

LOCAL LAW 1 OF 2025

A LOCAL LAW TO AMEND CHAPTER 95 OF THE TOWN OF CHESTER CODE,
ENTITLED "WATER"

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

Section 1. Legislative Purpose

It is the purpose of this legislation to regulate the materials used and the manner in which connections to the Town's water infrastructure are made to ensure the safety of the Town's water system as well as provide for the imposition of water charges and the collection thereof.

Section 2. Chapter 95, entitled Water is hereby amended to read as follows:

Article I. Water District Regulations

§ 95-1. Water Inspector.

The duties of the Water Inspector shall include but shall not be limited to the supervision of all house connections, the supervision of the installation of water meters and the turning on or off water service. The Water Inspector shall be responsible for such other duties as may be assigned to him by the Town Board. The Town Board may assign the duties of the Water Inspector to Water Treatment Plant Operator or other Water Department personnel by resolution.

§ 95-2. Meter Reader.

§ 95-2. Water service applications.

The Town Clerk shall prepare applications for water service in each district within the Town. The Water Inspector must approve the application prior to supply of water service. The fee for the application, which shall include inspection by the Water Inspector of the hookup and of the meter installation, as well as turning on the water, shall be as set forth in the schedule of fees adopted by the Town Board in accordance with Chapter 48, "Fees" of the Town of Chester Code. There shall be a separate application and fee for each tap into a Town water line.

§ 95-3. Meters.

All water supplied to residential users in districts shall be through water meters approved by the Town Board. There shall be no tampering with water meters or breaking of meter seals with the intent to slow, stop or alter the readings of the meter. All water meters shall be the property of the Town of Chester, and any damage to a meter shall be reported to the Town Clerk within five days of such damage. The owner of the premises in which a water meter is installed shall be liable for any and all damage to

said meter when such damage is either intentionally caused or caused by the negligence of the owner, occupant, agent or employee.

§ 95-4. Right of entry to install and read meters.

All owners of property and their agents, occupants or employees using water or seeking to use water supplied by the Town shall allow an agent or employee of the Town to enter upon their premises to install a water meter or to inspect and read the same within five days after notice is mailed to them by the Town.

§ 95-5. Water service connections.

The service from the water mains owned by the Town shall be copper service tubing. All couplings shall be three-part unions, copper to copper. The copper service tubing shall be laid at a four-and-one-half-foot depth from the curb stop to the structure. The trench shall not be backfilled until the service is inspected and approved by the Water Inspector. The applicant or his agent shall notify the Water Inspector a reasonable time prior to the time when the inspection of the service is required. All cuts in the service pipe shall be made with a hacksaw using a miter box or a cutting tool. The copper service tubing shall be reamed, and after placing the nut coupling on the pipe, the pipe shall be flanged, using a flanging tool. All services shall be tested for leakage. Cuts in the foundation walls for the service entrance must be patched. A flared connection shall be made to the interior shutoff valve. There shall be no cross-connection between the district water supply and any other water supply source.

§ 95-6. Taps and excavations.

No person shall tap any main or distributing pipe or make or interfere with any connections with the district water system unless under the direction of the Water Inspector or his or her authorized agent. No Town street or highway shall be opened by any person for the purpose of making a connection with the mains or for the laying of pipes or copper service tubing or fixtures and taps on watermains without water saddles for tapping such mains to be 67110270291 8 x 1 cc. Powerseal 3403 bronze service saddle F/C900 or equal, or as approved by the Water Inspector except in accordance with the ordinances of the Town of Chester governing excavations in Town streets and highways. The Water Inspector shall also include any water department employee or their authorized agent. Direct tapping C900 150 Class plastic pipe shall be allowed only when a watermain is not put into service. After the water main is in service, the 67110270291 8 x 1 cc. Powerseal 3403 bronze service saddle F/C900 or equal shall be required.

§ 95-7. Promulgation of rules and regulations authorized.

