

**VILLAGE OF AURORA LOCAL LAW NO. 3 of 2018
A LOCAL LAW FOR RULES AND REGULATIONS
GOVERNING THE USE AND SUPPLY OF WATER**

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1. PURPOSE

The purpose of this Local Law is to promote and protect the public health, welfare and safety by regulating the use of the public water system of the Village of Aurora by the residents of the Village, and by users located outside the Village of Aurora, and by regulating the use of private water systems and sources within the Village of Aurora.

2. TITLE AND AUTHORITY

This Local Law shall hereafter be known and cited as the "Village of Aurora Water Use Regulations." This article is enacted pursuant to the authority granted by Section 10(1)(i) of the Municipal Home Rule Law and Article 11 of the Village Law.

3. REPEAL OF PRIOR LAW

This Local Law repeals and replaces Local Law #2 of 2016 and all prior amendments thereto.

4. APPLICABILITY

These regulations shall apply to all Owners, users, consumers and customers now or hereafter provided with water by or through the public water system of the Village of Aurora, including those users, consumers and customers located both inside and outside Village municipal boundaries. No water service connections to the Village Water System shall be allowed, made or installed except in conformity with the provisions of these Regulations.

5. OWNER AGREES TO ABIDE BY PROVISIONS

Every Owner who shall be supplied, or whose Premises shall be supplied with water by the Village Water Department shall be deemed to have accepted and approved the laws, rules, and regulations of the Village of Aurora governing and regulating the supply of water, and the same shall constitute a part of any contract or agreement between such Owner and the Village. The continued acceptance of water from the Village Water System by the Owner after any amendment to the Village's local laws, rules or regulations shall be deemed an acceptance of such amendment to any existing contract or agreement.

Additionally, any Owner accepting water from the Village Water System agrees that the Village of Aurora, its elected officers, employees and representatives shall not be held liable for claims, losses, damages, expenses (including reasonable attorney fees), loss of income, etc., arising out of the Village Water System's failure or inability to supply water in an adequate quantity, quality or pressure.

6. DEFINITIONS

Unless the context specifically indicates otherwise, the meaning of terms used in the local law shall be as follows;

BOARD OF TRUSTEES – The duly elected Board of Trustees of the Village of Aurora.

BUILDING – The structure or other facility located on an Owner's Premises which is provided water and where the meter serving the Owner's Premises is located.

CROSS-CONNECTION – As used in these regulations means any unprotected connection between any part of the Village Water System and any source or system containing water or substance that is drawn or derived from a water source that is not within the control of the Village.

CURB STOP OR SHUT-OFF VALVE – The shut-off valve typically located at the street ROW limit which is fully owned and operated by the Village as a means of controlling the feed to water to any property, building, etc.

HAULER -- Any person, corporation or entity who purchases water in bulk from the Village Water System at the location designated by the Village Water Department and subject to the rules and regulations established by the Superintendent.

MAY – Use of this word means that the described action or requirement is optional/permissive.

OWNER – The person, corporation, organization or entity having legal title to possession, control, lease, operate or inhabit a Premises served or to be served by the Village Water System.

OUTSIDE USER – The Owner of the Premises located outside the Village of Aurora municipal boundary who now or hereafter connects to and is serviced by the Village Water System.

PREMISES – Real property, including the improvements, buildings, and fixtures located thereon, as served by or intended to be served by a connection to the Village Water System.

ROW – The municipally owned public right of way, street or easement where public utilities such as the water mains, appurtenances, and related equipment that comprise the Village Water System are located.

SHALL – Use of this word means that the described action or requirement is mandatory.

SERVICE CONNECTION – The pipe connection between the Building on the Owner's Premises and the curb stop or shut-off valve located in the public ROW the enables the Owner's Premises to be connected to the Village Water System.

SUPERINTENDENT – The designated individual who serves as the authority for the Village to oversee and operate the Village Water System.

VILLAGE – The Village of Aurora.

VILLAGE WATER DEPARTMENT – The established department within the Village government structure charged with the responsibility of overseeing all aspects of operating and maintaining the Village Water System.

VILLAGE WATER SYSTEM – All water mains, lines, pipes, storage tanks, hydrants, service connections, valves, curb stops/valves, meters and related facilities, equipment, fixtures and appurtenances thereto now or hereafter owned by the Village and used for the storage and transmission of potable water (excluding any and all water supply, filtration, or transmission facilities owned, operated by and located on Wells College which comprises the source of potable water for the Village Water System).

