

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~ of Bethlehem  
~~City~~  
Town  
~~Village~~

Local Law No. X of the year 2018

A local law Adding Chapter 124, Water, establishing rules and regulations for Water Districts within the Town of Bethlehem and out-of-district users served by the Town water system.

of the Be it enacted by the Town Board

~~County~~ of Bethlehem as follows:  
~~City~~  
Town  
~~Village~~

Amend and Replace as follows:

Be it enacted by the Town Board of the Town of Bethlehem, County of Albany, State of New York as follows:

**ARTICLE I**  
**General Provisions**

**§ 124-1 Purpose**

- A. The Town of Bethlehem hereby establishes the Water Code of the Town of Bethlehem. This chapter is established for the purpose of regulating water usage in the Town, promoting the uniformity and standardization of materials and procedures used in the construction of Water Mains and water services, establishing rents, rates, penalties and minimum charges for water usage, and establishing rights and obligations of water users in the Town’s water districts and to any out of district users.

- B. This chapter shall apply to all that area within the boundaries of the existing Water District in the Town, including any future water district extensions, and also to all users outside of these water districts that are served potable water by the Town of Bethlehem. Service to neighboring municipalities shall be approved by the Commissioner of Public Works and the Town Board.

## § 124-2 Definitions

- A. Definitions.

Unless the context specifically indicates otherwise, the meaning of terms used in this chapter shall be as follows:

**Applicant**: The Person, firm, partnership, corporation, or other entity filing any request with the Department of Public Works of the Town of Bethlehem.

**Builder**: Any Person, Persons, partnership, corporation, or other entity who undertake to construct, either under contract or for resale within two (2) years, any habitable buildings.

**Commissioner**: The Commissioner of the Department of Public Works of the Town of Bethlehem or his or her authorized deputy, agent, or representative.

**Contractor**: Any Person, Persons, firm, partnership, or corporation or other entity employed by the Owner to construct Water Mains or water services. Contractors must be approved by the Department of Public Works in order to do work in the Town of Bethlehem.

**Customer**: Any Person, Persons, firm, partnership, corporation, or other entity receiving water service.

**Department of Public Works or Department**: The Bethlehem Department of Public Works, Town of Bethlehem, County of Albany, New York.

**Developer**: Any Person, Persons, partnership, corporation, or other entity who undertake to construct simultaneously more than one (1) housing unit on a given tract or land subdivision, or any commercial or industrial development.

**Owner**: Any individual, firm, partnership, association, society, Person, group, or other entity having title to real property.

**Permit**: Written authorization provided by the Department of Public Works of the Town of Bethlehem which may be issued to Applicants for water service or temporary service.

**Person**: Any individual, firm, partnership, company, association, society, corporation, or group.

**Plumber**: Any Person, firm, partnership, or other entity who installs, repairs, and maintains piping, fittings and fixtures involved in the distribution and use of water.

**Property Line**: The edge of a water right-of-way in those instances where the water Service Line connects to the public Water Main located in a right-of-way. "Property Line" shall also mean the edge of the street right-of-way in those instances where the water Service Line connects to a public Water Main located off or in the paved portion of the street.

**Property Owner**: The Person or entity that is in title to the property served or to be served by the public water system.

**Service Line**: Line of a type as specified by the Department through which water may be carried from the mains owned by the Town.

**Temporary Service**: Service lasting for a period of limited duration.

**Town or Town of Bethlehem**: Town of Bethlehem, Albany County, New York.

**Water Main**: Pipe six inches in diameter or larger supplying water as part of a system to one or more buildings.

**Water Services**: Pipe smaller than six inches in diameter supplying water to one or more buildings.

**ARTICLE II**  
**Application for Water Service**

**§ 124-3 Application and Contract for Services**

- A. Applications for connections to the Town water system shall be made in writing on a form provided by the Department. Applications for water service shall be made by the Property Owner or the Property Owner's authorized representative. Such application shall be made at least 30 days prior to the proposed connection.
- B. The Commissioner reserves the right to accept or reject any or all applications for services of a nature not consistent with this Chapter and shall approve only those applications that the Commissioner finds are in the best interests of the Town and Water District.
- C. No application shall be accepted or Permit shall be issued by the Department to any Applicant for water service until all charges due from the Applicant for water or other services at any premises now or previously owned or occupied by Applicant which are in arrears to the Town of Bethlehem have been paid.
- D. Acceptance or approval of any water service application by any new Applicant or for the providing of increased services to any existing water user:
  - (1) requiring water for other than normal domestic purposes;
  - (2) requiring daily quantities of water which, in the opinion of the Department, are excessive as to the total daily quantity or rate of use during any portion of the day; or
  - (3) whose requirement for water, in the opinion of the Department, will in any way limit the ability of the particular water supply and distribution system to provide satisfactory water service to all then-existing water users,

