

- (1) Persons or corporations desiring to use water for other than construction purposes, as mentioned in Subsection A, shall make application to the village therefor, setting forth the name and address of the applicant, the object and purpose of the use of water, the quantity estimated to be needed and such other information as the Superintendent shall require. If such application is granted, the supply of water shall be furnished in such manner as the village shall allow, and the water rates shall be as in these rules established. A meter shall be furnished by the village for the use of which a reasonable charge will be made by the village, and where the Superintendent shall deem it advisable, an inspector, appointed by the Village Board, shall be maintained on the work at a wage to be paid by such applicant. Where water for such purpose is taken from a hydrant, provision shall be made for the protection of the meter and for quick disconnection in case such hydrant or hydrants are needed to extinguish any fire.
- (2) No such application shall be granted unless a bond, in such sums as the Superintendent shall deem sufficient, approved as to sureties and form by the Village Board, shall be delivered to the village to indemnify it for any damage which may be suffered by it to its water system, gate boxes, meters, valves or fire hydrants by reason of the construction contemplated.
- (3) No such application shall be granted unless a bond shall be delivered to the village, approved as to amount, sureties and form by the Village Board, indemnifying and saving harmless the village from damages to property or damages resulting from death of any person or injuries suffered by any person by reason of the construction work done for which water is used.
- (4) The provisions of Subsection A, insofar as they provide for the deposit of money to secure payment of water charges and insofar as they provide for reimbursements of surplus deposit, shall apply to the use of water for the purposes contemplated by this subsection, except that no deposit shall be required of the state or any municipal corporation or any district, bureau or department thereof, where the work is being done by its own employees and where the purpose for which the water is used has been duly authorized, in which event bills for water charges shall be rendered at such times as the Superintendent shall deem advisable.
- (5) The bond under this subsection shall not be required where the water is being furnished to the village or its Department of Public Works for work being done by its employees.

**§ 115-12. Restriction on amount of water used; right to shut off water supply.**

The village reserves the right to limit the amount of water furnished to any consumer, should circumstances seem to warrant such action, although no limit may be stated in the application or permit for use; or said purposes or for furnishing power or for lawn sprinkling at any time by giving reasonable notice of such intended action; or in case of making or constructing new work or in making repairs or in emergency, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary.

**§ 115-13. Nonliability of village.**

- A. Pressures. The village shall not be liable for any damage or loss of any name or kind to property or persons which may arise from or be caused by any change, diminution or increase of the water pressure from any cause whatever.
- B. Freezing damage.
  - (1) The village shall not be liable for any damage or loss of any name or kind to property or persons which shall arise from or be caused by any freezing of water in mains or service lines.
  - (2) In the event that water in mains or service lines freezes, the village shall be responsible to thaw pipes, including service lines from the main to the curb shutoff, within the boundaries of the street or right-of-way. The consumer shall be responsible for thawing the remainder of the service line.
  - (3) The village responsibility to thaw lines does not extend outside the village corporation line or to other lines or mains not owned by the village.
- C. In all places where steam boilers or hot water tanks are supplied with water from the water system, the owner or consumer must see that the plumber places a suitable safety valve, vacuum valve, check valve or other proper device to prevent damage from collapse or explosion when the water is shut off. The village shall not be liable for any damage resulting from sudden shutting off of the supply of water from any steam, boiler or other fixture deriving its supply from the water system.
- D. In the event of an emergency, including but not limited to breaks in a water main, the village shall not be liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatsoever, even in cases where notification is not given.
- E. The village reserves the right to turn off the water supply without notice in case of extensions, repairs, emergencies or other necessities, without liability for damages for lack of water or for any damage which may result from the turning off of the water supply.

**§ 115-14. Discontinuance of service by consumer.**

- A. In case a house or other building is to be closed or become vacant, notice thereof should be given to the village in order that the meter may be read and the curb stop closed. Where such notice is not given and pipes burst from freezing or other cause, the value of the water lost by reason thereof, if not indicated by the meter, shall be estimated by the Superintendent and, together with an additional sum to cover labor and expense to the village, shall be billed to the property owner.
- B. Within five days of a property owner's request for discontinuance of water service, the village will shut off the water at the property. The property owner or designated representative must be present when the water is shut off and must sign a written request and a release. Discontinuances of water service will only be done during regular business hours unless in an emergency or at the Superintendent's discretion.

