

Chapter 106

WATER

[HISTORY: Adopted by the Town Board of the Town of Benton as indicated in article histories. Amendments notes where applicable.]

GENERAL REFERENCES

Fire prevention and building construction — See Ch. 30.

Floor damage prevention — See Ch. 35.

Zoning — See Ch. 110.

ARTICLE I

Water Supply

[Adopted 10-9-2000 by L.L. No. 2-2000]

§ 106-1. Legislative intent.

It is the purpose of this article to protect and enhance the public health and welfare of the Town of Benton by providing for rules and regulations governing the public water supply within the Town of Benton.

§ 106-2. Adoption of rules and regulations.

The Town Board of the Town of Benton may adopt such further rules and regulations as it may deem necessary or expedient in the implementation and administration of this article.

§ 106-3. Rules to be part of contract.

Every person who shall be supplied, or whose property shall be supplied with water by any Town of Benton Water District or extension shall be deemed to have accepted and approved the rules of the Town of Benton governing and regulating the supplying of water, and the same shall constitute a part of the contract between such person and the Town of Benton Water District or extension. Wherever the word “consumer” shall be used in the rules and regulations, it shall mean the owner or owners of the premises. The continuance of the consumer to take water after any amendment or change of these rules shall be deemed an acceptance of such amendment or change.

§ 106-4. Work to be done by or under the supervision of the Town.

- A. All service connections with the principle mains and service pipes from said principle mains to approximately two feet from the lot line or not more than 100 feet from the main tap or edge of road right-of-way, whichever distance is shortest, including tapping of main, corporation cock, CTS plastic pipe, curb cock and box for same, shall be put in and installed only by properly authorized persons acting under the direction of the Town of Benton or its agent at the expense of the consumer. If the tap is not within two feet of the lot line, the Town of Benton will provide necessary easements.

- B. All connections from curb cock to the meter location shall be at the owner's expense, under the supervision of the Town of Benton or its agent, and all installations shall be subject to approval by the Town of Benton or its agent, before water shall be turned on.

§ 106-5. Agents of owner; liability.

The plumber or any other person designated and employed by the owner of the premises will be considered the agent of such owner while employed in the execution of the work of introducing water into such premises and in no sense as the agent of the Water District or the Town of Benton. The Town of Benton will not be responsible for the acts of such persons.

§ 106-6. Application for service; payment of meter deposit and connection charge.

- A. Every person desiring a supply of water through the principle water mains must make application at the Town of Benton offices for a service pipe and connection with the main. Such application shall be made in writing upon a form furnished by said Town of Benton and must be signed by the owner of the property or the owner's duly authorized agent. The application for water service form must be received by the Town Clerk and later reviewed for approval/disapproval by the Water Superintendent who may include on this form special provisions as deemed applicable.
- B. The meter deposit and connection charge must be paid immediately following an applicant's approval prior to an installation.

§ 106-7. Material of service pipe.

The service pipe between the curb and meter, wherever located, shall be pipe approved by the Town of Benton. For household use the pipe shall be one-inch CTS polyethylene tubing with a blue stripe, minimum 200 P.S.I. Larger pipe (maximum two inches) may be used with Town of Benton approval for larger users.

§ 106-8. Opening or closing of curb cock.

The curb cock controlling any service shall not be opened by any person after connecting said service at the curb, so that water may be supplied to such premises by said service, unless the service pipe installation has been approved by the Town of Benton or its agent and the meter installation completed. In case of building operations, special permission may be given by the Town Board or Superintendent of Water Department under such conditions as they may prescribe. The curb cock controlling any water service shall not be opened or closed by any person other than the Water Superintendent or his/her agent.

§ 106-9. Damage to water facilities.

Any person, contractor, utility, public or private agency responsible for any damage to any main, pipe, hydrant or other water facility shall reimburse the Water District for such damage and for the loss of water and any/all damage caused by such escaping water.

§ 106-10. Responsibility for trenches; safety requirements.

In the case of any excavation for the introduction of water pipe or connection under authority of a permit from the Town of Benton, the owner will be held responsible for the trench opening. Public safety and conveniences shall be duly regarded and conserved by the construction of such bridges across open trenches as may be required to insure safety to the public. Amber lights, barricades and all such other means of protection against accident must be provided. Before trenches are backfilled, materials and workmanship shall be inspected by the Town of Benton or its agent, and approved in writing.

§ 106-11. Maintenance of service pipe.

The owner of property into which water is introduced by a service pipe will be required to maintain to perfect order, at his own expense, the said service pipe from the corporation cock to the meter on or for delivering or supplying water for any purpose. In case such services and fixtures are not so kept in repair, the Town of Benton or its agent may cause to have made all necessary repairs and renewals or, parts thereof. The expense of such work and all materials and labor required shall be paid by the property owner. In case of a water leak, repairs must be made within seven days or sooner as determined by the Water Superintendent. If repairs are not made, repairs will be made by the Water District at the owner's expense.

§ 106-12. Stop cock required.

Immediately prior to the meter, a stop must be installed and shall be conveniently located in order to drain the meter, or in such other convenient place as the Water Superintendent may approve.