shall be subject to the review and approval of the Department. When requested by the Department, the Applicant shall be required to provide, at Applicant's expense, any requested engineering studies or evaluations to determine that the requested water service will not negatively impact the existing water system. The Applicant may also be required to provide such water conservation, storage or flow-limiting facilities or such other devices necessary to obtain the approval of the Department. The Department reserves the right to refuse or limit service to any new Applicant or existing water user if the foregoing requirements are not met to the Department's satisfaction.

- E. On acceptance by the Department, the application shall constitute a contract between the Town and the Applicant. Every Owner taking water or permitting water to be taken for use on premises of such Owner thereby agrees to these ordinances, rules and regulations and agrees to be bound by them and by such other rules and regulations as may thereafter be established for the Water District.
- F. Any Contractor or other party performing any work in connection with the construction of a Water Main or water service must be approved by the Town and the Department, and said Contractor or other party must have on file with the Town and the Department an Owner's and Contractor's protective liability insurance policy naming the Town of Bethlehem and Water District Number 1 as insureds, in the following amounts:

Bodily injury	Two Million Dollars each accident
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Property damage

\$100,000.00 before permit issue

**§ 124-4 Application for New Service from Outside of District**

The Commissioner may accept or reject applications for service from out-of-district users. The Commissioner will approve only those applications that he or she finds are in the best interests of the Town and Water District Number 1. Upon acceptance by the Commissioner, the application shall constitute a contract between the Town and the Applicant. Every Owner taking water or permitting water to be taken for use on premises of such Owner thereby agrees to these ordinances, rules and regulations and agrees to be bound by them and by such other rules and regulations as may thereafter be established for the Water District. The Commissioner shall, from time to time, by resolution of the Town Board, establish and amend the water use rates for out-of-district users.

**§ 124-5 Application for Temporary Service**

- A. Applications for temporary service will be accepted, written Permits will be issued and temporary water service will be supplied providing it does not interfere with the use of water for general services, and that the use of water from any hydrant pursuant to § 124-5 shall be strictly in accordance with the terms and provisions of § 124-18 of this chapter.
- B. Applicants requiring temporary service shall, if application is accepted, receive written Permits from the Department specifying terms pursuant to which said Permit is issued.
- C. Water will be furnished to Builders and/or Contractors for construction purposes only. Application for same must be made in person at the Department and payment of all fees must be received before a Permit will be issued.
- D. Any Permit issued pursuant to the terms of § 124-5 must be posted at the construction site.
- E. Any and all Permits issued to Builders and/or Contractors for construction purposes pursuant to this § 124-5 shall terminate on November 1 of each year.
- F. Any and all fees required by the Department in relation to services or applications under this §124-5 must be paid at the time of application.

**ARTICLE III**

**Installation of Water Mains and Services**

**§124-6 Excavations for Water Pipes in Public Ways**

- A. No street, sidewalk or other public ground shall be opened for the purpose of laying or accessing any Water Main or service pipe unless a Permit has been obtained from the Town of Bethlehem Highway Superintendent, unless such work is to be done under contract with the Town Board or is performed by the Department. No excavation in Town right-of-ways may be left open overnight without prior written permission of the Highway Superintendent.
- B. No Permit shall be granted to any Person other than a Plumber or Contractor licensed by the Town to open up a street, sidewalk or other public ground for the purpose of laying,

installing or repairing water pipes or fixtures. No Plumber or Contractor shall allow his or her name to be used by any other Person or party, either for the purpose of obtaining Permits or doing any work in connection with the Water Mains or service pipes.

- C. Excavating within County- or State-owned roadways or right-of-ways require approval from the proper regulating entity prior to commencement.