The Town Board shall have the right to promulgate rules, regulations or restrictions relating to the operation of the water district, including restrictions on the use of water and the prohibition of water for certain purposes if the Town Board finds that circumstances exist which necessitate the imposition of such regulations and/or

prohibitions. The Town Board shall publish such rules, regulations or restrictions in the official Town newspaper as soon as possible after their adoption and in no event more than five days after their effective date. The rules, regulations or restrictions shall have the same force and effect as if they were a part of this article.

§ 95-8. Water rates; nonpayment of bills.

- A. The record owners of the property within the district shall be responsible for all water bills accruing to the property in their names. Pursuant to § 198 of the Town Law of the State of New York, the Town Board shall establish water rates to be paid by the users in the district and shall have the right to change the water rates from time to time by resolution. These rates shall be a lien upon the real property upon which or in connection with which the water is used. Unpaid water charges in arrears for 30 days or longer shall be subject to a penalty of ten percent (10%) of the amount.
- B. If the water charges are not paid in full, including the penalty, within 60 days of the date due, the Town Board may order the water service shut off. The water service shall not be restored until the water charges, together with all penalties, as well as any expense incurred by the Town in connection with the shutting off of the water, have been paid in full. Any payment received to be credited to an account which at the time of receipt of payment is in arrears shall be applied to arrearages and/or prior penalties first, and only after arrearages and/or penalties are current shall such payment be applied to current rental charges. Penalties shall continue to accrue in any such case to any unpaid arrearages.
- C. Unpaid water charges shall be levied against the property and collected in the same manner as taxes pursuant Town Law § 198 (3).

§ 95-9. Penalties for offenses.

Any person or firm who, himself or by his agents or employees, shall commit an offense against any of the provisions of this article or of any rule, regulation or restriction adopted pursuant thereto, shall, upon conviction, be deemed to have committed a violation pursuant to the Penal Law of the State of New York, punishable by a fine of not more than \$250 or by imprisonment for not more than 15 days, or both. Each day that an offense continues shall be deemed to constitute a separate violation. In addition to the above-provided penalty, the Town Board may also maintain an action or proceeding in the name of the Town in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of the terms of this article.

Article II. Service Rules and Regulations

§ 95-10. General regulations.

- A. The management of the water districts shall be under the supervision of the Town Board.
- B. No person shall make or have in existence any attachment to or connection with any of the pipes or mains of the Town nor make any repairs, additions or alterations to the service pipes, except on the consumer's side of the meter, without prior written notice to the Town Board, and no pipes shall be covered until said repairs, additions or alterations have been inspected and approved by a representative of the Town.
- C. All persons who hereafter make applications for water service or who continue the use of the water service after the taking effect of this article will be deemed to have assented thereto and to have agreed to conform to the provisions of said article and to pay the water rents hereby established.

§ 95-11. Application for service.

- A. Written application for water service to any premises must be filed with the Town Clerk on a form provided for such purpose. This must be properly submitted with the correct fee before any tap permit will be considered.
- B. In the event of the transfer of ownership of any property, the new owner must file such application for water service. Seller shall notify Town Clerk of impending transfer not less than one week prior to closing to arrange for final reading. Final charges, balance and service fees due shall be paid at closing by certified fund or attorney escrow check.
- C. An application that requires a tap permit must be accompanied by the standard tapping fee specified in the schedule of rates.
- D. Water required for construction or other temporary purpose shall only be used after written application to the Town Board for permission to use the same, and the Board shall have the right and power to fix such terms as the Board may deem proper for such temporary use.

§ 95-12. Installation of service.

- A. The Town will lay and maintain service pipe from the main to the curb cock.
- B. Service pipe from the curb cock to the meter shall be laid at least 4 1/2 feet below the ground at all points and shall be of Type K copper tubing with no soldered joints permitted underground. The size of any service pipe hereafter installed shall be 3/4 inch in diameter. Any other size must be approved by the Water Department.