7. USE OF PUBLIC WATER REQUIRED

- A. In order to insure the health, safety and welfare of the public, the Owner/Owners of all Premises located within the municipal boundaries of the Village and abutting on any ROW in which there is now or hereafter located a public water main connected with the Village Water System must connect to and obtain their potable water supply from the Village Water System in accordance with the provisions of this Local Law.
- B. The Owner shall be solely responsible for the installation, maintenance and operation of the service connection between the Owner's Premises and the Village's curb stop or shut-off valve located in the public ROW.
 - (1) Provided, however, that in the event of an emergency, the Village Water Department may make repairs to the service connection, provided further that all such repair costs, including both labor and materials shall be billed to the Owner and subject to collection as provided herein.
- C. In the event of a newly installed water main in the public ROW, any adjoining Owner shall have 180 days from the date of notice from the Village Water Department to make the appropriate application for water service as provided herein.
- D. No water service will be supplied to any new user inside the Village except upon approval of a written application to the Village Water Department and approval by the Board of Trustees.
- E. The application shall be on a form approved and prescribed by the Board of Trustees of the Village of Aurora and shall be subscribed by the Owner of the Premises for which water service is sought. The application shall among other things, contain an agreement by the Owner to be bound by and to comply in all respects with the provisions of this Local Law. Said agreement shall be binding upon the heirs, legatees, executors, administrators, successors, permitted assigns.
- F. A nonrefundable application fee as set from time to time by resolution of the Board of Trustees must be submitted with each application.
- G. The application may be approved provided there is an existing main in the street or right-of-way abutting on the Premises to be served. Provided however, that neither the submission of an application or the acceptance thereof shall in any way obligate the Village to extend its mains to serve the Premises, unless the Village specifically agrees to do so upon such terms as the Village Board of Trustees may determine.
- H. A separate application must be made for each Premises to be served.
- I. No application shall be accepted from any applicant unless and until all charges

owed by such applicant for water services at any Premises now or heretofore owned or occupied by the applicant shall have been paid in full.

8. PRIVATE WATER SYSTEMS AND SOURCES

- A. In the event that the Village Water System is not reasonably available to a Premises, the water service for the Owner's Building thereon may be connected to a private water system/source, provided that such private system/source complies with all the provisions, regulations, guidelines and recommendations of the Cayuga County Sanitary Code, the Department of Health of the State of New York and any other applicable codes and requirements. No such private water system/source shall be permitted except upon approval of the Village Board of Trustees subsequent to application to the Village Water Department.
 - (1) The Owner shall operate and maintain the private water supply source in a sanitary manner at all times, at no expense to the Village.
- B. At such time as a public water supply from the Village Water System becomes available to the Premises served by a private water system/source, the Owner shall:
 - (1) Make an application to the Village Water Department for permission to obtain a potable water supply by connecting directly to the Village Water System within 180 days of official notice thereof;
 - (2) Upon approval by the Village Water Department and the Village Board of Trustees, make or cause to be made a direct service connection to the Village Water System in order to provide potable water to the Premises;
 - (3) Disconnect any existing private water systems/sources previously used to provide potable water to the Premises and fully abandon the same.
- C. Nothing contained in this section shall be construed so as to interfere with or supersede any additional requirements that may be imposed by the New York State Department of Health and/or the Cayuga County Health Department.

9. OUTSIDE USERS

- A. No property located outside the Village boundaries shall be serviced by or connected to (either directly or indirectly) the Village Water System except upon application to the Village Water Department and approval by the Board of Trustees in accordance with the provisions of this Local Law as the same may be amended.
- B. Such application shall be made upon such forms as may be authorized by the Village Water Department from time to time and in addition to any requirements contained in this Paragraph "9", shall be subject to the same requirements as an application from a user located inside the Village as provided in Paragraph "7"

above.