#### **§124-7 Connection to Water Mains**

- A. No Person, corporation, Owner or consumer shall make any connection or opening into a public Water Main, except upon authorization of the Commissioner.
- B. All taps and connections to the main shall be made by the Department for sizes three quarter inch (3/4"), one inch (1"), one and half inch (1 1/2") and two inch (2"). The fee for the meter, tapping of the Water Main, and for the extension of the service pipe to the Applicant's and/or Customer's Property Line not to extend 20 feet from the edge of the pavement shall be paid at the time of filing of the application, such fees as shall be as established by the Town Board.
- C. A tap that is to be completed by a Developer for a proposed development, or any other tap to be completed by somebody other than the Department, shall be approved in advance by the Commissioner and completed under the supervision of the Department. A tapping observation fee will be assessed to the Owner/Applicant for this service and must be paid prior to commencement of the tap. The fee shall be in accordance with the fee schedule as established by the Town Board.
- D. No tapping shall be done before April 1 or after November 1 unless prior written permission is obtained from the Department.

#### **§124-8 Installation of Water Mains and Services**

- A. No water service will be installed before April 1 or after November 1 unless specifically authorized in writing by the Department.
- B. Before commencing any work in connection with the Department or the water supply lines of the Water District, each Plumber wishing to engage in such work must file with the Department and the Town proof of insurance which lists the Town of Bethlehem as an additional insured for the work.
- C. Water services will be laid by the Department, or by an approved Plumber or Contractor, from the Water Main to and including the curb stop and curb box. Owners of vacant lots must demonstrate by commencing construction that they intend to use water. No service shall be laid to vacant lots except as part of Developer's work in an approved subdivision, or an approved commercial site plan, extending off of a Water Main installation by the Developer. All lines installed, but not intended for immediate use, shall be capped and sealed until ready for immediate use by the consumer.
- D. There shall be no tap, provision for tap, plugged tee or other such fitting in the service pipe between the Water Main and the meter inside the building. Any yard hydrant, fountain, sprinkler system or hose must be connected on the building side of the meter.

- E. All residential buildings served by the Department must have a separate Service Line unless special permission is granted by the Department. Commercial and industrial properties with multiple buildings may be served with a single water service that contains a master meter for the entire property. The master meter shall be of a type and make as approved by the Department.
- F. Permission will not be granted to supply more than one residential Owner from a single tap.
- G. If multiple residences are proposed for a single lot (e.g. apartments, condos, etc.), the Owner shall provide a master meter that the Department will read for billing purposes. The Owner will be responsible for separating out water usage to his or her tenants. The master meter shall be of a type and make as approved by the Department.
- H. All Service Lines and water lines shall be required to be laid in such a manner as to be no less than five (5) feet below the finish grade, unless approved in writing by the Department. Vertical and horizontal alignment in relation to any sewer or other parallel pipe shall conform to Health Department and Town standards.
- I. All Service Lines shall be of materials approved for use by the Department and outlined in the Town standard specifications. A copy of the Town's standard specifications can be obtained at the Department or found on the Town website. The Department reserves the right in all cases to stipulate the size and type of Service Lines to be used.
- J. All water service pipe shall be continuous pipe with no joints, unless special permission is granted by the Department.
- K. Taps and connections shall be ¾-inch and shall be carried full size from the Water Main to the meter. Water services in excess of 100 feet in length must be one-inch diameter or larger. Larger services will be permitted upon application made to the Department, where need for such service is established and where Water Main size is adequate. Fees for taps and connections shall be set by the Commissioner and approved by the Town Board.
- L. The Department requires an inspection of all work performed before any trench is closed; if such trench is closed, the Applicant and/or Customer may be made to uncover the lines for inspection by an authorized inspector to check depth of the lines before water service is turned on.
- M. No Person, except Department personnel, shall operate Water Main valves, corporation stops or curb stops, unless granted permission to do so by the Department.
- N. At the expense of the Applicant and/or Customer, each Applicant and/or Customer shall install from the curb box to the meter on the premises a Service Line and service connections, all to be approved by the Department. Every Service Line must have a stopcock, or valve for large diameter water services, of an approved type at the Property Line or easement line and be provided with an iron curb box and cover. This stopcock or valve may not be used by the Customer for turning on or shutting off the water supply but is for the exclusive use of the Department. The curb box shall not be installed in driveways, parking lots, or sidewalks, unless approved by the Commissioner.

- O. The Service Line and connections from the curb box to the meter shall at all times remain the sole property of the Applicant and/or Customer in whom title thereto shall vest.
- P. No red or white lead will be permitted to be used on joints between the meter and the main.

