SECTION 25. SUPPLY TO NEIGHBORING PREMISES

Supply to neighboring premises. No person shall supply water in any manner or through any fixture or device whatever to the occupants of neighboring premises of any description whatsoever.

SECTION 26. UNMETERED SERVICES

In cases where it becomes advisable and necessary to supply water to a building or a number of detached buildings from an unmetered service, a special permit for the use of the unmetered water may be granted by the board of water supply. The owner of the premises will be held responsible for all unauthorized use or waste of water; and in case such unauthorized use of water is discovered, the permit will be at once revoked and the water shut off without notice; and the same will not be turned on again* until all charges for unauthorized use or waste shall have been paid together with the charges for turning off and turning on the water.

SECTION 27. WATER CHARGES

All charges for water shall be due and payable at the office of the town clerk or at such other place as may be designated from time to time by the board. All unpaid water charges in arrears for thirty (30) days or longer shall be subject to a penalty not exceeding ten per centum (10%) of the amount due and if such charges are not paid within sixty (60) days of the date due the water shall be cut off, and remain cut off until such time as all charges including interest and penalties are paid in full. In addition all water rents and charges shall be a lien upon the real property upon which or in connection with which the water is used.

The water rates and charges shall be in accordance with the following schedule: Seventy-five cents (\$.75) for each one thousand gallons subject to the following minimum rates:

a. 3/4" meter	\$15 per quarter
b. 1" meter	25 per quarter
c. 1 1/4" meter	35 per quarter
d. 1 1/2" meter	50 per quarter
e. 2" meter	75 per quarter
f. 3" meter	100 per quarter

In addition to the foregoing charges a service charge of five dollars (\$5) shall be charged each time the curb cock* is turned on or off. Only the water superintendent or other authorized personnel shall turn on or off the curb cock. The service charge shall also be a lien upon the real property upon which or on connection with which the water is used and shall be collected in the same manner as the water rent.

SECTION 28. EXPENSE OF REPAIR

Any costs and expenses or other charges incurred by the water district because of any repair or other work to the water system or otherwise for which the owner of any property served by or connected with the water system is obligated under this law, or any other law, ordinance, statute or other provision of law, shall be collected in the manner provided for the collection of water rents and charges in this law, and shall be a lien upon the property and enforceable* by cutting off the water service.

SECTION 29. ENTRY UPON PREMISES

Any duly authorized officer, employee, contractor or agent of the water district shall be permitted to enter on any property at reasonable hours for the purpose of reading meters, inspecting, disconnecting, repairing and any other purpose reasonably necessary to carry out the provisions of this law.

SECTION 30. SAVINGS* CLAUSE

The invalidity of any sections, clauses, sentence* or provisions of this law shall not affect the validity or* any part thereof which can be given effect without such invalid part or parts.

SECTION 31. FINES AND PENALTIES

A violation of any of the provisions of this law shall be deemed to be an offense against this law. Each violation of this law shall be punishable by a fine not to exceed two hundred fifty dollars (\$250) or imprisonment for a period not to exceed sixty (60) days or by both such fine and imprisonment.

SECTION 32. EFFECTIVE DATE

This local law shall take effect immediately.

Note:

There are spelling and other typographical errors in the document. These are errors that exist in the actual law itself, and have merely been ignored during transferal to electronic format in the interest of continuity. However, if there seems to be an error not present in the law itself, contact the webmaster.

IN ADDITION, this law was amended in 1982, and the amendment is available at the same location you acquired this law