- C. Applications will not be accepted if they involve the expenditure of capital funds by the Village for the construction of water mains, meter pits, purchase and installation of bulk water, etc., unless the applicant agrees to pay for all such infrastructure and capital expenditures.
- D. A separate application signed by the Owner of the Premises must be made for each Premises. No submetering shall be permitted.
- E. Applications for Outside Users will not be accepted unless there is a fully executed written agreement pertaining to the provision of water for each Premises to be served by the Village Water System. Such agreements shall include the terms and conditions pursuant to which the Village agrees to provide water to such Premises and shall include, without limitation, an agreement as to the rate(s) to be charged (as the same may be adjusted from time to time), the maximum amount of water to be used by the Outside User, and the payment of all infrastructure and capital costs.
- F. The Village Board of Trustees shall neither approve an application from a new Outside User, nor continue to sell water to an existing Outside User if, as a result of such action, the supply of water to the Village or its inhabitants shall be rendered insufficient. (See, Village Law § 11-1120).
- G. The Village Board may suspend water service and require a reapplication and reapproval of an Outside User where:
 - (1) There is a material misstatement of fact contained in the Outside User's application for service, regardless of whether such misstatement was intentional or negligent;
 - (2) The Outside User has used water in amounts greater than that applied for, or as stated in the latest existing agreement, and such excess usage has continued for two consecutive quarters or more;
 - (3) There has been a change in circumstances from the time of the initial application, such as a subdivision of land, expansion of facilities or other change that affects the usage of water at the Premises; or
 - (4) There has been a change in the type of use intended for the provided water (including, without limitation a change from residential to commercial use, a change from commercial to agricultural use, etc.).
- H. All agreements entered into between the Village and any Outside User prior to the effective date of this Local Law shall be and the same are hereby declared to be null and void as of the effective date of this Local Law. Upon the adoption of this Local Law, the Board of Trustees shall notify all Outside Users of the termination of their existing agreements and provide them with a substitute

agreement that is consistent with the terms of this Local Law.

- I. The rates to be charged to Outside Users shall be as established by the Board of Trustees by resolution and may be amended from time to time at the discretion of the Board of Trustees.

10. HAULERS

The Village Water Department may, in its sole discretion, allow a person or entity to purchase water in bulk from the Village Water Department for the purpose of transporting the water for use at another location. The hauler shall draw the water only from the location as designated by the Village Water Department and comply with all rules and instructions as the Village Water Department may require.

11. USE REGULATIONS FOR PUBLIC WATER

A. Performance of Work

(1) Work to Be Done by Water Department.

- (a) The Water Department shall have exclusive responsibility and authority over all water mains, service pipes, fixtures and equipment located within the ROW up to and including the curb stop or shut-off valve, and box for same, including the construction, installation and maintenance of same.
- (b) No person shall connect to the curb stop or shut-off valve except a properly authorized employee of the Water Department acting under the direction of the Superintendent, or a person who is duly authorized and has applied for and received a special permit to do so from the Water Department Superintendent.
- (c) Any plumber or other contractor designated and employed by the Owner of the Premises shall at all times be deemed the agent of the Owner while so employed in completing the work of introducing and connecting water into said Premises, and under no circumstances shall such plumber or contractor be considered an agent of the Village Water Department. In no event shall the Village be responsible or liable for the acts of or omissions of such plumber and/or contractor.

(2) Responsibility for Work on Public Lands

- (a) In the event that an Owner or Owner's contractor or plumber is specifically authorized by the Water Department to conduct work of any kind or nature in any street, ROW or public grounds for the introduction of any water pipe or connection under the authority of a permit from the Water Department, the Owner, and Owner's contractor or plumber working on the Owner's behalf shall each be held fully responsible for

all such work, including without limitation the safety of all persons and property located in, on or around the work being performed, as well as the excavation, open trench, piping, materials, equipment and machinery used in the performance of the work. The Owner, and all contractors or plumbers working on behalf of the Owner shall be responsible for implementing all necessary and appropriate safety measures such flashing lights, signs, barricades and all such other means of protection against accidents at or near the worksite.

- (b) No permit or authorization shall be granted by the Village Water Department to the Owner or Owner's contractor or plumber to work in, on or under any Village property or ROW except upon the agreement of such Owner and all contractors or subcontractors working on behalf of such Owner to fully indemnify and hold the Village harmless from any and all claims, liabilities, losses, damages and expenses, including reasonable attorney fees, arising out of such work and caused by the acts or omissions of the Owner, and Owner's contractors or subcontractors.
- (c) In conducting any such work in, on or under a Village or municipally owned property or ROW, the Owner and his/her contractor shall comply with all applicable State, federal and local laws, rules regulation, permits, industry standards, and requirements.
- (d) In addition, the Owner and his or her contractor shall be responsible for taking such measures as may be necessary to assure that the general public will continue to maintain complete access to adjoining properties, businesses, etc. and to the fullest extent possible to conduct business as usual. Such measures may include, safety barriers, alternate pedestrian routing, temporary bridging, safety lighting, work zone traffic controls as is deemed appropriate, etc.
- (e) The Owner and the responsible contractor/worker shall also be required to provide all insurances deemed necessary, including but not limited to general liability, Workers' Compensation, other statutory insurances, and other coverages set by the Village and possibly other permit issuing agencies (DOT for example). The Village shall be named as a named "Additional Insured" entity on all policies.