- C. In the event that an owner notifies the village that he no longer desires to purchase water from the water system, the meter shall be removed by the village.
- D. Where a building is demolished and service discontinued, the service line must be shut off at the main.
- E. A fee, as set by the Village Board in § 115-16 and changed from time to time, shall be charged every time water service is shut off or turned on by the village, other than in the course of normal village operation.
- F. The water service fee will be charged to all developed property whether the water service is on or off.
- G. Where water has been turned off by direction of the village, it shall not be again turned on without the permission of the village.

#### **§ 115-15. Penalties for offenses.**

- A. The Village Board may discontinue water service and shut off the supply and remove the meter from any premises, the owner or occupant of which has failed to comply with the provisions of this chapter. Such service will not be resumed until the cause for such discontinuance is removed and the expense of shutting off and turning on the water, if any, is paid to the Village Treasurer.
- B. Penalties for violation of any section of this chapter shall be enforced as established by the Village Board at the time of the violation.
- C. Each violation of any of the provisions of any section herein shall be punishable by fine not exceeding the amount of \$250 or by imprisonment for a term not exceeding 15 days, or both, or such other penalties as may be established by law.
- D. Each and every calendar day such violation exists shall be treated as a separate offense, and penalties shall apply for each offense.

#### **§ 115-16. Rates, charges and fees.**

- A. Water rates shall be as established from time to time by the Board of Trustees.
- B. The charges and monetary amounts referred to in preceding sections as being defined in this section shall be established from time to time by specific action of the Village Board.
- C. In the case of installation of new meters or owner liability for meter repair or replacement, property owners shall be charged an hourly rate for labor based upon the average of the current public work department laborer's wage rates plus the cost of the meter, parts or materials required.

**§ 115-17. Bills for service; nonpayment, charges and penalties.**

- A. Water bills will be mailed to customers on a quarterly basis on the first of January, April, July and October. Bills will become due and payable to the Village Treasurer at the Village Office 30 days from the date of the bill.
- B. If such bill remains unpaid for a period of 30 days from the invoice date, water service shall be discontinued until such bill, together with the charges defined in § 115-16 to cover expense of discontinuance and restoration of service, is paid.
- C. Water bills, charges and penalties shall be a lien upon the real property upon which the water is used, and on or before the day when, under the Village Law, preliminary estimates of expenditures are required to be submitted, the Village Treasurer shall prepare and file with the Village Board a statement showing all water rents and charges, with penalties thereon, unpaid during the last fiscal year.
- D. Such rent, charges and penalties shall not be collected by the Village Treasurer after the filing of such statement with the Village Board. Water rents, charges and penalties thereon shall be a lien upon the real property upon which the water is used and may be collected in accordance with § 11-1118 of the Village Law.

**§ 115-18. Amendments.**

The right is reserved to change and amend this article, and to make special rates, variations and contracts in all proper cases.

**ARTICLE II****Wellhead Protection**

[Adopted 9-9-2002 by L.L. No. 2-2002]

**§ 115-19. Statutory authority; purpose.**

- A. This article is adopted under the authority of § 10 of the Municipal Home Rule Law of the State of New York.
- B. The purpose and intent of this article is, in the interest of public health, safety, and general welfare, to preserve the quality of the Village's water resources in order to ensure a safe and healthy drinking water supply.

**§ 115-20. Title.**

This article shall be known and may be cited as the "Wellhead Protection Law of the Village of Champlain."

**§ 115-21. Area of applicability.**

- A. The article hereafter given, duly made and enacted by the Village of Champlain, shall apply to the public water supply wells of the Village of Champlain.

- B. For the purpose of this article, there is hereby established a Wellhead Protection Area in the Village of Champlain that is adopted on the accompanying map entitled "Wellhead Protection Area-Village of Champlain" that is incorporated and made part of this article.<sup>2</sup> This Rural Water Association consists of the most critical area that supplies water to the Village's public water supply wells.

### § 115-22. Definitions.

For the purposes of interpreting these rules and regulations, the following definitions shall be controlling:

**DEICING COMPOUNDS** — Any bulk quantities of chloride compounds and/or other deicing compounds intended for application to roads including mixtures of sand and chloride compounds in any proportion where the chloride compounds constitute over 8% of the mixture. Bulk quantity of deicing compounds means any quantity, but does not include any chloride compounds in a solid form that are packaged in waterproof bags or containers which do not exceed 100 pounds each.