§ 106-13. Entrance to premises by inspectors.

The Water Superintendent or employees of the Water District, upon presentation of proper credentials, may enter upon any premises where water is being supplied by the Water District or upon any premises when application is made for a permit to connect plumbing with the water pipes, for the purpose of installing, reading, removing or repairing meters, or for inspecting the plumbing and fixtures of the water services. The inspector(s) will possess and present as proper credentials, appropriate photo identification.

§ 106-14. Shutting off in case of construction, testing or repair.

In the case of making or constructing new work, in making repairs or leakage tests, the right is reserved to shut off the water from any consumer without notice for as long a period as may be necessary. No Water District, its employees or the Town of Benton, shall be liable for any damage which may result to any person, property or premises as a result of shutting off the water from any main, or service, for any purpose whatsoever, even in cases where no notice is given.

§ 106-15. Changes in pressure.

No Water District or the Town of Benton shall be liable for any damage or loss of any kind to property or persons which may arise from or be caused by any change, either in increase or decrease, in pressure of water supplies, from any cause whatsoever, including negligence on the part of the Water District, its agents, servants, or employees.

§ 106-16. All service to be metered.

All water furnished through service pipes, whether for residential, commercial or industrial use, shall be metered. No meters shall be set or removed or disturbed except by the Water Department. All meters shall be furnished and installed by the Water District, after payment of the meter deposit and the connection charge. The Water Superintendent shall approve the location of the meter.

§ 106-17. Damage to meter.

Any damage which the meter and component parts may sustain, resulting from the carelessness of the owner, his agent or tenant, or from neglect of either of them to properly secure and protect the same, including any damage that may result from allowing said meter to become frozen, or to be injured by hot water or steam getting back from a boiler or hot water tank, shall be paid to the Water District by the owner of the premises. It is required that a check valve be installed in the line immediately after the meter.

§ 106-18. Access to meter and outside reader.

Whenever a meter is placed in 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 or tenant shall provide ready and convenient access to the meter so that it may be frequently read and examined by agents of the Water District. An outside reader should be kept free of all obstructions as well.

§ 106-19. Meter pits.

- A. A service line in excess of 150 feet from the highway right-of-way will require a meter pit. Meter pits will also be required for all structures built on a concrete slab with unheated space below the first floor, any structure where the service line passes through unheated space, or any heated space less than four feet in height, along with all other structures as deemed necessary by the Water Superintendent. The above said meter pits must be purchased or approved through the Town of Benton and will be located at the curb stop near the highway right-of-way.
- B. A service line in excess of 150 feet will require a meter pit at the curb stop.

§ 106-20. Meters for building purposes.

Water meters for building purposes shall be set by the Water District at the expense of the contractor or person making such application. In case it is not practical to place meters for such building purposes, water may be supplied to the contractor or owner at a flat rate.

§ 106-21. Water fees.

Generally, all water consumed shall be recorded and paid for by meter registration and at rates to be fixed by the Town Board. Such fees may from time to time be changed as the Town Board may determine. A water fee schedule will be on file in the Town Clerk's Office which will include fees for water hook-up, turning water on and off, transmission fees, taking meters in and out, general water rates and other service fees as determined by the Town Board.

§ 106-22. Water bills.

Bills for metered water shall be payable quarterly by the property owner or at such period as may be set by the Town Board. In each instance, water bills, if not paid in 30 days, shall be increased 10% as a penalty for failure to pay promptly. Failure to receive a bill shall not act as a waiver of said penalty. In case of the inability to read a meter, an estimated bill will be submitted to the consumer.

§ 106-23. Abatements.

No abatement (lessening or stopping) of the charges for water shall be allowed on account of the vacancy of any premises supplied with water, unless the water supply is turned off by the Water District and the meter is removed. For such suspension of service there shall be a charge to be fixed by resolution of the Town Board, which is on file in the Town Clerk's Office.

§ 106-24. Unpaid charges.

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. Such charges, if not paid, shall become a lien on the property. All such unpaid charges shall be added to the next general tax against the property. Failure to pay within 90 days may result in the discontinuation of service.

§ 106-25. Hydrant control and maintenance.

- A. All street or road fire hydrants or hydrants for private fire protection from unrestricted service lines are under the control of the Water District. No person, except an authorized agent or employee of the Water District, or a person permitted by the Town Board to take water from a hydrant, shall operate, use or disturb any hydrant, or any part thereof, under any circumstances whatsoever, except fire companies to control, prevent or extinguish fires.
- B. In case any damage to a street or road hydrant is done by any person or his agent, he/she shall pay such damages and all costs and expenses that may be incurred on demand to the Water District, including the loss of water.

§ 106-26. Valve and curb cock control.

No person except a duly authorized representative of the Water District shall open, close or in any way interfere with any valve or gate in any water main or pipe. Any person who has disturbed or displaced a valve box or who has covered a valve box with dirt, paving, plank or other material shall immediately replace the valve box or remove the obstruction, at the owner's expense.

§ 106-27. Laying of service pipe.

A joint-free service pipe with No. 12 gauge solid copper tracer will be required to be laid not less than four feet six inches below the surface of the earth at any point to the inside of the foundation wall of the building into which the water service is introduced.