B. Application for Service

Any property Owner requesting to be served with a new water service connection from the Village Water System, must make application at the office of the Water Department for such service connection. Such application shall be made in a manner and on a form prescribed by the Village Water Department in writing and must it be signed by the Owner of the property or his duly authorized agent. No work shall be performed on the new water service connection unless and until such application is approved by the Village Board of Trustees upon the recommendation of the Village Water Department.

C. Services

(1) Pipe Material for Service Connections

- (a) All new service connections between the Owner's Premises and the curb stop/shut-off valve shall be seamless copper tubing, Type K and must be inspected and approved by the Village Water Department.
- (b) The curb stop or shutoff valve controlling any service shall not be opened, closed or otherwise operated, or left open by the certified plumber or any other person, contractor or representative of the property Owner after connecting said service at the curb stop/shut-off valve, so that the water may be supplied to such Premises by said service connection, unless the service connection installation has been inspected and approved by the Water Department and the meter installation has similarly been completed. In certain cases of construction and/or building operations, special permission may be given by the Water Department but only under such special conditions as it may prescribe.

(2) Installation of Service Connection Pipes.

Service connections must be laid not less than five (5) feet below the surface of the ground at all points to the connection to the inside of the foundation wall of the building where the water service is introduced. In such cases where the final grade of the street or sidewalk that will be constructed has been officially determined and established, then the said service pipe shall be laid at a depth of not less than five feet below such established final grades at all points, so that when the street and walk are completed, there shall be not less than five (5) feet covering of earth over the pipe at any point.

(3) Trenches Inspected.

Whenever trenches are opened by an Owner, or a plumber and/or contractor on behalf of such Owner for the installation of a service connection, the trenches, materials and workmanship shall be inspected by the Village Water Department before the trenches are backfilled. The Owner, as well as Owner's plumber and/or contractor performing such work shall notify the Water Department in advance that such trench is ready for inspection. Failure to have a service connection trench properly inspected by the Village Water Department will result in the Owner being ordered to re-open the trenches at the Owner's expense so that the required inspection can be completed.

(4) Service Pipes Installed and Maintained

The Owner of the Premises is solely responsible for the installation, maintenance and repair of the service connection from the curb stop or shut-

off valve to the water meter on or for his/her Premises, including all fixtures and related equipment therein used for delivering or supplying water to the Premises.

D. Metering

(1) All Services Must Be Metered.

- (a) All water furnished by the Village Water Department, whether for residential, commercial or industrial use, shall be metered.
 - i. In the event that an Owner intends to use water for purposes that will not return the water used into the public sewer system (for example, the filling of a swimming pool), and therefore does not wish to be charged a sewer rent for such volume of water, the Owner must obtain specific permission from the Village Water Department so as to provide for an accurate metering of such water whether using the existing meter on the Premises or using a separate meter. In either event, the Owner must follow all directions and regulations of the Water Department and this Local Law.
- (b) All meters shall be owned, furnished, installed and maintained at the expense of the Village Water Department, unless otherwise required by the Village.
- (c) In some cases, and if deemed appropriate by the Village Water Department, service lines used exclusively for fire protection purposes may be left unmetered. However, in the event that unauthorized use of water by a consumer is discovered from any such fire protection connection, the Water Department may either discontinue such service, or compel the Owner/consumer to install a suitable meter at their own expense in accordance with all Village Water Department regulations and requirements.
- (d) Charges for the installation, disconnection, reconnection of a water meter by the Village Water Department shall be as established by the Board of Trustees by resolution.

(2) Meter Isolation Valves

All meters shall have shut-off/isolation valves installed both before and after the water meter to allow for removal and maintenance of the meter.

(3) Damaged or Missing Meters.

- (a) Any damage which the meter may sustain, and caused by the neglect, carelessness, or intentional act of the Owner or any occupant or invitee

of the Premises,, including without limitation damage caused by exposure of the meter to excessive cold, heat, steam or hot water, shall be the responsibility of the Owner of the Premises and all costs and expenses of repair/replacement of same shall be borne by the Owner.

- (b) The replacement cost for meters that are missing or have been removed from the Premises shall similarly be paid to the Water Department by the Owner of the Premises.
- (c) Ordinary wear and tear of meters shall be the responsibility of the Water Department. Meters shall be repaired and/or replaced only by the Water Department or their authorized agents.