- C. No tee or other fitting through which water can be taken will be permitted on the service pipe between the main and the meter.
- D. Outdoor meter pits may be installed in special cases on written approval of the Town. Such meter pits must be installed in accordance with Town specifications and at the expense of the property owner. Any consumer wishing an outdoor water meter reader may install one upon approval of the Town Board and at the expense of the property owner.
- E. No branch will be allowed to be inserted in any service pipe without a written permit from the Town. Where branches already exist not provided with stop or curb cocks, in case of default in payment of water rent by any one customer, the main service may be cut off until back charges are paid, and the Town shall not be liable for damages to any other customer who may thus be deprived of water.
- F. No pipe or fixture connected with the mains of the Town shall also be connected with pipes or fixtures from any other source unless specifically approved by the Town Board and Department of Health of the State of New York.
- G. In the event that a change in ground elevation leaves a service pipe insufficiently buried, the customer shall promptly lower or raise his service pipe to conform to the new ground elevation. In case the customer fails or neglects to make such alterations promptly, the supply of water will be shut off until the alterations are completed, and a charge, defined in § 95-20C, will be made to cover the labor and expense by the Town resulting from the customer's failure to do so.
- H. In all places where steam boilers, hot-water tanks, refrigerating or air-conditioning units are supplied with water from the water system, the owner or consumer must see that the plumber places a suitable safety valve, vacuum valve or other proper device to prevent damage from collapse or explosion when the water is shut off. The Town 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.
- I. All water main taps shall have 67110270291 8 x 1 cc. Powerseal 3403 bronze service saddle F/C900 or equal, or as approved by the Water Inspector. Direct tapping C900 150 Class plastic pipe shall be allowed only when a water main is not put into service. After the water main is in service, the 67110270291 8 x 1 cc. Powerseal 3403 bronze service saddle F/C900 or equal shall be required.

§ 95-13. Meters.

- A. All meters installed will be at the expense of the developer or consumer after approval of the Town Board.

- B. In the event that the pipes of the consumer are not in proper condition for the installation of a meter, the customer shall cause said pipes, at the point at which said meter is to be installed, to be put in proper condition prior to the installation of said meter.
- C. Each building or parts thereof having unrelated occupancy, separate or distinct use shall, at the option of the owner, have a separate meter, but said meter shall be secured from the Town and paid for by the owner, together with the cost of installation thereof. Said meter shall be installed under the direction and to the satisfaction of the Town.

§ 95-14. Inaccurate registration.

- A. 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 the Town. Another meter will then be loaned and installed during the time required for testing and repair. The Town will cause the meter to be tested, and if the meter, on test, is found to be registering over 3% more water than actually passed through it, no charge will be made for the test if the test was requested by the owner. Otherwise, a charge, as defined in § 95-20C, to cover the cost of removing, testing and resetting the meter will be made to the consumer requesting such a test.
- B. If a meter is out of order and fails to register, the consumer will be charged at the average consumption as shown by the meter when in order.
- C. No seal placed by the Town for the protection of any water meter valve or other water connection shall be tampered with or defaced. If any seal is broken, the Town reserves the right to remove and test the meter at the customer's expense.

§ 95-15. Maintenance and repair.

- A. The consumer shall protect all service pipes, meters and appurtenances from damage by frost or freezing.
- B. The owners of premises into which water is introduced by a service pipe shall be required to maintain in perfect order and repair, at the owners' expense, said service pipe and its fixtures and appurtenances from the curb box to and into the premises.
- C. The customer shall notify the Town promptly of any leak, defect or damage affecting the service pipe between the property line and the point where metered.

§ 95-16. Fire hydrants.

- A. No person shall open, interfere with or draw water from any fire hydrant in the Town without a written permit from the Town therefor, except that hydrants may be opened by or on order of any member of a Fire Department within the Chester Fire District in case of fire for the purpose of attaching thereto fire hose and equipment.
- B. Whenever a hydrant has been opened and used, notification of such fact shall be given promptly to the Town.
- C. No tools or implements shall be used to open hydrants except such as are furnished by the Town or Fire Department.

§ 95-17. Discontinuance of service.

