

Chapter 115

WATER

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[HISTORY: Adopted by the Board of Trustees of the Village of Champlain as indicated in article histories. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 94.

Development procedures — See Ch. A125.

ARTICLE I
Rules and Regulations
[Adopted 9-12-1994 by L.L. No. 4-1994¹]

§ 115-1. Establishment of rules.

The following rules and regulations are established by the Board of Trustees of the Village of Champlain, and every person who shall be supplied or whose property shall be supplied with Village water automatically accepts said rules, and the same shall constitute a part of the contract between such persons and the Village. All persons who hereafter make applications for water service or who continue the use of the water service after the taking effect of this chapter will be deemed to have assented thereto and to have agreed to the provisions of said chapter and to pay the water rates as established.

§ 115-2. Authority of the Superintendent.

- A. The management of the water system shall be under the supervision of the Superintendent of Public Works, who shall be appointed according to Village Law.
- B. Wherever it is referred to herein that permission be granted by or that an application be made to, or that an act be done by or approved by the Village, it shall mean the Superintendent of Public Works of the Village or his authorized representative.

§ 115-3. Inspections, right of entry.

Any employee of the Department of Public Works, upon proper identification, shall have the right to enter any premises where municipal water is being supplied for the purpose of inspecting the plumbing or fixtures of the water service and all work in connection with the service. Employees shall also have the right to enter any premises for the purpose of installing, removing or reading a meter.

§ 115-4. Record keeping; claims.

- A. All moneys shall be received by the Village Treasurer, who shall keep a record of the money received and the name of the person or corporation for whose account the same has been paid and, for the purpose of such payment, giving such further information as may be helpful to the Board in properly conducting the operation of the water system.
- B. All moneys received by said Village Treasurer shall forthwith be deposited in such banks or trust companies as the Village Board may from time to time direct.
- C. Claims and charges against the village shall be audited and paid in the same manner as other village charges.

1. Editor's Note: This local law superseded former Chapter 115, Water, adopted 8-9-1962 by L.L. No. 1-1982, as amended.

§ 115-5. Backflow prevention; cross connections.

- A. The Village of Champlain will strictly enforce the containment and prevention of backflow occasioned or caused by any cross connections. It shall be the responsibility of the user to prevent any such backflow from entering any water piping that could result in such contaminants entering the public water supply. In accordance with procedures and standards acceptable to and approved by the New York State Commissioner of Health and the provisions of the Public Health Law and Sanitary Code of the State of New York, the village shall require an acceptable air gap, reduced-pressure-zone divide, double-check-valve assembly or equivalent protective valve acceptable to the New York State Department of Health and consistent with the degree of hazard posed by any service connection.
- B. All such protective devices shall be at all times accessible for inspection and testing by a private cross-connection control device tester and shall be tested and inspected annually by a cross-connection tester certified and approved by the New York State Department of Health. The aforesaid annual period shall commence from the date of installation.
- C. The cost and expense of said annual testing and inspection shall be borne by the user. In the event that the user fails to provide the Village of Champlain with documentary proof of the foregoing within 15 days from the due date, the Village of Champlain may perform said tests, and the user shall reimburse the Village of Champlain for any and all expense incurred by the village for performing the same.
- D. No private water systems shall in any way be interconnected with or made capable of being interconnected with or bypassing the village water system. Interconnecting or bypassing a private water system with the village water system or installation of a divide or means for so interconnecting or bypassing shall immediately revoke the owner's permit, and water service to such owner or applicant may summarily be disconnected without notice.

§ 115-6. Service connection regulations and specifications.

- A. No person or corporation shall use the water supplied by the village for any purpose whatsoever without having first obtained a permit upon written application therefor and paying the fee pertaining to the introduction of water to the premises.
- B. All applications for introduction of water to any premises or for the use of water shall be made upon a form furnished by the village for such purpose and shall be signed by the owner or his authorized agent. Such application shall contain a statement of all uses for which water is desired, and a use of water for any purpose other than mentioned in the application shall be sufficient cause to justify discontinuance of water service. Application for additional uses may be made at any time, and permits granted therefor.
- C. No private service line from a municipal curb stop shall be installed, altered or replaced until a permit shall have been obtained and until the proposed installation has been inspected and approved by the Department of Public Works. A fee shall be paid upon filing each application for a new service line.

