VILLAGE OF INTERLAKEN LOCAL LAW NUMBER #1 OF 2021

AMENDMENTS TO VILLAGE CODE REGARDING WATER USE, METERS AND METERING, AND WATER CONSERVATION ORDERS

BE IT ENACTED by the Village Board of Trustees of the Village of Interlaken, as follows:

Section 1.   Authority, Purpose and Scope.

1.1 Among the non-exclusive purposes of this local law are to protect public water supply systems and create operational clarity by requiring and regulating metered connections.

Section 2.   Amendments to Chapter 141 of the Code of the Village of Interlaken.

2.1 The Code of the Village of Interlaken be and hereby is amended by re-stating and replacing the text of **§141-4 "Meters"**, with the following provisions:

A. All water services shall be metered, the meter to be furnished by the Village.

B. The homeowner or other user of such meter is solely responsible to keep and maintain the meter in proper operating condition, including protection against freezing.

C. All homeowners and other users shall allow for the periodic inspection of all meters, and shall perform any required calibration, maintenance or repair at their own and sole expense. Where possible, Village DPW will recalibrate or repair such meter by appointment. If any meter is broken, damaged, or frozen the owner shall replace same at its sole and own expense.

D. If any user or landowner refuses to allow access to the meter, inspections, repairs, or replacements when required, the Village may shut-off the water at the curb box or other appropriate location. Notwithstanding this requirement, water shut-off in the event of any emergency does not require proof of damage or fault in any meter, nor advance notice of a cessation or interruption of service.

E. Any cessation or interruption of water service due to the need for meter (and related parts and connections) inspections, repairs, or replacements will be restored upon satisfactory completion of such inspection, repair, or replacement, as determined by DPW.

F. Tampering with or damaging any meter shall be an offense punishable as set forth in this Code, and any such act also authorizes the Village to shut-off the water at the curb box or other appropriate location until proper metering is restored. For purposes of clarity, the Village has no duty to repair, restore, or replace meters that have been tampered with or damaged, regardless of whether caused by owner or any third party, including vandals.

G. Illicit connections and non-metered connections shall be considered as theft of services and as theft of utilities and enforced as such as set forth in this Code, as well as under the Penal Law, and other laws, of the State of New York.

2.2 The Code of the Village of Interlaken be and hereby is amended by re-stating and replacing **§141-5 "Preventing waste of water"** with the following provisions:

A. Taps at sinks, washbasins, toilets, baths, urinals, sprinklers and for other uses must be kept closed when not in actual use and must not be allowed to leak. If a street washer, sprinkler or hose is found out of order, leaking or used for any purpose other than permitted, the water supply will be cut off without previous notice.

B. Water will not be furnished where there are defective or leaky fixtures. When discovered, the water supply may be withdrawn unless repaired immediately and at the expense of the consumer.

C. All unnecessary waste must be prevented by the consumer.

D. Whenever the DPW shall issue any mandatory conservation of water order (a "CWO") , such as but not limited to drought conditions or other situations where water tables and public supplies are adversely affected, it shall be an offense, punishable in the manner as set forth in this Code to use, or fail to conserve, water in a manner as required by such CWO. In addition, the Village shall also shut-off the water at the curb box or other appropriate location until compliance is achieved and demonstrated, including by inspections if requested or required by DPW. Typical CWO terms may be, for example, to prohibit the filling of swimming or wading pools, the washing of vehicles and homes, or the watering of lawns and landscaping coverings.

2.3 The Code of the Village of Interlaken be and hereby is amended by re-stating and replacing **§141-6 "Penalties for offenses"** with the following provisions:

A. Any person violating any provision of this article shall be punishable as set forth in Chapter 1, General Provisions, Article III, General Penalty.

B. Additionally, any violation of or non-compliance with §141-4(F) respecting damaging and tampering with water meters shall be punishable by a criminal fine of not less than $100 and not more than $250 per offense.

C. Additionally, any violation of or non-compliance with §141-5(D) respecting compliance with, and non-violation of any CWO shall be punishable by a criminal fine of not less than $100 and not more than $250 per offense. Each week that any violation or non-compliance continues shall be and be deemed a separate criminal offense and may be charged as such.

Section 3   General Provisions

3.1 The Village shall not be liable or responsible for any injury to persons or damage to property due to the Village's actions, or failures to act, under or pursuant to this local law and these Code amendments unless it is proven to a reasonable degree of certainty that such injury or damage was solely caused by a willful or intentional act of the Village. This provision shall be construed and applied only to the maximum extent permitted by law.

3.2 If any clause or provision of this local law shall be held invalid or unenforceable by a court or tribunal of competent jurisdiction, such holding shall not affect or invalidate the remainder of this local law, or any rules and regulations adopted hereunder, and any such invalidity or unenforceability shall be confined in its operation to the clause or provision directly involved in the controversy in which such holding shall have been rendered.

3.3 This local law shall be and become immediately effective immediately upon adoption.