**DISPOSAL** — The intentional or unintentional application, deposit, discharge, injection, application, dumping, spilling, leaking, washing off, release, running off, draining or placing of any solid, semisolid, liquid, or any other nongaseous waste or other substance into or onto land or a surface water body.

**FERTILIZERS** — Any commercially produced mixture generally containing phosphorous, nitrogen, and potassium that is applied to the ground to increase nutrients for plants.

**HAZARDOUS SUBSTANCE** — Any substance listed as a hazardous substance in 6 NYCRR Part 957, Hazardous Substance List, or a mixture thereof. In general, a hazardous substance means any substance which:

- A. Because of its quantity, concentration, or physical, chemical, or infectious characteristics poses a significant hazard to human health or safety if improperly treated, stored, transported, disposed of, or otherwise managed;
- B. Poses a present or potential hazard to the environment when improperly treated, stored, transported, disposed of, or otherwise managed;
- C. Because of its toxicity or concentration within biological chains, presents a demonstrated threat to biological life cycles when released into the environment.

**HAZARDOUS WASTE** — A waste, or combination of wastes, which is identified or listed as hazardous pursuant to 6 NYCRR Part 371, Identification and Listing of Hazardous Wastes. Hazardous wastes include but are not limited to petroleum products, organic chemical solvents, heavy metal sludge's, acids with a pH less than or equal to 2.0, alkalies with a pH greater than or equal to 12.5, radioactive substances, pathological or infectious wastes, or any material exhibiting the characteristics of ignitability, corrosivity, reactivity, or fails the Toxicity Characteristic Leaching Procedure (TCLP).

**PESTICIDE** — Any substance or mixture of substances intended for preventing, destroying, repelling, or mitigating any insects, rodents, fungi, weeds, or other form of plant or animal

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2. Editor's Note: The Wellhead Protection Area Map is on file in the Village offices.

life or viruses, except viruses on or in living man/or other animal; and any substance or mixture of substances intended for use as a plant regulator, defoliant, or desiccant, and those substances defined pursuant to Environmental Conservation Law § 17-0105. These substances include but are not limited to herbicides, fungicides, insecticides, and rodenticides.

**PETROLEUM** — Any petroleum-based oil of any kind which is liquid at 20° C. under atmospheric pressure and has been refined or otherwise processed for the purpose of being burned to produce heat or energy; as a motor fuel or lubricant; or in the operation of hydraulic equipment.

**SEPTAGE** — The contents of a septic tank, cesspool, or other individual wastewater treatment work that receives domestic sewage wastes.

**SEWAGE** — The combination of human and household waste with water which is discharged to the home plumbing system including the waste from a flushed toilet, bath, sink, lavatory, dishwashing or laundry machine, or water treatment device.

**SLUDGE** — The solid, semisolid, or liquid waste generated from a waste processing facility, but does not include the liquid stream of effluent.

**SOLID WASTE** — Any garbage, refuse, sludge from a wastewater treatment plant, water supply treatment plant, or air pollution control facility and other discarded materials, including solid, liquid, semisolid, or contained gaseous material, resulting from industrial, commercial, mining and agricultural operations, and from community activities.

**STORMWATER** — That portion of precipitation that is in excess of the evaporative or infiltrative capacity of soils, or the retentive capacity of surface features, that flows off the land by surface runoff or by subsurface interflow to watercourses, wetlands, etc.

**VILLAGE** — The Village of Champlain, Clinton County, New York.

### **§ 115-23. Regulated activities.**

No person shall engage in any of the following activities within the Wellhead Protection Area:

- A. Disposal of septage, sludge, sewage, solid waste, petroleum, radioactive material, hazardous substance, or hazardous waste, including aqueous-carried waste that is not treated to comply with applicable local, state, or federal regulations.
- B. Subsurface disposal of stormwater except in accordance with an approved stormwater pollution prevention plan.
- C. Storage and use of hazardous substances, hazardous wastes, and/or radioactive material without approval applicable local, state, and federal agencies.
- D. Storage of liquid hazardous substances and/or liquid petroleum products unless such storage is:
  - (1) Above ground level; and
  - (2) On an impervious surface; and

- (3) Either in container(s) or above ground tank(s) within a building, or outdoors in covered container(s) or above ground tank(s) in an area that has a containment system.
- E. Stockpiling and disposal of snow and ice containing deicing chemicals brought in from outside the Wellhead Protection Area.
- F. Storage of fertilizers or pesticides unless such storage is within a structure that will prevent the generation and escape of contaminated runoff or leachate.
- G. Storage of animal manure unless covered or contained in accordance with the specifications of the Natural Resource Conservation Service.
- H. Bulk storage of deicing chemicals or coal unless such storage, including loading areas, is within a structure designed to prevent the generation and escape of contaminated runoff or leachate.