(4) Access to Meter.

Whenever a meter has been installed, whether at the curb, in the sidewalk, in a vault or any part of the basement of any Building, the space occupied by the meter and the meter box shall at all times be kept free from rubbish or obstructions of any kind.

The Owner and/or tenant shall provide ready and convenient access to the meter so that it may be frequently read and inspected by agents of the Village Water Department.

(5) Permit to Install or Remove Meter.

No meter shall be installed, replaced, removed or disturbed without a permit from the Water Department. In general, all meters shall be installed, repaired and removed only by duly authorized agents of the Village Water Department.

(6) Temporary Meters for Construction or Remodeling Purposes.

- (a) The Water Department, in its sole discretion, may allow the use of temporary water meters for certain circumstances such as construction, renovation, etc.
- (b) The Village Water Department presently has a meter available for such temporary use, provided that the connection to such temporary meter is 1 ½ inches or less. The use of the Village's temporary meter shall be by at the Superintendent's sole discretion.
- (c) In those instances where the Village's temporary meter is not available or the connections for such meter do not fit the Village's temporary meter, the Owner or contractor shall provide, install and remove such temporary meter at the Owner's sole expense and in accordance with the directions of the Superintendent.

- (d) In cases where it is impracticable to install a temporary meter for such purposes, water may be supplied to the contractor or Owner at a flat rate duly established by the Village Water Department.

(7) Certificates of Occupancy

No permanent meter shall be installed or water furnished unless a Certificate of Occupancy has first been issued for the Premises indicating compliance with all current and applicable federal, state and local building codes and applicable regulations.

E. Hydrants

(1) Use and Control.

All street fire hydrants, or hydrants for private fire protection from unmetered service lines, are under the control of the Village Water Department. No person, except an authorized agent or employee of the Water Department, the Department of Public Works, Fire Department, or a person duly permitted by the Water Department to take water therefrom, shall operate, use or disturb any hydrant, or any part thereof, or take any water therefrom, under any circumstances whatsoever.

(2) Damages

In case any damage to a street hydrant is done by or results from any person having a permit for taking water from said hydrant, the holder of the permit shall be deemed responsible and pay for such damages and all costs and expenses that may be incurred by reason thereof, on demand, to the Village Water Department. The Village of Aurora will have no liability in such a matter.

(3) Use of Hydrants.

- (a) No person, corporation or entity shall use any fire hydrant for any purpose whatsoever without first obtaining a permit for such use from the Village Water Department together with such advance payment as may be required by the Water Department. When hydrants are used for such permitted purposes, a reducing coupling must be attached to the nozzles of the hydrants, with an independent control valve for regulating the supply flow from the hydrant.
- (b) The main valve of the hydrant must be opened full at the beginning of work each day and remain open until the stoppage of work at night. The water supply shall be regulated by the aforementioned independent valve. The hydrant shall be operated only by a proper hydrant wrench, which shall be provided by the Village Water Department.

- (c) Water must not be allowed to run except when used. No leaking hose, pipe or joints shall be permitted. All persons using any hydrant for these purposes shall fully abide by and follow any instructions or directives that may be issued by the Village Water Department to regulate the use of hydrants.
- (d) If required by the Water Department, and as more fully described in the applicable section of this regulation, a meter shall typically be applied to the connection made with the hydrant, at the expense of the responsible party using same, and said party shall pay for all water by metered measurement, at the stipulated rate.

F. Valves

(1) Use and Control

All valves and related equipment and facilities associated with the Village Water System are under the exclusive control of the Village Water Department. No person, except a duly authorized agent or employee of the Water Department, the Department of Public Works or a person duly permitted by the Water Department shall open, close or in any way tamper with or interfere with any valve or similar water system device or equipment associated with any water main or other aspect of the water system.

(2) Damaged, Disturbed or Displaced Valves and Valve Boxes.

Any person who has damaged, disturbed or displaced a valve or valve box such that the valve itself no longer operates properly, is no longer accessible or in some manner has been damaged shall be liable to the Village Water Department for all costs of repair or replacement.

G. Backflow Prevention.

Whenever a backflow prevention device is required as directed by either the Village Water Department or Code Enforcement Officer, it shall be installed at the Owner's expense. Such installations must be fully compliant with all applicable guidelines and regulations and shall be inspected and approved by the Village Water Department or their authorized agents, the cost of which shall be borne by the Owner.

