

## WATER

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[HISTORY: adopted by the Town of Murray Board of Trustees 6/8/99] Revised May 2004

### **1-1. Application for use; tapping.**

- A. All applications for the introduction of or use of water on any premise or for the extension of any water pipe shall be in writing and signed by the owner of such premise or by his or her duly authorized agent and must fully and truly state the purpose for which such water is required and all the expenses incident to the introduction or use of water on any premises, except for tapping the water main, must be paid by the applicant.
- B. No tapping of the water main shall be done until the application for the water has been approved. Tapping shall be done by Town employees or its contractors.
- C. Each consumer desiring water service from the Town of Murray water system shall make written application therefore on forms provided by the town prior to receiving such water supply.

### **1-2. Water meter required; liability.**

Every owner of each premises utilizing water from the town water system shall be required, for each service, to install a water meter of a brand or manufacturer approved and furnished by the town. Charge shall be made for all water registered by the meter, whether used, consumed or wasted, including any leaks or malfunctions on owner's premises, and the owner shall be liable for the same.

### **1-3. Responsibilities regarding pipes.**

All water pipes between the water main and the existing curb valve, together with the fixtures connected therewith, shall be kept in good repair and protected from freezing by the Town of Murray at the expense of the Town of Murray. All water pipes from the existing curb valve to the premise where the water is used, together with all fixtures connected therewith, are the property of the owner of the premise and must be kept in good repair and protected from freezing, and all unnecessary waste or leakage of water must be prevented, at the expense of the owner.

- A. A ¼ Turn Shut off valve must be located immediately within the wall of the building and between such wall and the water meter, and the pipes must be so arranged that the water can be drawn from them whenever and wherever there is danger of freezing.
- B. The owner shall be responsible for all costs incurred due to violations of this section or to the malfunctions of fixtures, pipes, or equipment belonging to owners or occupants, including, but not limited to, repair costs, damages and water loss.

#### **1-4. Installing of meters.**

The setting of meters must be under the supervision of the person in charge of the operation of the Town of Murray water system or his or her representative. Wherever a meter is to be installed, a suitable place must be provided by the owner and must be a place free from frost and accessible at all times. If it is impossible to place the meter where it will be free from frost, a suitable boxing must be built and the meter packed to prevent freezing, at all expense of the owner of property. This applies to all meters installed, whether they are sold or on rental basis. If over 250 feet exist from the curb box to inside structure including the valve, the owner will be required to install a meter pit at curb box location. If less than 4 feet of crawl space exist, the owner will be required to provide a Town approved meter pit at curb box location.

#### **1-5. Reading of meters; inspections.**

- A. Each owner and occupant shall provide authorized town employees access to read meters without notice where no remote reader is installed.
- B. Every owner or occupant of premises where town water shall be used shall at all reasonable times and whenever, in their judgment, it shall be necessary so to do, permit authorized employees of the town to enter any and all portions of the premises or building, where necessary, upon reasonable notice for the purpose of examining the meter, the water pipes or fixtures or the manner in which the water is used.

#### **1-6. Multiple parties on water service line.**

- A. In the case of a two (2) party or family unit, the water supply will be one (1) line with one (1) meter and the water bill going to the owner of such parcel. If the owner requires separate metering for one (1) of the units a second service line will be installed at the owners expense and the second meter reading bill will also be sent to the owner.
- B. Notice of delinquency and/or shutoff of water service shall be given to the owner. The owner shall be responsible for all costs, including charges, penalties or fees of any kind in regard to the turn off and reinstatement of the water services.
- C. The owner shall indemnify the town of any claims by tenants or other persons due to the shutting off of such water services.
- D. All quarterly water services bills will be sent to the owner of the property, not the tenant. This includes multi family units that are serviced by one (1) curb connection. If the owner wishes to back charge the tenant for the quarterly billing that is his prerogative.