**§124-9 Operation and Maintenance of Water Services**

- A. The Customer shall be required to maintain in perfect working order at his or her own expense all such Service Lines from the edge of the right-of-way to the structure being served. The Department is responsible for the operation and maintenance of the curb box and curb stop and the water Service Line from the curb stop to the Water Main in the public right-of-way.
- B. The Customer shall maintain all fixtures within his or her property in such a condition to prevent the waste of water.
- C. It shall be the duty and responsibility of the Property Owner to keep the curb box in good repair, above ground and accessible at all times.
- D. Water curb boxes or valves shall be turned off or on only by Department employees or by authorized Plumbers who have obtained prior written permission from the Department.
- E. The Applicant, at his or her own expense, shall maintain and protect from freezing, and when necessary pay any and all charges for repair or replacement, such Service Line and service connections.
- F. Should a leak occur in a Service Line between the structure being served and the curb stop, the Owner shall forthwith cause the same to be repaired at his or her expense. Should the Owner fail to make the repair after receiving written notice from the Department, the Department will cause the water service to be discontinued until such repair has been made. The Department also reserves the right to make the repair and bill the labor and materials costs to the Customer if the Customer does not respond in a timely manner.
- G. In the event a meter freezes or Service Line freezes and is repaired or replaced by the Department, the Property Owner shall be charged for such repair or replacement.
- H. In the event that the supply of water to any premises has been turned off at the direction of the Department, service shall only be returned with the prior written consent of the Department.
- I. In the event that any building is razed, moved, or abandoned, it shall be the responsibility of the Property Owner or the authority that requires such razing, moving, or abandonment by virtue of public improvement to notify the Department to remove the water meter. The Owner shall discontinue the water service by physically removing the Service Line connection at the curb box and replacing it with a brass plug or other approved method, said removal/replacement to be performed on prior notice to the Department and under the supervision of the Department and the Customer and at the Owner's expense. A service call fee, at a cost set by the Town Board, will be charged to the Owner for the

Department's observation of the work. A termination inspection Permit is required prior to any termination being completed.

- J. All curb stops, curb boxes, connections, and meters shall be subject to the control of the Department and shall be kept readily accessible to the Department or its authorized representatives at all times. It shall be the duty of the Property Owner and/or Customer to maintain the accessibility of such curb boxes, curb stops, connections, and meters.
- K. No Person, except Department personnel or those acting with permission of the Commissioner, shall open or close any valve on the Water Main or water service or any cocks in any curb box or molest or interfere with the same in any manner.
- L. Personnel of the Department, the Code Enforcement Officer, or other persons authorized by the Town Board may enter a building or upon premises where water is used from supply pipes connected to the street mains for purposes of examining such pipes and materials that have been installed. Access inside of buildings will be scheduled in advance with the building Owner.

#### **§124-10 Fire Suppression Systems**

Pipes for automatic fire suppression in buildings, which fixtures only are intended for said use, may be connected to the water supply. All such connections and designs must receive prior written approval from the Department and any and all other agencies, departments, and government entities requiring such approvals. All costs relating to such systems shall be borne by the Applicant, Customer and/or Property Owner. The Property Owner in which such lines are in service shall maintain such lines for their entire length and shall be solely responsible for any damage which may be caused by a leak in such pipes.

Fire suppression systems shall be metered in order to accurately bill water used during routine system maintenance. If the systems are unmetered, a quarterly fee as determined by the Town Board shall be added to the quarterly water rent bill for the property.

#### **§124-11 Underground Sprinkler Systems**

Underground sprinkler systems shall be allowed under the following conditions:

1. An application for permission to install underground sprinkler system shall be filed with the Town's Building Department.
2. The Applicant must receive a written approval from the Building Department before installation begins.
3. All water used shall be metered and a double-check valve backflow preventer, which is approved for use by the New York State Health Department, is required for all lawn sprinkler systems to protect the Town water system.
4. Outdoor shutoff valves that allow Department personnel to manually shut off the automatic sprinklers in cases of emergency or watering violations must be in place and identified.

#### **§124-12 Swimming Pools**

- A. Regulations for the use of municipal water in swimming pools shall be as established by the Department as the restriction needs dictate.

- B. There shall be no cross-connections between the piping system of a swimming pool and the Water District's water system. If water for the swimming pool is supplied from the Water District, the inlet or fill pipe shall be located at least six inches above the overflow level of the pool.
- C. Pools having a water capacity in excess of one hundred (100) gallons should be filled or added to between the hours of 10:00 P.M. and 6:00 A.M. when using water from the Water District system.
- D. No pool shall be filled or added to at any time during the effectiveness of emergency water restrictions or measures, if using Water District water.