H. Cross Connections Prohibited.

No plumbing fixture, pipe, device or temporary construction connections shall be installed, or connected to the Village Water System that would allow the introduction of water into the Village Water System that is not from a water source provided by or through the Village Water System except upon the specific permission of the Village Water Department and only when a backflow prevention device that meets the requirements of the Village Water Department has been installed.

I. Fire Service.

Stand pipes, or other pipes for automatic suppression of fires in buildings, which fixtures are only intended for such use, may be permitted to be connected to the Village water supply system with an approved permit. Application for such permits, accompanied by a plan of the proposed pipe system must be submitted to the Superintendent of the Water Department for review and approval. No additional fixtures, connections or extensions, shall be made in any fire protection system without the approval of the Superintendent. The entire cost of installing the fire service shall be borne solely by the Owner of the building supplied.

The Owners of the Premises where service pipe lines are in use solely for fire protection purposes, shall maintain such service pipes in good working order over their entire length from the street ROW shut-off valve into the Premises, and the Owner shall be fully responsible for any damage that may be caused by leakage, or breaking or bursting of such pipes, both within and beyond the limits of the Owner's property.

J. Village has Absolute Right to Limit the Amount of Water Furnished.

- (1) The Village of Aurora, acting through its Water Department, reserves the absolute right, whenever in its opinion the public good or necessity requires or demands that it regulate, reduce, restrict or entirely shut off the supply of water to any and all parties taking water from the Village Water System.
- (2) Neither the Board of Trustees, the Water Department nor either of their respective officers, employees, or representatives shall be held liable for any damage, loss or expense (including reasonable attorney fees) and whether direct, indirect or consequential which may result to any person, building(s), structure(s) or Premises as a result of such regulation, reduction, restriction or shutting off of the water supply from any main or service, for any purpose whatsoever, even in cases where no notice is given.

K. No Liability for Quality of Water or Change of Pressure.

The Village of Aurora, its elected officials, employees, agents or representatives shall not be liable for any damage or loss of any nature whatsoever, to any person, buildings, structures or property, which may arise from, or be caused by the quality of water provided hereunder or any change in pressure (either increase or decrease), of the water supplied, regardless of the cause of such events.

L. Steam Boilers and Similar Equipment.

In all facilities and buildings where steam boilers or hot water tanks are supplied with water from the Village public water supply, the Owner/user shall have a suitable safety valve, vacuum valve or other proper safety device installed by a licensed plumber to prevent damages from any collapse, explosion or similar event when the water service is shut off.

The Water Department, its employees, or the Village of Aurora shall not be liable for any damage resulting from the sudden shutting off of the water from any steam boiler or other fixture deriving its supply from the Village water supply. Whenever possible and practicable, suitable advance notice of such shutting off shall be given to the Owner or occupant.

12. ESTABLISHMENT AND BASIS OF WATER RATES

- A. The water rates for water consumed by a customer shall be established from time to time by resolution by the Board of Trustees of the Village of Aurora and may be amended from time to time at their discretion.
- B. The basis of said water usage charges shall be the amount of water consumed by the Owner as metered at the Premises or otherwise determined by the Village of Aurora.

13. RATES, CHARGES, BILLING AND PAYMENTS

- A. The water usage charge shall be billed on a calendar-quarter basis and shall be due and payable for each calendar quarter in the month succeeding the end of each quarter, i.e., April, July, October and January of each year.
- B. All charges for water, service pipe installation, repairs, damages caused by carelessness or neglect, penalties, etc., shall be made against the Premises supplied and the Owner of the Premises shall be held responsible for such charges. In the event that more than one meter is used upon the same Premises, separate bills shall be rendered for each meter reading.
- C. In case any water meter shall fail to accurately register the quantity of water passing through same, the water usage shall be charged at the average consumption rate of the last three available accurate readings, if any, within the last year. In determining the consumption rate, any change in consumption since the defect occurred shall also be considered.
- D. Charges in Case of Leaks.
 - (1) All water that passes through a meter shall be charged for whether used, wasted or lost by leakage. No abatement of the charges for water rents shall be allowed on account of the vacancy of any Premises supplied with water unless the consumer has requested such water supply be turned off as heretofore provided and the meter removed.
 - (2) Any water that is consumed or lost in the service connection by reason of leaks or other causes for which there are no available meter readings

shall be estimated by the Superintendent and the costs thereof shall be charged to the Owner of the Premises. The estimation of water consumption by the Superintendent pursuant to the above shall be final and binding.