- D. The applicant shall be responsible for installation of the service line from the curb to the house. It is the responsibility of the property owner to provide and pay for all work done and material furnished in the completion of the service connection line from the curb dock to the meter placed on the service line. The service pipes, fittings and meter setting shall be of make, size and pattern determined by the Village Board, with the installation of all of these items to be made under this chapter and under the direction of the Superintendent. A stop or waste cock shall be provided within the building so located that all piping on the customer's side of the meter can be drained whenever necessary.
- E. The Department of Public Works shall install the meters in the house. The cost of the installation, including the cost of the meter, pipes, fitting and labor required, will be billed to the property owner. These charges shall be set forth in § 115-16.
- F. The Department of Public Works must be called to turn off or to turn on any water service. No private person or business may perform this service.
- G. All connections or taps of water mains shall be made by the Department of Public Works during normal business hours after receipt by the Department of Public Works of proof that the permit, if required, has been obtained and the required fee has been paid. At least 24 hours notice shall be given to the Superintendent prior to the proposed date of such connection or tap.
- H. All private service lines shall hereafter be installed, maintained and replaced with Type K soft copper tubing in good condition which is not less than 3/4 inch in diameter and 0.065 inch thickness, laid not less than five feet below the established grade of the adjacent street or existing ground level and at least 18 inches from the nearest point of other pipes provided for other uses for utilities. The curb stop shall be installed on or about the property line between the street and the consumer's property. Where, by reason of existing conditions, it is impractical to meet these requirements, the Superintendent of Public Works may, upon application therefor, grant a permit for some other method of installation.
- I. The service line shall be installed without facilities which may be used for another connection between the water main and the water meter.
- J. No new tap shall be made to a water main to connect with a service line which is intended to replace an existing service line unless the existing service line is properly disconnected at its tap to the main. The expense of such disconnection shall be borne by the owner or applicant. The curb box must be kept in view. In case service fixtures are not kept in repair, the Department of Public Works may make the necessary repairs and charge the cost to the owner of the property.
- K. There shall be a separate and distinct tap for the service to each building, other than an accessory building, or separate premises supplied with water. No service line shall be connected to any building or premises other than hereby provided.
- L. Sprinkler systems. Fire lines for sprinkler systems shall include a detect-check valve. This valve shall be considered a meter and shall be subject to the rules and regulations dealing with meters. A backflow prevention device may also be required. Fire service line use shall be restricted to sprinkler systems only. Installation shall conform to all village rules and regulations established herein.

- M. Article 36 of the General Business Law and the rules and regulations promulgated by the Board of Standards and Appeals under § 28-a of the Labor Law provide that no construction or excavation shall be done within 100 feet of any existing street, highway or public place in which there is a gas main unless 72 hours advance notice of such work shall have been given, in writing, to the person, corporation or municipality engaged in the distribution of gas in such territory. The law further provides that no blasting shall be done within 200 feet of such street, highway or public place in which there are gas distribution mains unless the aforementioned, written, seventy-two-hour advance notice is given. The applicant for water service shall, therefore, ascertain for himself if there are any gas mains in any street or highway within 100 feet of his excavation or within 200 feet of any proposed blasting and shall provide written, seventy-two-hour advance notice in accordance with the preceding.
- N. The applicant shall give notification, as required by law, to all utilities which might be affected by proposed excavation. No excavation shall be made until and unless clearance has been obtained from all utilities concerned.
- O. Where a new connection is made with street mains and where new extensions or attachments are made in unoccupied houses, the curb cock shall be closed by the superintendent. Notice of the completion of the work shall be given to the village, and the curb cock shall not again be opened until the work has been inspected and approved by the village and the meter is read. Pipes and connections between the main and meter shall not be covered until so inspected and approved.

§ 115-7. Service line maintenance and repair.

- A. All outside service lines, building and service pipes, outlets and fixtures shall be maintained in good order and repair by the property owner, at the owner's expense, and protected from frost, leaks and breaks.
- B. Maintenance of street service connections up to and including the curb cock will be performed by the village at its expense and risk.
- C. Should a leak develop in the service line between the curb box and the meter, the Department of Public Works shall be immediately notified, and the owner shall promptly make said repair. If, within five days of notification, the owner fails to make repairs, the village may, at its option, make or have made necessary repairs and charge the cost of said repairs to the owner.
- D. Whenever a water service pipe becomes frozen between the curb stop and the building, the pipe shall be thawed by the property owner, at the property owner's expense.
- E. In the event that a change in the ground elevation leaves a service pipe insufficiently buried, the consumer shall promptly lower or raise his service pipe to conform to the new ground elevation.
- F. Whenever a service pipe supplying two or more owners or property units may for the purpose of stopping leaks or making other repairs require the main stops to be closed, it shall be replaced with separate service connections, payment to be divided equally between premises. When one service pipe has been used for two or more properties all

in one ownership and there is a division of such ownership, each property shall thereafter have its own service pipe.