- A. Notice in writing delivered to the Town Clerk at least 10 days before the quarterly billing date shall be required in all cases of applications for discontinuance of water service; otherwise, the consumer shall be liable for the minimum charge for the following quarter.
- B. In case a building is to be closed or become vacant, notice thereof shall be given the Town in order that the meter may be read and curb cock closed. The meter shall be removed and stored by the Town. Where such notice is not given and pipes burst from freezing or other cause, or where the meter is damaged or destroyed by any act of commission or omission of the owner, the value of the water lost by reason thereof as estimated by the Town, together with the cost of repair of said meter and pipes, together with the additional sum defined in § 95-20C, shall be paid prior to the installation of a new meter in said building.
- C. The Town may discontinue water service and shut off the supply from any premises the owner or occupancy of which has failed to comply with the provisions of any ordinance relating to the character or construction and maintenance of pipes and connections and the use of water. 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 Town Clerk.
- D. No person shall close or interfere with any curb cock except by direction of the Town, nor shall it be turned on without the permission of the Town.

§ 95-18. Town rights and liability.

- A. The Town or its authorized agents shall have full power to enter premises of any consumer at all reasonable hours to install meters, read meters and examine all fixtures, plumbing and manner of using water.

- B. The Town reserves the right to limit the amount of water furnished any consumer should circumstances seem to warrant such action although no limit may be stated in the application or permit for use; or said Town may entirely shut off the water supply used for any manufacturing purposes or for furnishing power or for lawn sprinkling, car washing, outside use or as otherwise adopted by regulation of the Town Board, 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 water from any consumer without notice for as long a period as necessary.
- C. The Town shall not be liable for any damage or loss of any name or kind of property or persons which may arise from or be cause by any change, diminution in or increase of the water pressure from any cause whatever.
- D. The right is reserved to amend these regulations and make contracts in all proper cases or to turn off the water supply without notice in case of extensions, repairs or other necessity without liability for damages for lack of water or for any damage which may result from the turning off of the water supply.
- E. Whenever any of the provisions of these rules, regulations and ordinances are violated, the water supply may, in the discretion of the Town, be shut off and the meter removed.

§ 95-19. Water rents and charges.

- A. The water rents and schedule of charges for water shall be in such amounts as the Town Board may establish from time to time by resolution of the Town Board at a regular meeting thereof. Said schedule of rates and charges shall be posted in the office of the Town Clerk and shall be effective immediately.
- B. The cost of the meter and service pipe from main to the curb cock, including the installation of the meter and curb cock, is to be paid upon application for water service, including minimum charge, and shall be as follows: The tapping fee for all taps, regardless of diameter, and service lines, meters, curb boxes, etc., will be designated at the time of application by the Town Board.
- C. Service charges shall be established by resolution of the Town Board in accordance with Chapter 48, "Fees" of the Town of Chester Town Code.

§ 95-20. Billing.

- A. The Town will endeavor to read each meter quarterly. The Town reserves the right to district the Town for this purpose, each with a separate quarterly billing

period. The Town will then maintain on file a map showing the districts and the billing period for each such district. The Town also reserves the right to alter such districts and billing periods by resolution in the interest of economy and efficiency.

- B. Bills shall then become due and payable within the month indicated on the bill without penalty, and such payment shall be made to the Town Clerk.
- C. There shall be charged a penalty on past due water rents as provided in § 95-8 of Article I, Water District Regulations, of this chapter.
- D. If such bill remains unpaid for a period of 90 days from invoice date, water service may be discontinued until such bill, together with penalties hereinbefore provided and together with the charge defined in § 95-20C to cover the expense of discontinuance and restoration of service, is paid. This shall be at the discretion of the Town Board.
- E. Water rents and 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 § 198 (3)(D), of the Town Law.

Section 3. Statutory Authority.

This local law is adopted pursuant to § 10 of Municipal Home Rule Law and Town Law § 198.

Section 4. Severability.

If any section of this local law shall be held unconstitutional, invalid, or ineffective, in whole or in part, such determination shall not be deemed to affect, impair or invalidate the remainder of this local law.

Section 5. Effective Date.

This local law shall take effect immediately upon filing in the office of the New York Secretary of State in accordance with section 27 of the Municipal Home Rule Law.