- (3) In the event that the Owner of the Premises disputes the volume of water being measured by the on-Premises meter, the owner may make a written application to the Village Water system the Village Water Department, accompanied by an inspection fee of \$50.00, to have the meter inspected. The Water Department shall then remove the meter to have it tested and verify its accuracy. If upon such inspection and testing the meter is found to be more than 5% in error, the Water Department shall refund the inspection fee and make such reduction in the current bill as the facts may warrant. If, however, the meter does not over-register more than the above mentioned 5%, the Water Department shall retain the above inspection fee as its expense of the testing.

14. VIOLATIONS, ENFORCEMENT AND PENALTIES

A. Damage to Mains, Pipes, Etc.

Any person or party responsible for injury or damage to any water main, pipe, hydrant, valve or related water facility or equipment, shall be responsible for such damages and shall fully reimburse the Village for the loss of water caused thereby. In addition, the responsible person or party shall be fully responsible for any damage caused by such escaping water both within and beyond the limits of the property where the damage occurred.

B. Collection of Overdue Accounts.

- (1) All water bills shall be due thirty (30) days from the date of issuance. All water charges that are not paid within said thirty (30) days shall be subject to a late payment penalty of 10% of the water charges. If the water bill is not paid within the next thirty (30) days thereafter, an additional late charge of 10% shall be due. Every month thereafter that the water bill remains unpaid shall accrue additional penalties of 2% per month or partial month the bill remains unpaid. If the water bill, including penalty, remains unpaid for a period of sixty (60) days from the initial due date, the Village may, in addition to any other penalty, interest or other remedy, shut off water service to the Owner upon ten (10) days' written notice thereof. In the event that the water is shut off for non-payment, an additional surcharge of \$20 shall be imposed and designated a shutoff charge. In no event shall water service be restored until all charges, penalties, interest and surcharges, have been paid in full.
- (2) The Village shall be entitled to recovery of all costs and expenses, including reasonable attorney fees, incurred in collecting delinquent water bills (collectively "collection costs") and shall add such collection costs to the

amount of the unpaid water bill and shall incorporate such collection costs as part of any lien therefor.

- (3) All delinquent water charges, penalties, interest and costs (including collection costs) remaining unpaid as of the 11th day of May each year shall become a lien upon the Premises where such water is used and shall be levied as a tax against such Premises pursuant to Village Law § 11-1118.

C. Additional Remedies, Etc.

- (1) No person, Owner, or entity, whether public or private, nor any agent, employee, representative, plumber, contractor, subcontractor of same shall in any way violate or assist, solicit, request, command or aid in any violation of any provision of this Local Law. A violation shall include, but is not limited to, any failure or refusal to perform any act or obtain any permit required by the provisions of this Local Law. The Owner of the Premises and all users of the Village Water System where such a violation occurs shall each be fully responsible for each said violation under this Local Law in addition to the actual violators thereof. In addition, a person is liable for conduct constituting a violation of this Local Law in which he or she performs or causes to be performed in the name of or on behalf of a corporation to the same extent as if such conduct were performed in his or her own name or behalf.
- (2) An action or proceeding may be maintained in the name of the Village of Aurora in any court of competent jurisdiction in law or in equity to compel compliance with the provisions of this Local Law, or to restrain by injunction, the violation of any provision contained herein.
- (3) Nothing herein shall limit the authority or right of the Village to disconnect the Premises where such violation exists from the Village Water System as provided in this Local Law.
- (4) In addition to any other remedy provided herein, the Village shall be entitled to recover all costs and expenses, including without limitation reasonable attorney fees, incurred in the enforcement of this Local Law.
- (5) The imposition of all penalties for any violation of this Local Law shall not excuse the violation thereof or permit it to continue. The application of all penalties hereinabove and herein provided shall not prevent the enforced removal and termination of conditions, acts, and omissions prohibited by this Local Law, the enforced adherence thereto, or the taking of such other action as may be authorized by this Local Law or any other law.
- (6) The remedies under this section may be used singly, concurrently and sequentially in any combination, and the use of one remedy shall not exclude the exercise of any other remedy hereunder.
- (7) A violation of this Local Law (specifically excepting collection activities for non-

payment of water charges, penalties, etc.) shall be subject to a civil fine of \$250.00. Each day that a violation under this Local Law continues to exist shall be deemed a separate violation.

- (8) The Board of Trustees of the Village of Aurora is hereby authorized to enforce this Local Law in all respects, including the full power to collect all water charges, and its decision shall be final and binding.