#### **ARTICLE IV**

#### **Meter Valves, Meters and Backflow Preventers**

##### **§124-13 Meter Valves**

Meter valves are required on every installation and are the responsibility of the Owner or Consumer. When a meter is changed or repaired by Department personnel on any service that does not have a properly functioning meter valve one may, at the discretion of the Commissioner, be installed by the Department and the fee for such device shall be billed to the Owner as part of the next water bill. Meter valves will only be installed when Department personnel are on the premises for a meter change or repair. No special trips will be made for meter valve installation, as this is the Owner's responsibility. Once installed, the new valve becomes the sole responsibility of the Owner.

##### **§124-14 Meters**

- A. Water meters up to two-inches in size are the property of the Department and it is the Customer's responsibility to keep them accessible and protected from damage. It shall also be the responsibility of the Customer to provide a location for the meter that prevents the meter from freezing. Meters shall not be installed in areas deemed to be hazardous (e.g. confined spaces) in order to protect the safety of Department personnel. If the meter is found to be in a hazardous condition, the Department will notify the Owner and the Owner shall have thirty days to correct the hazardous condition. If, after the thirty day period, the hazardous condition has not been rectified to the satisfaction of the Commissioner, the Department reserves the right to perform the necessary corrective actions and bill the labor and materials costs to the Owner.
- B. Every water service shall be supplied through a meter. Only one meter shall be set in any Service Line. If more than one meter is desired or required for a building or premises, a separate Service Line must be run to the Water Main in the right-of-way for each additional meter.
- C. Commercial, industrial or privately-owned residential developments that will have multiple water users within the development are required to install a master meter for metering and billing purposes. Master meter installations shall be protected from freezing and include an approved backflow preventer, in accordance with the Town standards.

- D. The Department shall furnish all meters up to two inches (2") in size. Larger size meters shall be provided by the Applicant, Owner, and/or Customer and shall be of a type and make, and specifications, as approved by the Department.
- E. The Department shall install all meters up to two inches (2") in size. The Applicant, Owner, and/or Customer shall leave space, in a horizontal position for the meter's location and installation. The Department shall provide detailed specifications to the Applicant, Owner, and/or Customer for such installation space as designated.
- F. The Department shall maintain all meters up to and including two inches (2") in size.
- G. All meters larger than two inches (2") in size shall be maintained by the Owner and/or Customer.
- H. All Service Lines over 200 feet in length shall have a frost-proof and properly drained meter pit at the Property Line.
- I. All meters shall be accessible for inspection and maintenance by the Department.
- J. The Department reserves the right to remove and test its meters, and may require the Owner of meters over two inches (2") in size to have their meters tested to insure proper functioning. The Department may test a meter upon request of the Customer in cases in which there is a disputed account involving the accuracy of the meter. The current fee for such a test is to be set by the Town Board and is published on the Town website and available at the Department billing office.
- K. In the event that a residential meter is found to over register in excess of two percent (2%) at any flow within normal test flow limits, the test fee specified in § 124-14 (J) above shall be waived.
- L. No Person, including but not limited to the Property Owner, Customer, and user of water, shall tamper with any meter. Tampering with any meter shall constitute a Violation of this chapter.

**§124-15 Backflow Preventers**

- A. Backflow preventers must be installed in all commercial and industrial water services. All fire lines must be protected by at least a double check valve assembly-type backflow preventer. The make, model and type of device, which will depend on the degree of hazard, must meet Town and Albany County Department of Health standards.
- B. The Department reserves the right to require backflow preventers on any water service, should the service in question result in any threat of contamination of the potable water system.
- C. All backflow preventer application packages shall be prepared by a Professional Engineer licensed by the State of New York and include plans and reports as necessary. The applications shall be submitted to the Department, along with the Department's Backflow Prevention Device Review Fee and the fee required by the Albany County Health Department. If the application is approved by the Department, the Department will

forward the application packages to the Albany County Health Department, along with the County fee, for their approval.

- D. Approved backflow preventers shall be installed by a competent installer and inspected and approved by the Department or other authorized representative.
- E. Customers with backflow preventers on their water Service Lines are responsible for adhering to all regulatory requirements for annual maintenance and testing of the backflow preventers, and for providing proper documentation as required to the Department.