#### **1-7. Cross-connection prohibited; civil penalty.**

- A. Cross-connections between different water supplies in or on any premises receiving Town of Murray water service are prohibited. A cross-connection is an arrangement or installation of water supply pipes, fixtures or equipment which do or may allow the transfer of water to or from the Town of Murray water service to any other water service or supply of any type what so ever.
- B. In the event that it is determined by employees of the town that a cross-connection does exist in or on any premises, the town water service shall be immediately terminated without notice to the owner or tenants. In addition, the owner of any premises in or upon which a cross-connection is determined to exist shall be subject to a civil penalty as set forth from time to time by the Board.
- C. Any town water service terminated as above provided for the Subsection B shall not be reinstated until:
  - (1) The premises have been repaired to remove the cross-connection.
  - (2) A new application for water service has been made to the town and approved.

- (3) The premises have been inspected by the town employee or agent.
- (4) All penalties due have been paid.
- (5) All costs incurred by town have been paid.

**1-8. Backflow prevention program; penalties.**

The legal basis for the following program is Part 5-1.31 of the New York State Sanitary Code.

- A. The Town of Murray will protect the public water system by containing potential contamination within the premise of the customer in the following manner:
  - (1) By requiring an approved air gap, reduced pressure zone device, double-check valve assembly or equivalent protective device according to the degree of hazard posed by the service connection.
    - (a) Service connection can be new or existing.
    - (b) The Town of Murray will determine the degree of hazard as being:
      - [1] Hazardous, which will require, as a minimum, an air gap or a reduced pressure zone.
      - [2] Aesthetically objectionable, which will require as a minimum a double-check valve assembly.
      - [3] Non hazardous, which will require internal plumbing controls.
  - (2) By requiring the users of such connections to submit plans for the installation of protective devices to the Town of Murray.
    - (a) A fee established by the Town of Murray shall accompany the application. [ a fee schedule is on file in the office of the Town clerk]
    - (b) The installation must be designed by a licensed professional engineer or a licensed architect.
  - (3) By assuring that all protective devices be tested annually. Records of such test shall be made available to and maintained by the Town of Murray. Such test shall be conducted by certified backflow testers certified by the New York State Department of Health in accordance with Subdivision 5-1.31(a)(3) of Subpart 5-131 of the State Sanitary Code. The Town of Murray will supply the needed tests for a fee established by the Town board per unit per year. [a fee schedule is on file in the office of the village clerk]
  - (4) By making announced inspections of any customer's facility.
- B. The Town of Murray will not allow a customer to establish a separate source of water. However, if the customer justifies the need for a separate source of water, the Town of Murray shall protect the town water system from the customer who has a separate source of water and does not pose a hazard as detailed in Subsection A in the following manner:
  - (1) By requiring the customer to regularly examine the separate water source as to its quality.
  - (2) By approving the use of only those separate water source which are properly developed, constructed , protected and found to meet the requirements of Sections 5-1.51 and 5-1.52 of Subpart 5 of the New York State Sanitary Code.
  - (3) By filing such approvals with the state annually.
- C. All customers of the Town of Murray shall prevent cross-connections between the potable water piping system and any other system within the premises.
- D. Water service will be terminated if:
  - (1) The customer does not submit the required application for a new installation.
  - (2) After notice by the Town to an existing facility for the need for a backflow prevention device, an application is not received within ninety (90) days or installation is not complete within one hundred eighty (180) days.
  - (3) The customer fails to complete required annual testing

- (4) Test results indicate a device is not passing the required annual certification test.
  - (5) The customer refuses to allow scheduled inspection of premises to the Town of Murray.
- E. Penalties. A civil penalty as set forth from time to time by the Board of Trustees will be levied if a backflow situation occurs.

**1-9. Water rates; billings.**

- A. The rates charged for water provided consumers by the Town of Murray water system shall be as from time to time established by resolution of the Town of Murray Board for the various classifications of consumers. [current rates are on file in the offices of the Town clerk]
- B. A penalty of 1.5% will be imposed on all unpaid water bills and services after 30 days of the month following the month of billing.

**1-10. Payments; penalty for delinquency.**

If a water bill is not paid after 60 days following date of billing, a shutoff notice will be forward by regular mail to the owner. If the unpaid water bill is not paid within twenty (20) days, commencing with the day of mailing said notice, the water supply to the premises of the delinquent will be terminated. Wherever a water supply is terminated for nonpayment of a water bill, an additional charge for services, as is from time to time established by resolution of the Town of Murray Board of Trustees, payable in advance, will be imposed before water service to the premises will be restored.

