

TOWN OF ELMA CODE

WATER ORDINANCE

Chapter 140

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[HISTORY: Adopted by the Town Board of the Town of Elma 8-5-64 as Ord. No 8 Sections 140-18 and 140-19 amended during codification; see Ch. 1, General Provisions, Art. II. Other amendments noted where applicable]

ARTICLE I
General Provisions

~140.1. Purpose

The purpose of this chapter is to promote the general health, welfare and safety of the inhabitants of Elma, through regulations, supervision and control of the water system and supply of the Elma Water District. It is hereby declared the policy of the Town Board of Elma by means of this chapter to provide such regulation, supervision and control and to provide for the operation and maintenance of the Elma Water District.

~140-2. Definitions

In interpreting and applying the provisions of this chapter, the following definitions shall prevail:

BUILDING- Includes any structure of enclosure to which water is supplied, whether occupied or vacant.

PREMISES- Includes all places to which water is supplied, whether occupied or vacant.

WATER DEPARTMENT- The person, group or department of the town, appointed or created by the Elma Town Board, having charge of the furnishing of water either within or without the water district.

~140-3. Conformance to provisions required

A. No person, building or premises shall apply for or receive water from the Elma Water District, except in accordance with the provisions of this chapter. The provisions of this chapter and any rules and regulations adopted hereunder shall be deemed a part of any contract for the furnishing of

water, and any person applying for, receiving, accepting or paying for water service from the Elma Water District and/or the Water Department shall be considered, as part of the consideration for receiving such service, as having agreed to be bound by said provisions and rules and regulations.

B. Any person who knowingly receives or knowingly permits premises owned or occupied by him to receive water from the Elma Water District, except in accordance with this chapter or said rules and regulations shall be guilty of a violation of this chapter, punishable as provided hereinafter.

ARTICLE II

Permits

~140-4 Application

Any person desiring to purchase or receive water from or to connect into the Elma Water District or any of its mains or water transmission lines, or for replacement and modification of an existing installation, shall apply to the Water Department, upon forms provided by the Water Department. Applications shall be made by the owner of premises or his agent authorized in writing.

** 140-4.1. Water Service – see page 14021

~ 140-5. Fees payable prior to issuance .

No permit shall be granted for the installation, replacement or modification of water supply for the Elma Water District until the fees for tapping mains, connections for service, advance rentals or deposits and any other authorized charges have been paid.

~ 140-6. Access to premises

For the purposes of inspection, installation, maintenance, repair, meter reading, turning on or shutting off water, authorized personnel of the Water Department shall have free and full access at all reasonable times, to all parts of any premises supplied with water from the Elma Water District or upon which application has been made to the Water Department or to which water is reasonably believed to be supplied. Filing of an application shall in addition to the provisions of this section, be deemed consent to such access.

ARTICLE III Private Service Lines

~ 140-7. Installation and maintenance to conform to requirements.

The installation and maintenance of private service lines, excluding the mains and lines of the Elma Water District, shall be in accordance with the following provisions and specifications.

~ 140-8. Inspections; fee.

No private service line from a water district pipe or main shall be installed, altered, replaced or used until the same has been inspected and approved by the Water Department. A fee of seventy-five (\$75.) shall be paid to the Department upon filing each application for each such inspection.

~ 140-9. Street openings.

No opening shall be made in any town highway, except with the consent and approval of the Town Superintendent of Highways, upon such terms and conditions as he shall require, including the posting of a reasonable bond if, on his reasonable judgement, such bond is necessary. For this purpose the Superintendent may prepare reasonable requirements for such openings to be filed with the Water Department.

~140-10. Taps and connections

All connections to or taps of water mains for water service shall be made by or under the supervision of the Water Department. A receipt for tapping fees shall be on file with the Water Department in advance of making such connection or tap.

~140-11. Line specifications.

A. All private lines up to the meter shall be installed, maintained, altered or replaced with Type K copper tubing which shall conform to ASTM Designation 888, latest revision, of the following widths and thickness:

Width (inches)	Thickness (inches)
¾"	.065
1"	.065
1 ¼"	.065
1 ½"	.072
2"	.083

B. All joints in Type K copper tube service lines between the curb stop and meter shall be made with compression fittings.

~ 140-12. Trenches.

A. The service line shall be laid out not less than four (4) feet below the established grade of the adjacent street or existing ground level; but where it is impractical to meet the Department, requirement by reason of existing conditions, the Water Department may, upon application therefor, grant a permit for some other method of installation

B. All service lines shall be laid in a separate trench at least three (3) feet distant horizontally from any other underground facility and in solid ground. The placing of water service line in the same trench as that occupied by sewer pipe, gas pipe or other utility lateral connections will not be permitted except by special authorization of the Water Department in extraordinary cases, including where solid rock is encountered.

~ 140-13. Tapping point.

The Water Department shall designate the point at which the water main is to be tapped and also the position of the service pipe connection at the tap. The Water Department shall make necessary excavations for all taps, which shall be at least four (4) feet square and not less than six (6) inches below the main.

~140-14. Replacement of taps.