**ARTICLE V**  
**Termination of Service**

**§124-16 Termination by the Water District**

- A. No Person except the Commissioner or the Commissioner's designated representative shall terminate or restrict service at any connection to or from the Town water system.
- B. The Commissioner or the Commissioner's designated representative may shut off the water from or in any Water Main or to any service connection, at any time without notice, when necessary for repair, maintenance or emergency situations, or any situation that could result in damage to the water system or endanger public health. The Department will not be responsible for any damage that may result therefrom.
- C. Upon fifteen days' notice to the Customer, water service may be terminated by the Department for any of the following reasons:
  - a. For use of water other than as represented in Customer's application or through branch connections on the street side of the meter or place reserved therefore;
  - b. For willful waste by use of water through improper and imperfect pipes, or by any other means;
  - c. For molesting any Service Line, seal, or meter;
  - d. For non-payment of bills for water or services rendered by the Department, in accordance with these rules and regulations;
  - e. For refusal of reasonable access to the property for the purpose of reading, repairing, testing, or removing meters or inspecting water piping and other fixtures;
  - f. For failure to repair an unmetered leak in the service within 10 days of detection and notification to repair (verbal or written) by the Department. If, in the opinion of the Commissioner, large volumes of water are being lost, the Commissioner may immediately terminate service after notice to the Customer.
  - g. For failure to comply with posted water use restrictions.

**§124-17 Termination by the Owner**

- A. Temporary termination requests must be made in writing to the Department. Upon notification, Department personnel will turn off the water at the curb box; provided service will not be terminated when the premises are occupied by a tenant. Any Owner requesting a termination will be charged a service fee at the time of water turn-off and turn-on. Quarterly minimum billings will continue during the time the water is shut off.

- B. The quarterly minimum billings will remain in effect as long as the water Service Line is active from the Water Main to the curb box and Property Line. If an Owner would like to permanently cease water service, the Service Line must be disconnected from the Water Main at the Owner's expense. Once the Service Line is disconnected, the account will be declared inactive and the quarterly minimum billings will cease.

**ARTICLE VI**  
**Hydrant Regulations**

**§124-18 Operation of Hydrants**

- A. Except as provided in § 124-18 (B) below, no Person shall open or shall draw water from any hydrant, publicly or privately owned, without prior written permission from the Department. Such written permission must be in the possession of the Person actually drawing the water. An approved hydrant wrench, back flow preventer and water meter must be used, said hydrant wrench specifications to be provided by the Department on application for the above-specified permission.
- B. The Town Fire Departments shall be authorized to draw water from Town fire hydrants as needed in response to emergencies. Town fire hydrants are available for use by the Fire Departments for training purposes; however, written notice to the Commissioner is required at least twenty-four (24) hours in advance of the training.
- C. No unmetered yard hydrant or stand pipe shall be allowed. Any such existing yard hydrant or stand pipe must be abandoned within forty eight (48) hours upon receipt of written notification from the Department.

**§124-19 Hydrant Location and Access Requirements**

- A. All Town-owned hydrants shall be installed on lands, easements or rights-of-way permanently owned or controlled by the Town.
- B. Relocation of fire hydrants, curb boxes, or valve boxes at a previously fixed location due to changes in property status or land use may be made by the Department or may be made by the Owner/Customer only after obtaining prior written consent from the Department. All work done in connection with such relocation shall be at the expense of the Person seeking such relocation.
- C. No bushes, shrubs, trees, fences, stones, or any other objects may be placed closer than five feet in any direction from a hydrant. Any object within said five feet in any direction of a hydrant may be removed by the Department, at the Owner's expense, after the Department has given the Owner five days' written notice to correct the obstruction.

**§124-20 Hydrant Use Fees**

- A. All fees in connection with the use of hydrants must be paid at the time of application.
- B. The fee for use of fire hydrants for a short period of time shall be as established by the Town Board plus the cost of metered water used for each hydrant connection.

- C. Any Person who damages any hydrant shall be liable for the actual damages sustained to the hydrant or the cost of replacement of said hydrant.

**ARTICLE VII**  
**Payment for Water Service**

**§124-20 Installation and Repair**

- A. The following expenses shall be borne by the Department:
- a. Costs associated with operating and maintaining existing Water Mains.
  - b. Maintenance and repair of meters subject to Article IV of this Chapter.
  - c. Cost of installing and maintaining Service Line from the Water Main to the curb box inclusive, except in subdivisions involving new Water Mains.
- B. The following expenses shall be borne by the Owner or Customer:
- a. Tap and meter fees as stated in Articles II and III.
  - b. The cost of all materials and labor for laying and maintaining the service pipe upon and within the premises from the curb box serving said property.
  - c. Water use charges and special assessments for the Water District.
  - d. Fees for meters in accordance with Article IV of this Chapter.
  - e. Fees for turning water service on or off at the curb box as per the fee schedule on file in the Town Clerk's office or listed on the Town website.
  - f. The cost of the meter, repair and testing of meters, except for mechanical defects or natural wear and tear, as set forth in Article IV of this Chapter.
  - g. All other fees and charges as established from time to time by resolution of the Town Board.

