

ARTICLE 99 – WATER USE LAWS

99.1 – WATER RENTS AND BILLING

- A. All water rents shall be chargeable to the owner of the property where water is furnished when proper arrangements are made for the water service. In each instance all water rentals shall be a lien against the real estate upon which the water is used, and such rentals shall be due and payable on the 10th day of March, June, September and December of each year at the office of the Water Clerk, except in cases of rents for water used for other than domestic purposes, in which case rents shall be due and payable on the 10th day of each month, as billed.
- B. The owners of houses, buildings or property used for human occupancy, employment, recreation or other purposes situated within a Town Water District not served by a public water source (i.e. well or spring) are hereby required at their expense to install water line facilities therein and to connect such facilities directly with the Town Water District water main source provided that said water main is within 100 feet of the property line and is operational. Such connection shall be in accordance with the provisions of this Chapter as provided herein.
- Once a water main has been constructed within 100 feet of an owners property line and, becomes operational, an owner not served by a private water source (i.e. well or spring) within six months shall connect their house, building or other structure to the water main. If it becomes necessary for the Town to notify by registered mail a notice to the owner, the owner, after receiving such notice will have 90 days from receipt of notice to connect to the water line before being in violation of this section.

99.2- UNPAID BILLS AGAINST THE PROPERTY

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

To recover costs incurred by the Town in the processing of unpaid water bills for collection by the County, there shall be added to the amount of such unpaid bill \$25.00 for each property. The Town Board may, by Resolution after a Public hearing, change the amount of said fee when the Town Board's analysis demonstrates a different fee more properly represents the cost incurred to process said bills.

99.3 – APPLICATION FOR WATER

All applications for the introduction of or use of water on any premises for the extension of any water pipe shall be in writing and signed by the owner of such premises or by his duly authorized agent and must fully and truly state the purpose for which the water is required and all expenses incident to the introduction or use of water on any premises must be paid by the applicant.

99.4 – BYPASSES PROHIBITED; PUBLIC HYDRANTS

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

99.5 – PENALTIES FOR OFFENSE

Any person violating any of the provisions of this ordinance shall be guilty of an offense and fined not more than the sum of two hundred fifty dollars (\$250.00). In the event of commencement of a proceeding for the enforcement of the violation of this chapter, to protect the health and welfare of the residents of the community, the Town Board may direct cessation of service. In the event that a person shall have violated a provision of this chapter on three or more occasions within a period of five (5) years, that person shall be guilty of a misdemeanor offense, and fined not more than one thousand dollars (\$1,000.00) or otherwise dealt with according to the law. The Town Board and the Town Attorney are authorized to commence and prosecute violations of this chapter.

99.6 – RESPONSIBILITIES OF THE OWNER AND TOWN WITH THE RESPECT TO PIPES

All water pipes between the main and the existing curb valve, together with all the fixtures connected herewith, shall be kept in good repair and protected from freezing by the Town of Albion at the expense of the Town of Albion. All water pipes from the existing curb valve to the premises where the water is used,

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together with all the fixtures connected herewith, must be kept in good repair and protected from freezing, and all unnecessary waste or leakage of water must be prevented at the expense of the owner.

99.7 – WATER METER

Each owner of the premises upon which Town water is now being used, where a water meter approved by the Town Board is not in use, shall be required to install a meter, which shall be approved and furnished by the Water Clerk when requested, in writing. The charge for the water meter shall \$260.00, or such other fee as the Town Board may, by resolution, establish. The water meter charge shall include the cost of the meter, inspection and outside reader, unless the Town Board, by resolution, adopts separate fees.

99.8 – INSPECTION OF PIPES AND FIXTURES

Every owner of the premises where Town water shall be used, at all reasonable times and whenever in their judgement, it shall be necessary to do so permit the Water Superintendent or anyone duly authorized by him, to enter any and all portions of the premises or building, where necessary for the purpose of examine the meter, water pipes or fixtures or the manner in which the water is being used.