§ 106-28. Sale of water.

No consumer within the Water District shall sell water to anyone for any purpose whatsoever, unless a specific permit is issued by the Town Board.

§ 106-29. Connections between public and private systems.

No connection between a public and private water system is allowable.

§ 106-30. Discontinuation of service.

It is understood and agreed that failure of the applicant to give written notice to have service discontinued will make the owner of the property liable for all water charges against said premises. A notice of discontinuance must be delivered to the office of the Town Clerk with all applicable fees.

§ 106-31. Water service specifications.

Water service specifications and information are to be provided by the Town of Benton Water Superintendent.

§ 106-32. Out-of-district users.

Out-of-district users will be subject to special provisions of an out-of-district water agreement as established by the Town Board as well as this article.

§ 106-33. Fire protection connections.

All fire protection connections with the principle mains shall be installed only by authorized persons acting under the direction of the Town of Benton or its agent after detail plans and water flow information have been approved by the Town Engineer. All costs shall be paid by the consumer.

§ 106-34. Cross-connections.

A. It shall be unlawful for the owners of property or the users of water or both to introduce or permit the introduction into the water supply system of pollution or contamination of any kind. Whenever cross-connection to another water supply into the system is found or whenever any other condition is found which presents the possibility of contamination or pollution, the water supply to such premises and or other premises from which cross-connection is made shall be discontinued immediately until the cross-connection is eliminated or the condition remedied. The Water Superintendent of the Water District may permit or require a backflow preventer of a pattern and design which the New York State Department of Health approves as reasonably adequate to prevent contamination, if the Water Superintendent determines that a complete physical separation from the water system is not practicable or necessary, or that adequate inspection for cross-connection cannot readily be made, or that such backflow preventer is necessary because of existing or possible backflow resulting from special conditions, use or equipment.

- B. Any corrective measure, disconnection or change on private property shall be at the sole expense of the person in control of such property. Any changes required in the water system outside the property or between the meter and the supply line or distribution system and any charges for cutoff or disconnection shall be added to the charges for water against the premises necessitating such expenditure.
- C. All physical connections which may constitute potential cross-connections are prohibited unless constructed, maintained and operated in accordance with the provisions of the New York State Sanitary Code, Chapter 1, Part 5, Section 5-1.31.

§ 106-35. Penalties for offenses.

Any person, firm or corporation violating any provision of this article, shall, upon conviction, be punishable by a fine not to exceed \$250. Each week that a violation is permitted to continue shall constitute a separate offense.

§ 106-36. Higher standard to prevail.

In any case where a provision of this article is found to be in conflict with a provision of any ordinance or local law, or with a provision of any statute, rule, regulation, or order of the State of New York, the provision which established the higher standard for the promotion of the health, welfare and safety of the citizens of the municipality shall prevail. In any case where a provision of this article is found to be in conflict with a provision of any other ordinance or local law existing on the effective date of this article, which established a lower standard for the promotion of the health, welfare and safety of the citizens of the municipality, the provisions of this article shall be deemed to prevail.

§ 106-37. Effect on prior actions.

The adoption of this article shall not affect or impair any act done, offense committed or right accrued or acquired or liability, penalty, forfeiture or punishment incurred prior to the time this article takes effect.

ARTICLE II
Cross Connections

[Adopted 9-13-2004 by L.L. No. 1-2004¹]

§ 106-38. Prohibitions.

It shall be unlawful for the owners of property or the users of water or both to introduce or permit the introduction into the water supply system of pollution or contamination of any kind. Whenever cross connection to other water supply into the system is found or whenever any other condition is found which presents the possibility of contamination or pollution, the water supply to such premises and/or other premises from which cross connection is made shall be discontinued immediately until the cross connection is eliminated or the condition remedied.

§ 106-39. Backflow preventers permitted under certain conditions.

1. Editor's Note: This local law was originally adopted as Ch. 16 but was renumbered to maintain the organization of the Code.

The Water Superintendent of the Water Districts may permit or require a backflow preventer of pattern and design which the New York State Department of Health approves as reasonably adequate to prevent contamination, if the Water Superintendent determines that a complete physical separation from the water system is not practicable or necessary, or that adequate inspection for cross connection cannot readily be made, or that such backflow preventer is necessary because of existing or possible backflow resulting from special conditions, use or equipment.

§ 106-40. Costs for corrective measures, disconnections or changes.

Any corrective measure, disconnection or change on private property shall be at the sole expense of the person in control of such property. Any changes required in the water system outside the property or between the meter and the supply line or distribution system and any charges for cut off or disconnection shall be added to the charges for water against the premises necessitating such expenditure.

§ 106-41. Physical connections to comply with Sanitary Code.

All physical connections which may constitute potential cross connections are prohibited unless constructed, maintained and operated in accordance with the provisions of the New York State Sanitary Code, Chapter 1, Part 5, Section 5-1.31.

§ 106-42. Penalties for offenses.

Any person, firm or corporation violating any provision of this article, shall, upon conviction, be punishable by a fine not to exceed \$250. Each week that a violation is permitted to continue shall constitute a separate offense.