§ 115-8. Meter regulations.

- A. In general, it is intended to meter all consumers of village water.
- B. Each dwelling or building shall have one meter. Each part of a dwelling or building having unrelated occupancy or distinctive use shall be charged the water service fee.
- C. In order that there may be uniformity of make and design and to give the greatest efficiency in operation and maintenance, all meters shall be purchased by the village and installed by the Department of Public Works. The cost of the meter and installation shall be borne by the owners or applicants. The meter shall remain the property of the village and subject to the control of the village.
- D. After Village Board approval of a property owner's application for service, the Village Department of Public Works will install the water meter. The owner or applicant shall provide facilities for setting of a water meter according to specifications provided by the Department of Public Works. Such facilities shall include provision for the water meter to be set in a horizontal position in such manner to afford ready access for inspection and for the water meter to be protected against frost, steam or hot water. Water meters shall be set as nearly as possible to the point of entry of the service connection pipe to the building and shall be kept unobstructed. There shall be provided, by the owner or applicant, a shutoff valve on each side of the meter. A stop or waste cock shall be provided within the building so located that all piping on the customer's side of the meter can be drained whenever necessary. The water meter may, after installation, be sealed by the Department of Public Works, which shall thereafter have exclusive control over the water meter.
- E. In circumstances where the customary location of a water meter makes it impractical to install a water meter at that location, the Department of Public Works may require the meter to be set in a pit or bow, provided by and maintained at the expense of the owner or applicant, the construction of which shall be approved by the village and the Department of Public Works prior to the issuance of a permit.
- F. Meters shall be maintained readily accessible for reading by village representatives. No person shall cause to be removed or in any way interfere with or damage a water meter or the remote reader, valves and fitting connected therewith. No water meters may be removed without a written permit from the Department of Public Works. The Department of Public Works may remove a meter at any time for testing, maintenance, or substituting another meter, temporarily or permanently. No seal placed by the Village Department of Public Works for the protection of any meter, valve or other water connection shall be tampered with or defaced. No person other than an employee of the Department of Public Works shall remove any water meter, sealing device or coupling from any meter installation after it has been placed in service by the Department of Public Works. If the seal is broken, the Department of Public Works reserves the right to remove and test the meter at the customer's expense.

- G. Where a water meter fails to register the correct quantity of water delivered through it or where it otherwise becomes out of order or in need of repair, notice thereof shall be given to the village. Because village water meters are sealed to prevent tampering, and because repair service and parts for village meters are not readily accessible to village residents, any meters determined by the village to need examination for accuracy, repair or replacement shall be removed by the village. A replacement meter may be loaned by the village pending return to service of the meter allocated to the property owner.
- H. Any meter damaged by frost, hot water, steam or any careless or negligent acts of the owner shall result in the cost of repair or replacement being assessed to the property owner. Any willful acts by the property owner resulting in injuries to a water meter or any acts designed to interfere with the proper operation of a water meter shall be cause for a discontinuance of water service.
- I. Where repairs are found necessary, they shall be made by the village. If the meter is damaged beyond repair, it will be replaced by the village. If said damage is deemed by the Superintendent of Public Works to be caused by negligence of the property owner, all costs of said replacement shall be borne by the property owner.
- J. If it is determined that a meter fails to accurately record the amount of water used, the consumer will be charged based upon an average of the water consumption for the past year [the total annual consumption divided by the four billing periods in the year] and the consumption of the same billing period one-year ago, if possible. The same practice shall be followed in the event that a meter cannot be read. When billing by the consumer's average usage is not possible, a standard estimate of 62.5 gallons per day per person shall be used to calculate the bill.
- K. In the event that any customer violates any provision of this chapter in respect to maintaining the connection of a meter with the water system and fails to correct such violation within five days after notice has been given by the village to do so, the village shall have the right to remedy the violation at the expense of the customer.

§ 115-9. Water mains; tapping; alterations and additions to the system.

- A. Subdivider or developers of properties which do not front on the public highways or village streets at the time of application for water service must pay for construction and all other costs required to provide requisite water mains from the existing water system. The requirements for such facilities, including water mains, valves, hydrants and appurtenances, shall be determined by the Village Board. The Village Board may install the facilities or cause them to be installed by its contractors or by the subdivider or developer. If installation is by the subdivider or developer, this shall be in accordance with a plan approved by the Village Board and under the supervision and inspection of the Superintendent of Public Works or a representative of that office.
- B. All such facilities, upon completion, shall become the property of the village. Final as-built plans and any required deeds and/or rights-of-way necessary shall be furnished by the subdivider or developer to the Village Board.