**§124-21 Water Usage Charges**

- A. All water usage will be charged to the Owners of the affected real property. Statements may be sent to a tenant upon written request to the Department by the Owner. The sending of statements to the tenant shall not relieve the Owner from responsibility for payment of the same.
- B. Water usage, fees and other charges shall be at the rates set forth in the most recent Town of Bethlehem water fee and rate schedule, as established from time to time by resolution of the Town Board.
- C. The reading of a duly installed meter, showing the amount of water consumed, shall be used for all billing purposes. If the quarterly meter reading is below the minimum water consumption amount, the minimum consumption amount shall be used as the basis for the quarterly billing.
- D. In any case in which it is established that a meter has ceased to register or has registered inaccurately and the percentage of inaccuracy cannot be determined by reasonable test, an estimated bill for the billing period shall be rendered to the Customer. An estimated bill shall be based upon the amount of water consumed in the corresponding period in prior years, except in any instance in which it appears there has been a change in

occupancy of the premises or in the use of water, in which case an equitable adjustment may be made.

- E. All metered water usage shall be billed quarterly.
- F. All payments shall be received in the office of the Town Receiver of Taxes by the due date indicated on the billing. Thereafter, there shall be added to the billed amount a penalty in the amount of 10% of the amount on the original billed amount.
- G. Water rental charges, fees and other charges shall be a lien upon the real property upon which, or in connection with which, the water was used, and shall be added to the taxes assessed against the premises.
- H. There shall be filed annually with the Town Board, of the Town of Bethlehem, a statement showing the unpaid water charges and penalties payable to the Department, with a brief description of the property in connection with which the water was used, the names of the Persons, corporation, or other entities liable to pay for the same, and the amount chargeable to each for the purpose of having such sums levied as tax against the property so liable. Delinquent bills for water service as of June 30 of each year and remaining unpaid as of September 30 of said year shall be entered on the annual Town Tax Rolls and collected with the next ensuing property tax except as otherwise provided by law.

#### **§124-22 Water Bill Adjustments**

The Department may administratively adjust the amount of water and/or sewer consumed for a billing period where a leak or situational high usage was experienced, or if a meter was read incorrectly. Underground leaks (e.g. Service Lines over 200 feet in length that have a meter pit or leaks in buried irrigation systems downstream of the water meter) may also qualify for a reduction to the sewer portion of the bill but must be repaired by a licensed Plumber with proof of repair.

- A. Conditions for Qualifying for Adjustment
  - a. The Owner or an authorized Person designated by the Owner must request the adjustment within thirty (30) calendar days of the bill being issued.
  - b. Water loss caused by a third party from whom the Customer is able to recover their costs are not eligible for an adjustment and are therefore the responsibility of the Customer. Examples of this include theft, vandalism, negligence and construction damage, and unoccupied or vacant properties.
  - c. Customers may only be granted an adjustment at a property once every three (3) years. By requesting an adjustment, the Customer is waiving their rights to any future adjustments within three years of the initial request regardless of the subsequent amount.
  - d. The date, type of repair, and proof of repair must be provided in writing to the Department in order to be considered for adjustment. A signed letter from the repair company/technician that documents the repairs completed shall constitute the proof of repair.
  - e. The applying Property Owner must have an up to date account with no current delinquencies.

- f. While an adjustment request is being processed, the Customer is responsible for payment of the entire amount due on their bill within the normal payment period; or the Customer may request to enter into an agreed-upon payment arrangement.

**B. Calculation of Adjustment**

- a. Interior/Situational Usage Adjustment: This type of adjustment is limited to charges for water consumption only and no other charges will be adjusted. The adjustment is calculated from the average (mean) consumption of water from the Customer's total bills over the previous four billing cycles (one year worth of bills). Fifty percent (50%) of the additional water usage over the average water consumption is deducted from the amount owed.
- b. Underground Leak Adjustment: This type of adjustment is for water and sewer consumption only. Fifty percent (50%) of the additional water usage over the average water consumption and one hundred percent (100%) of excess sewer usage is deducted from the amount owed. Evidence of an underground leak repair must be provided from a licensed Plumber to qualify for an underground leak adjustment.