#### **§ 115-24. Noncomplying regulated activities.**

- A. Any regulated activity or existing activity which does not conform to this article, but has obtained all applicable discretionary approvals necessary for construction and operation, prior to the effective date of this article, is considered a noncomplying regulated activity and may be continued.
- B. No noncomplying regulated activity shall be substantially altered or modified to increase any existing discharge or to increase the potential for contamination to or degradation of the Village water supply.
- C. In the event that any noncomplying regulated activity is discontinued for a period of one year or more, it shall permanently desist.
- D. Should any noncomplying regulated activity cause contamination to or degradation of the Village water supply, such that the activity is a threat to the life, health, or safety of water supply users, the Village Board of Trustees may order that such noncomplying regulated activity conform either in whole or in part to the requirements of this article, immediately or within a limited period of time at the Village Board of Trustees' discretion, or be discontinued immediately.

#### **§ 115-25. Spills.**

Within the Wellhead Protection Area, any person who is responsible for or has knowledge of any spill of any hazardous substance, petroleum, or radioactive material to the ground surface, surface water body, or wetland shall notify the New York State Department of Environmental Conservation and the Village of Champlain within two hours of such spill, or when knowledge of such spill is obtained.

**§ 115-26. Inspections.**

- A. Any legally authorized representative(s) of the Villages may at a reasonable time and in a reasonable manner, enter and inspect any place or facility to ascertain compliance with these rules and regulations.
- B. Any legally authorized representative(s) of the Village may enter such grounds, structures, buildings, and places without fee or hindrance.

**§ 115-27. Penalties for offenses.**

- A. Any person or entity who permits, takes part in, or assists in the violation of any of the provisions of this article shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine of not less than the sum of \$500 and not more than the sum of \$50,000, by up to 15 days imprisonment, or by both. When a violation of this article is continuous, each twenty-four-hour period shall constitute a separate and distinct offense.
- B. Any person who violates this article shall be liable to the Village for any expense, loss or damage, including damage to the environment resulting from such violation and shall be required, at the violator's sole expense, to remedy any effects of the violation on surrounding or adjacent properties or water resources.
- C. Should the Village deem it necessary for the protection of the health and well being of its inhabitants, any legally authorized representative(s) of the Village may enter upon the premises or land of any person or legal entity in violation of this article or suspected to be in violation of this article for purposes of monitoring cleanup, and controlling in any way necessary any existing or potential threat to the Village's water resources located on or beneath such premises or land. The expenses and costs associated with said monitoring, cleanup and/or controlling shall be assessed against the real property and shall constitute a lien and charge against said real property until fully and completely discharged.
- D. The Village of Champlain may also maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or restrain by injunction the violation of the provisions of this article.

**§ 115-28. Variances.**

- A. The Village Board of Trustees may, at its discretion, upon written application from the applicant, grant a variance from the requirements of this article for a prohibited activity. An application for a variance shall:
  - (1) Identify the specific provision of the article from which the variance is sought;
  - (2) Demonstrate that the variance requested is the minimum necessary to afford relief;
  - (3) Demonstrate that the activity as proposed includes adequate mitigation measures to avoid contamination to or degradation of the water supply; and

- (4) Demonstrate that for the proposal activity for which the variance is requested, compliance with this article would create a substantial hardship due to site conditions or limitations.
  
- B. In granting variances, the Village Board of Trustees may impose specific conditions, including evidence of financial security, time limitations and limitations on any transfer of the variance granted. In addition, the Village Board of Trustees may grant a lesser variance than that applied for.

### ARTICLE III

#### **Cross-Connection Control**

**[The provisions for cross-connection control were adopted 5-10-2010 by L.L. No. 1-2010. This local law and any subsequent amendments are on file in the Village offices.]**