**1-11. Restoration of service.**

If water service has been terminated with respect to any property or premises, be it residential or commercial, and water charges are delinquent with respect to that particular property, whether said delinquent charges are the responsibility of the owner of a non-owner consumer, water service will not be reinstated to that property until all delinquent charges have been paid in full. This provision shall not apply to or affect applications by creditworthy non-owner consumers who were not responsible for incurring the original delinquent charges unless such delinquent charges have become a lien for which the owner is responsible.

**1-12. Unpaid bills levied against property.**

- A. In all cases where water rents remain due and unpaid at the time the annual tax roll of the town is made out, the same shall be included therein and levied against the real property on which the water shall have been used and shall be collected with and in the same manner as other town taxes, with the additional charges, fees and penalties incident to the collection of such taxes and including the termination of the collection of water service for that particular property.

**1-13. Notice of right to dispute billing.**

If disputed, you have ten (10) days to file a written complaint; the clerk will give you copies of 1-14 telling you how to proceed. Bills against which no complaints have been entered within the (10) days after presentation must be paid as rendered.

**1-14. Disputed Bills.**

- A. Any consumer making complaints as to the correctness of water bills and claiming to be overcharged may, by applying at the office of the Water Department within (10) days after presentation of the bill, have the meter examined and the dial reread; or by depositing a fee, as set forth from time to time by resolution of the Board of Trustees at the above office and making a written request, have the meter tested. If the meter is found to be correct or to under register, said deposit will be retained by the Water Department as payment for testing the meter. Should the meter be found to over register, the deposit will be returned to the complainant and proper correction made in the bill. A fee schedule is on file in the office of the town clerk.

- B. The Water Superintendent is hereby authorized to correct any charges so shown to be due to a fault in the meter or to incorrect reading of the dial, but shall have no power to reduce water rents for any other reason whatsoever. Bills against which no complaints have been entered within the ten (10) days after presentation must be paid as rendered.

**1-15. Appeals.**

- A. If, after the procedures outline in 1-14 above are completed, the consumer is not satisfied with the determination of the town, the consumer may, within five (5) days of the completion of the rereading testing procedures set forth in 1-14 above, serve a demand, in writing, for a hearing before the Water Committee of the Town Board. Within ten (10) days of receipt of such demand, the Committee shall set a place, date and time of the hearing and shall give the complaining consumer ten (10) days written notice mailed by certified mail to the address to which water billings for the premises concerned in the complaint are mailed to.
- B. The complainant shall have the right to representation and to present any statement, evidence or documents supporting his/her said claim, and the town, by its Water Department and/or Town Clerk, shall have similar rights and obligations; and upon hearing the evidence and reviewing the matter, the Water Committee shall approve, disapprove or modify the bill or debt and adjudicate the complaint based upon the merits and advise the party within (10) days of the hearing, in writing, of the decision.

**1-16. Broken Seals**

If a seal on a valve, meter or other fitting is broken, it shall be presumptive evidence that the water consumption has not been properly registered on the meter. If the seal is broken, it shall be resealed by the Town, and the property owner shall be charged a fee for resealing. No fee shall be charged if the seal was broken accidentally and the Town is promptly notified.

**1-17. Leaks in Service Pipes, Hydrants and other Apparatus.**

When leaks occur in the service pipes at any point beyond the curb stop, including the ferrule or tap (private water distribution systems and/or private fire hydrants), they must be repaired by the owner of the premise or by his duly authorized agent. If such leaks are not repaired by such person within 24 hours after notification of leaks by the Town, water service to such premise shall be shut off until the leaks are repaired and, if repaired by the Town, the expense of such repair shall be charged to the owner of the premises, to be collected with the next bill for supply of water that shall become due, and any failure to pay such charges be treated as failure to pay water use charges.

Owners may enter into an agreement with the Town for the maintenance of hydrants and hydrant guard valves located on private property. Copies of such agreement shall be available for inspection at the Town Clerk's office during business hours.