15. POWER AND AUTHORITY OF INSPECTORS

- A. The Superintendent and other duly authorized employees and consultants of the Village bearing proper credentials and identification shall be permitted to enter all Premises and Buildings for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Local Law. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper, or other industries, beyond that point having a direct bearing on the nature and usage of the public water being provided to that Premises so as to insure there is no activity at the property which could in any way be detrimental, cause harm or be unsafe to the Village Water System
- B. The Superintendent and other duly authorized employees and consultants of the Village bearing proper credentials and identification shall be permitted to enter all private properties and/or Buildings through which the Village holds a duly negotiated easement for the purpose of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the water works lying within said easement. All entry and subsequent work, if any, within said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.
- C. The Superintendent and other duly authorized employees and consultants of the Village bearing proper credentials and identification shall be permitted to enter all Premises and/or Buildings where Village water is being supplied or upon any Premises when an application is made for a permit to connect said Premises to the Village Water System for the purpose of installing, reading, removing or repairing meters, or for inspecting the plumbing and fixtures of the water service, and all work in connection with such service.

16. EASEMENT REQUIREMENTS

A. Easement Requirements- Generally.

- (1) Permanent easements are required for all infrastructure and improvements referenced in these regulations, including, but are not limited to easements for water mains, services and all related appurtenances.

- (2) All easements granted to the Village are necessary to ensure that infrastructure and improvements may be maintained, modified, repaired and/or replaced in a safe, effective and expeditious manner so as to limit disruption of services to potentially affected parties and such other purposes as may be deemed appropriate by the Village.
- (3) All easements shall include provisions such that any and all areas disturbed and/or damaged shall be fully restored to a condition at least as good as the condition of the area and/or feature just prior to the start of the work. Wherever and whenever possible, all easements must be in such form and substance as prescribed by the Village and meet the approval of the Village attorney, it being the intent of these regulations that all permanent easements shall be recorded with the Cayuga County Clerk.
- (4) For new developments that include improvements and installations that will be dedicated back to the Village, the developer shall be responsible to show all proposed and finalized easements on all design and final project drawings, shall prepare all easement agreements to be used in such form and manner as directed by the Village, and shall prepare all the required maps and legal descriptions suitable for filing as required, complete the field stakeout of said easements and reimburse the Village for all costs to conduct reviews and to file completed documents.
 - a. Provided further that all such improvements or installations that are to be dedicated back to the Village shall be constructed and installed in accordance with any specifications or requirements imposed by the Superintendent prior to the acceptance of any proposed dedication by the Board of Trustees.

B. Detailed Requirements

- (1) For either newly proposed developments which will include the installation of new facilities and utility pipes that will be dedicated back to the Village, or for locations where existing utilities presently exist on private property without any existing easement, the following requirements shall apply. It is understood that where no easement presently exists, the intent of this regulation is to ensure a permanent easement agreement with the Owner is obtained and filed with the Cayuga County Clerk thereby providing the Village unobstructed access to operate, maintain, modify, repair/replace and or re-design the utility in its overall responsibility to protect public health, safety and welfare. Wherever and whenever an Owner shall seek to obtain land use approvals of any type, or building or other permitting approvals of any type, the Village shall include as a condition in such approval(s) the Owner's obligation to enter into a permanent easement agreement with the Village in such a form and content as prescribed by the Village

in order to protect the Village's interests in any and all utility infrastructure passing through, above, or under the subject Owner's property. Failure to adhere to the Village's conditions as to the granting, or modification, of an approved permanent easement, or easements, as the case may be, shall subject the Owner to the revocation of the approval(s) or permit(s) being sought.

- (2) All permanent utility easements shall be a minimum width of 20 feet (centered on the pipe or feature), wherever the pipe is no greater than 18" in diameter and/or the depth of bury to the pipe invert is no greater than 6 feet below the ground surface. For all other utility installations which exceed these thresholds, or where two utility features are to be included within a single easement area, the easement width shall be accordingly widened to a minimum of 25 feet or greater, depending on the specific circumstances that exist.
- (3) For each permanent easement granted to the Village, an additional temporary construction and access easement shall be agreed upon which will provide a suitable access route to the permanent easement area as well as additional working widths adjacent to the permanent easement (10 feet wide on each side), so as to allow adequate space for performing whatever work is needed.

17. EFFECTIVE DATE

This Local Law shall be effective upon filing with the State of New York and supersedes all previous versions.