99.9 – MULTIPLE PARTIES ON A SERVICE PIPE

In cases where two (2) or more parties or families are supplied with water from the same service pipe, each party served will be considered as a separate service and a minimum bill will be rendered for each party served, if either parties or families fails to pay the water when due, and where the same is not paid by the owner of the premises, the water may be turned off and kept off from such supply pipe until the rent is paid by or on behalf of both said parties or families.

99.10 – SERVICE CHARGES

Whenever water is turned off for non-payment of bills or violations of the rules a charge of fifty (\$50.00) dollars payable in advance will be made for turning it on again. All leaks in the service pipe upon the premises supplied must be promptly repaired by the owner and on failure to make such repairs with reasonable dispatch the Water Superintendent will turn off the water from the premises until the necessary repairs are made and a charge of fifty (\$50.00) dollars for turning it on again.

99.11 – BOILERS

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

99.12 – SHUT OFF OF WATER

The Town Board reserves the right to shut off water without notice for any alterations, extensions, repairs and to stop and restrict the supply of water whenever it may be found necessary and the Town of Albion shall not be liable under any circumstances for a defiance or failure in the supply of water, whether occasioned by shutting off water to make repairs or connections or for any other avoidable cause.

99.13 – DISPOSITION OF METERS

No Hose bibs or hose connections will be allowed on any premises except where service is metered. The Town Board will from time to time, as conditions warrant, purchase quantities and will designate the Water Superintendent the locality in which the meters shall be installed, until such time when all services are metered. The American Water Works Association will approve these meters, which will be of the latest type. Ownership of said meter will remain vested in the Town of Albion and a rental charge of three (\$3.00) dollars per quarter will be made.

99.14 – INSTALLATION OF METERS

The setting of the meters must be made under the ***SUPERVISION OF THE TOWN WATER SUPERINTENDENT OR HIS REPRESENTATIVE***, wherever a meter is to be installed a suitable place must be provided by the owner and must be a place free from frost and accessible at all times. For mobile homes, or homes with no basements, meters shall be placed in the home. This rule applies to all meters installed.

99.15 – COMPLAINTS (WATER BILLS AND METER READINGS)

Any consumer making complaints as to the correctness of the water bills and claiming to be overcharged may, by applying at the office of the Water Clerk within ten (10) days after presentation of the bill, have the meter examined and the dial reread or by depositing ten (\$10.00) dollars at the above office and making a written request have the meter tested. If the meter is found to be correct or to under registersaid the Water Department as payment for testing the meter will retain deposit. Should the meter be found to be over registering the deposit will be returned to the complainant and proper correction made to the bill. The Water Clerk or Water Superintendent is hereby authorized to correct any charge so shown to be due to the fault of the meter or incorrect reading of the dial but shall have no power to reduce water rents for any other reasons whatsoever. Water bills against which no complaints have been entered within ten (10) days after presentation must be paid as rendered.

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99.16 – OUT OF ORDER METERS

If a meter gets out of order or fails to register the correct amount of water used the consumer will be charged at the average daily consumption as shown by the meter when in order. No meter shall be removed or except by an individual acting under the direction of its Water Superintendent for said removal or disturbing of the meter will be two hundred fifty (\$250.00) dollars. No owner or tenant of any premises supplied by the Town will be allowed to supply water to other families or persons. If found doing so the supply will be terminated and the amount paid forfeited except where special permission is granted by the Highway Superintendent. An independent service pipe from the main must supply each consumer.

99.17 – DAMAGE TO THE METERS

Any damage which may be sustained to a meter from carelessness of the owner, tenant or agent of the premises or neglect of said meter as well as any damage that may result from allowing said meter to become frozen, burned or injured by hot water or steam shall be paid to the Water Clerk on demand. The cost for damages to any meter shall be the Town's personnel and materials cost for repair. Unpaid damage repair costs shall be water charge assessable like any other unpaid bill pursuant to Section 99-2.

99.18– LEASED PREMISES

Property owners leasing premises are required to furnish their tenants with a copy of these rules and regulations, which will be supplied upon application at the office of the Water Department.