**C. Adjustments to Correct Inaccurate Meter Readings**

Adjustments to water bills to correct inaccurate readings shall be made in accordance with the following:

- a. Adjustments to water bills may be applied by the Department to correct inaccurate readings of meters or incorrect readings caused by faulty meters. During the reading cycle, the Department will automatically check anomalous readings to ensure accuracy.
- b. If the Customer wishes to contest the accuracy of the meter reading and subsequent water bill, the Customer may request that the meter be checked or tested to verify the accuracy of the reading or the meter. If, after checking and testing the meter, the reading is found to be correct, the account will be charged the Meter Test Fee. The test fee is as set forth in the most recent Town of Bethlehem water fee and rate schedule. If the meter or reading is found to be faulty or incorrect, the water bill will be adjusted accordingly and the Meter Test Fee will be waived.

**ARTICLE VIII**  
**Supply of Water**

**§124-23 General**

The Town undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to all Customers, but reserves the right, at any time, without notice, to shut off the water in its mains for the purpose of making repairs and/or extensions, or for any other purposes, and the Town and the Water District shall not be liable for a variation, deficiency or failure in the supply of water, or the pressure thereof, for any cause whatsoever nor for any damage caused thereby, or by the breaking or bursting of any main or service pipe or any attachment to the district system.

**§124-24 Water District Extensions**

- A. All extensions to the water distribution system owned and maintained by the Water District shall be properly designed in accordance with the latest edition of the Recommended Standards for Water Works, adopted by the Great Lakes-Upper Mississippi River Board of State and Provincial Public Health and Environmental Managers and in strict conformance with all requirements of the New York State Department of Health.
- B. Owners outside of the Town's water districts may petition for an extension of the water district in order to provide water service to their property or a group of properties. Water district extensions shall be in accordance with the applicable sections of New York State Town Law.
- C. Any expenses associated with a water district extension, including but not limited to Map, Plan and Report development by a Professional Engineer licensed by the State of New York, applications to applicable regulatory agencies, and any construction costs associated with the Water Main extensions including improvements to the existing water district to provide adequate water quality and quantity, shall be the responsibility of the Applicant or Applicants.
- D. Upon completion of construction, all Water Main extensions, except private Water Mains, including all service connections from the Water Main to the curb box, shall be dedicated to the Water District. As-built drawings of the completed installation shall be provided by the Applicants to the Department in electronic (AutoCAD) and paper format.

**§124-25 Interconnectors**

In the interest of public health, the district will not permit its mains or services to be connected directly or indirectly with any service pipe or piping that is in any way connected to any other source of water supply not fully approved by the Department of Health for the State of New York. The district will not permit its mains or service pipes to be connected in any way, directly or indirectly, to piping, tanks, vats or other apparatus that contains liquids, chemicals, or other matter which, if allowed to backflow into the district system, could endanger the water supply.

**§124-26 Water Shortage**

The Commissioner, subject to direction of the Town Board, may, if need be, in periods of drought or emergency, restrict the use of water for nonessential uses (such as irrigation, sprinkling or washing cars or other vehicles) to particular hours determined by the district, or to prohibit it entirely. Notice of such restrictions shall be published by the Department in the official Town newspaper. Failure to comply with such restriction shall constitute a violation of this Chapter and could result in penalties.

**ARTICLE IX**  
**Enforcement, Violations and Penalties**

**§124-27 Enforcement**

All remedies and penalties set forth are separately applicable. The Town may enforce this Chapter by any and all remedies set forth in this Article.

**§124-28 Emergency Termination of Service**

If, in the judgment of the Commissioner or the Town Board, an imminent health hazard or imminent danger to property exists, it may immediately cause service to any building or premises to be terminated and not restored until the defects are corrected.

**§124-29 Notification of Violation**

The Commissioner or Town Board may notify the Owner or authorized agent of the Owner of the building or premises in which there is found a violation of the Chapter of such violation and shall set a reasonable time for the Owner to have the violation removed or corrected. Upon failure of the Owner to have the defect corrected by the end of the specified time interval, the Commissioner may cause the water service to the building or premises or property to be terminated and not restored until such condition or defects are corrected.

**§124-30 Penalties for Offenses**

- A. Any violation of this Chapter shall be an offense and shall be punishable by a fine of not more than five hundred dollars (\$500.00) and/or imprisonment for a period of fifteen (15) days. Each day's continued violation shall constitute a separate, additional violation.
- B. In addition to any other remedy, the Department shall be entitled to injunction relief and any other remedy, including termination of service, as provided in §124-16.
- C. Nothing herein shall prevent or preclude prosecution pursuant to New York State Penal Law or other state statute.