- C. No new public street shall be accepted or dedicated from a subdivider or developer until water facilities in such street have been installed, paid for and conveyed to the Village Board in accordance with the preceding subsections of this section.
- D. If it is desired to secure water from the village mains to supply privately constructed mains within the village, it will be necessary that said privately constructed mains be dedicated to the village, together with easements over the land on which they are located. All such mains shall be constructed in accordance with plans and specifications approved by the Superintendent and all applicable regulations of the Department of Health of the State of New York and the County of Clinton.
- E. All such mains shall be dedicated to the village no earlier than one year after their completion and approval by the Superintendent. A two-year guaranty shall accompany all dedicated mains and appurtenances. All work shall be inspected prior to backfilling by either the Superintendent of Public Works or a duly authorized representative of this office.
- F. No person shall tap any main or a distributing pipe or make or interfere with any connection with the water system unless under the direction of and in the presence of the Superintendent or unless he is an employee of the village or unless specific permission in each case is given by the village, nor shall any person make any alterations or additions in and about water pipes, other than on the consumer's side of the meter, unless a written permit shall have been given by the village upon written application therefor.
- G. Any person or corporation may make application to the Village Board for the purposes set forth in § 115-9F.
- H. Except in the case of work done wholly within the owner's property (when required by the Village Board), such application shall be accompanied by a bond in a sum as established by the Village Board of Trustees, with one or more sureties acceptable to the Board, conditioned that he, she or it will comply with this chapter, will pay to the village all fees, penalties or other charges required hereby in consequence of the work undertaken and that he, she or it will restore openings made in streets, roads, lanes and other public places and pavement thereon and therein to the same standard of condition as before the work started and keep and maintain the same in such condition for a period of one year after the work has been completed and, in case of failure so to do, will pay to the proper authority in the premises the cost of putting the same in such condition. The Village Board may, in its discretion, grant or deny such application. Such permission, so given, may be revoked by the Village Board at any time.
- I. Whenever any street or public place shall have been opened for the purpose of making a connection with the mains or for the laying of water pipes or fixtures, the applicant shall have proper regard for public safety and convenience, and said street or place shall be restored to its original condition as soon as practicable. Open trenches shall be guarded with barricades, and sufficient warning lights or flares shall be displayed at night.
- J. Taps in all mains having a cover of less than five feet shall be made on the side of the main.

§ 115-10. Hydrants; curb stops.

- A. No person shall open, interfere with or draw water from any fire hydrant in the village without a permit from the village and supervision of Department of Public Works personnel, except that hydrants may be opened by or on the order of any member of a Fire Department within the village for the purpose of attaching thereto a fire hose and equipment in case of fire or for training purposes. Permits to draw water from a hydrant may be granted with the agreement that the user shall install at their own cost approved backflow prevention and metering devices as determined by the Superintendent.
- B. Whenever a hydrant has been opened and used by the Fire Department, notification of such fact shall be promptly given to the Superintendent.
- C. No tools or implements shall be used to open hydrants except such as are furnished by the village.
- D. The prohibition in Subsection A above shall not apply to employees or officials of the Village of Champlain when it is necessary, in the course of their work, to open a hydrant.
- E. No person shall deposit any building material or other articles so as to obstruct free access to any fire hydrant.
- F. No person shall in any manner willfully injure the curb stop boxes.
- G. Curb cocks and gate valves are to be operated by village representatives only, except by special permission, in writing, from the Superintendent of Public Works.

§ 115-11. Special use of water.

- A. Water for building construction.
 - (1) When water is required for use in connection with building construction, application shall be made to the village therefor. Where the owner of the premises is not the applicant, a deposit of such sum as the superintendent shall deem sufficient to pay for water to be used and charges attendant thereon shall be paid, in advance, to the village. Where, after installation and commencement of use of water, in the opinion of the Superintendent, more water is used or will be used than is covered by the deposit, he may then require a further deposit, in default of which he may discontinue service when the amount of water charges and other village charges equals the amount of the deposit. After completion of the work, upon claim duly made therefor to the Village Board, any surplus of the deposit over and above the amount of the water charges and other expenses attendant thereon shall be refunded to the applicant.
 - (2) Charges for this purpose shall be the same as provided herein for permanent service.
 - (3) Installation, unless otherwise permitted by the village, shall conform to the rules and regulations herein provided for permanent service.
- B. Special use of water other than for building construction.