99.19 – PENALTIES FOR FAILURE TO PAY BILL

If a water bill is not paid after a one-month period of the unpaid billing a shut off notice will be forwarded by regular mail to the responsible consumer. If the unpaid water bill is not paid within twenty (20) days, commencing with the day of mailing said notice, the water supply to the premises of the delinquent consumer will be terminated. Whenever a water supply is terminated for nonpayment of a water bill an additional charge for services in the amount of fifty (\$50.00) dollars, payable in advance, will be imposed before the water service to the premises of the delinquent consumer will be restored. These rules and regulations may be altered and amended at any time at the discretion of the Town Board and said board reserves the right to change the water rental rates wherever, in their judgement, it may become advisable.

99.20 – SCHEDULE OF RATES

- 1. The following water rentals and charges are hereby fixed and established for the use of the water in the Town of Albion.**
 - A. (i) THE INTRODUCTION OF SERVICE PIPE FOR THE SUPPLY OF ANY PREMISES WITH WATER MUST BE IN ACCORDANCE WITH THE RULES AND REGULATIONS OF THE TOWN BOARD.**
 - (ii) THE COST FOR TAPPING A WATER MAIN SHALL BE FIVE HUNDRED DOLLARS (\$500.00).**
 - (iii) On and after the 1ST of July, 2001 the water rates for service within the Town of Albion outside the village shall be as follows:**
 - a. Fifteen dollar (\$15) quarterly administrative, operating and maintenance charge for each service connection. Said charge shall be the minimum charge each quarterly billing. Said charge shall also include the first 500 gallons of water.**
 - b. For water usage above 500 gallons, \$4.25 per 1,000 gallons.**
 - B. All bills shall be rendered on a quarterly basis. Liability for water charge shall Commence in the quarter in which a meter is purchased or service begins, whichever is First.**
 - C. Meter rental shall be a reasonable amount according to the size and kind of meters utilized And in an amount as shall from time totime be fixed by this Town Board or by any other Proper Official, Board or Commission on authority given by the Town Board by Resolution. In no event shall such meter rent be below the amount of three (\$3.00) dollars Per quarterly billing. The Water Superintendent may require a deposit for rented Meters.**
- 2. A penalty of ten (10%) percent will be imposed on all unpaid water bills and services after The 10th day of the month following the month of the billing.**
 - 3. All hydrants on private property shall be sealed by the Water Superintendent and such hydrants shall be used solely for fire protection purposes. Any seal found broken other than after the use of said hydrant or hydrants for fire protection shall be presumptive evidence that said hydrant or hydrants had been used for a purpose other than fire protection, and a water charge of fifty (\$50.00) will be assessed against the user thereof or the property owner for each time any such seal or seals are found broken. Said**

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assessment charge is to be a charge for water on each and every seal found broken.

4. **The cost for unmetered water shall be raised to twenty (\$20.00) dollars per 1000 gallons or A fraction thereof and twenty (\$20.00) dollars for each additional 1000 gallons or fraction thereof.**

C. THE TOWN BOARD MAY FROM TIME TO TIME, BY RESOLUTION, AFTER A PUBLIC HEARING, CHANGE THE WATER RATES, METER RATES, TAP-IN FEES OR ANY OTHER APPLICABLE CHARGES, AS IN ITS SOLE DISCRETION IT DEEMS NECESSARY.

99.21 - NONPAYMENT OF CHARGES

In all instances where arrangements have been made pursuant to this section of this chapter for water rents to be chargeable to the consumer or consumers not the owners of the property where water is furnished and the charges chargeable to the said nonowner are in any way delinquent the water service will not be furnished at any other property chargeable to the same nonowner or consumer until such delinquent charges have been paid in full.

99.22- PAYMENT IN FULL

All payments for water rental and charges, including penalties and interest, shall be payable in full from the effective date of this local law. **NO PARTIAL PAYMENTS WITH RESPECT THERETO WILL BE ACCEPTED BY THE TOWN, ITS OFFICIALS, AGENTS OR EMPLOYEES.**

99.23 – AMENDMENT OF RULES AND REGULATIONS

— The Town Board may, by resolution, establish rules and regulations in addition to this Local Law at any time it deems, in its sole discretion, such rules and regulations necessary for the proper and safe operation of the water system. Such rules and regulations may be amended, by resolution, from time to time, as the Town Board deems necessary.