**1-18. Use of Hydrants.**

- A. All fire hydrants that are used for irrigation or water hauling shall be used with a permit only that is issued by the water department. All usage will be metered through a town issued meter equipped with a certified RPZ (reduced pressure zone). Users must notify the water department immediately if moving from hydrant to hydrant.
- B. Any hydrant user that is not a regular town water district customer will be required to put down a security deposit the following year if at any time their account becomes delinquent. The deposit will be equivalent to the largest bill during the previous hydrant season. (Amended July 25, 2006)
- C. No hydrant shall be used for any purpose other than town issued meters, the extinguishing of fires and periodic testing of the fire protection system or periodic drills by a fire company or department.

Proper fire officials must notify the Town within 24 hours after use of a Town hydrant to enable the Town to inspect the hydrant and determine whether it has been returned to its proper operating condition. The failure to return a hydrant to its proper operating condition shall be deemed a violation of these rules and regulations.

**1-19. Private Fire Connections.**

All connections for private fire protection will be sealed by the authorized town representative. Seals must not be broken except in case of fire when a broken seal shall at once be reported to the town office. Any seals found broken and not so reported, will subject the owner of said premises to a civil penalty in an amount from time to time established by resolution of the Town Board for each offense. [see civil penalty] Each day such offense is allowed to continue shall be deemed a separate offense.

**1-20. Bypassing prohibited; public hydrants.**

No addition to or alternation in any public or private pipe, conduit or other fixture between the public water main and the individual water meter shall be made by any person, nor shall the water main be tapped or any portion of the water works system, including, but not limited to, the public hydrants and water meters, be interfered with without permission, in writing, of some person directly connected with the Water Department, nor shall any person open nor interfere with any public hydrant or tamper with or otherwise in any way interfere with any water meter without the permission of the Superintendent, the Town Board of Trustees or the Chief of the Fire Department or some other person duly authorized by such authority.

**1-21. Boilers.**

Steam boilers taking water from the waterworks will be required to have tanks that will contain an ample supply of water for ten (10) hours in case the water is shut off for any purpose. The Town of Murray shall not be responsible for any accidents or damages should such be sustained by a violation of this rule. All houses and boilers shall be fitted with a suitable check valve to prevent accidents from collapse or damage in the case the water is suddenly drawn from the mains.

**1-22. Shut off of water; emergencies, customer's request.** (Amended July 25, 2006)

- A. The Municipal Board reserves the right to shut off the water, without notice, for alterations, extensions and repairs and to stop and restrict the supply of water whenever it may be found necessary, and the town shall not be liable under any circumstance for a deficiency or a failure in the supply of water, whether occasioned by shutting off water to make repairs or connections or for any other unavoidable cause. The town will make attempts, reasonable under the circumstances, to notify users affected by such shutoffs. No notice shall be required in case of an emergency determined by Superintendent of Streets or his /her designee.
- B. Upon the property owners request, a \$25.00 fee and a form signed by the owner (available at the town office), a town employee will turn the water off at the roadside curb box. The owner may turn water off at the meter inside the structure at any time.

**1-23. Damage to meters.**

The cost of any repair or replacement necessitated by damage which may have been sustained to meter resulting from carelessness of the owner, tenant or agent of premises, or from neglect of either of them to property secure and protect the same, as well as any damage that may result from allowing said meter to become frozen, burned or injured by hot water or steam, shall be added to the next water billing and partial payments will be accepted.

**1-24. New Meters.**

No new or additional water meter shall be installed without prior approval by the Water Superintendent of the affected plumbing. This shall not pertain to replacement meters.

**1-25. Civil Penalties.**

Unless otherwise provided in this chapter, any consumer and owner violating any of the provisions of this chapter shall forfeit and pay to the Town of Murray a civil penalty as set forth from time to time by the Board of Trustees. [see civil penalties] Each day a violation to continue shall constitute a separate violation.

A. Cross Connection	\$500.00	
B. Freeze Plate-Replace	\$25.00	1 <sup>st</sup> offense
	\$50.00	2 <sup>nd</sup> offense
	\$100.00	3 <sup>rd</sup> offense
C. Turn On and Off Fee	\$25.00	each
D. Hydrant violation	\$100.00	1 <sup>st</sup> offense (plus water lose)
	\$250.00	2 <sup>nd</sup> offense (plus water lose)