No new tap shall be made to a water main to connect with a service line which is intended to replace an existing service line, unless the existing service line is properly disconnected at its tap to the water main. The expense of such disconnection shall be borne by the applicant.

~0140-15. Abandoned taps.

Where a service line is abandoned, the service line must be shut off at the tap and disconnected at the expense of the owner.

~ 140-16. Multiple Users

There shall be a separate and distinct tap for the service of each premise supplied with water. Multiple taps to any one (1) premises may be installed upon application of the owner, at the discretion of the Water Department. Each meter must have a distinct service line and its own distinct curb stop.

~ 140-17. Maintenance.

All outside service lines, building service pipes, outlets and fixtures shall be maintained in good order and repair and protected from frost, leaks and breaks and must be promptly repaired if not in good order to prevent waste of water. If the owner fails to observe these requirements, the Water Department may shut off the water supply and assess the cost thereof against the real property affected, to be collected as part of the water rent.

**ARTICLE IV
Tapping Charges**

~ 140-18. Fee. [Amended 12-17-75 *1]

Any person who desires to receive water from the Elma Water District shall, in connection with his application, pay a charge, as established from time to time by resolution of the Town Board, for the tapping of water mains, unless a tap to the main was installed at the time of original construction

~ 140-19. Service for separate buildings. [Amended 12-17-75 *1]

If service is desired for two (2) separate buildings, the charge shall be the same as for two (2) separate tappings, in accordance with the charges established pursuant to ~ 140-18.

~140-20. Variances in size or type.

The Superintendent may authorize a different size or type of tap, in extraordinary cases, giving due regard for proper standards for the preservation of pressures and flow.

~ 140-21. Change in charges.

The Town Board, at regular meeting, may increase or decrease the above tapping charges by not more than ten percent (10%) at any one (1) meeting.

¹ Editor's Note: Amended during codification; see Ch.1 General Provisions Act.

ARTICLE V

Water Meters

~ 140-22. Supply and installation.

All meters used to measure water purchased from the water district shall be supplied by the water district, and no meter shall be installed unless supplied by the water district. Each meter shall be installed by the Water Department after payment of the fee specified hereinafter.

~ 140-23. Deposits. [Amended 12-17-75; 3-7-79]

At the time of application for water service and in addition to tapping charges required to be paid, the applicant shall pay to the Water Department a deposit for each meter, the amount of said deposit to be fixed by resolution of the Town Board from time to time.

~ 140-24. Installation and Maintenance.

A. The Water Department will install and maintain meters and meter couplings. Meters shall be set as nearly as possible to the point of entry of the service connection pipe to the building and shall be kept unobstructed and easily accessible to Water Department employees at all times. The Water Department in its rules and regulations may require a meter to be set in a pit or box is to be provided by and at the expense of the consumer and located near the front property line of the premises.

B. The Water Department will at regular intervals determine a meter's as its expense in meter's up to 2" in size, except where meters are damaged by frost, hot water or from external causes. The meter shall, after installation, be sealed by the Water Dept. which shall thereafter have complete control of thereof. No sealed meter may be removed without a written permit from Water Dept.

C. Permanent meter installation requiring a two-inch or larger size meter shall be provided at the consumer's expense with a valved bypass around the meter and a valved spur pipe on the building side of the meter for test purposes. The design of such special meter settings shall be submitted to the Water Department for approval before construction by the consumer in undertaken. The Water Department will test meters at regular intervals to determine their accuracy and will replace defective parts in improperly operating meters at the customer's expense. The meter shall, after installation, be sealed by the Water Department which shall thereafter have complete control thereof. No sealed meter may be removed without a written permit from the Water Department.

~ 140-25. Tampering with equipment.

No person other than an employee of the Water Department shall interfere with or remove any water meter, sealing device or coupling from any meter installation after it has once been placed in service by the Water Department.

~ 140-26. Size .

The Water Department shall determine the proper size of meter to be installed and shall have the right to change the meter at anytime it is necessary in order to ensure its proper operation.

~ 140-27. Damage to equipment; cost of repairs. [Amended 12-19-84]

Any meter damaged by frost or by hot water or steam backing into the meter or by an external cause shall be repaired by the Water Department at the expense of the property owner, and the water service may be disconnected until such corrective action is taken to prevent a recurrence of the incidence which caused the damage. The charge for such repairs shall be fixed from time to time by resolution of the Town Board.

~ 140-28. Test for accuracy.

Consumers, upon request, may have the meters serving their premises tested by the Water Department in their presence or that of a duly authorized representative. If the meter so tested shall be bound to register not more than one hundred three percent.(103%) of the amount of water actually passing through it, a charge in the amount of fifteen dollars (\$15.) shall be paid by the consumer for testing a meter one (1) inch or less in size, and, for meters larger than one (1) inch in size, the actual expense, including overhead, incurred by the Water Department in removing, testing and replacing the meter shall be paid by the consumer.

~ 140-29. Meter reading and maintenance.

Employees of the Water Department, in the performance of their duties, shall be permitted to enter the premises of any consumer at any reasonable hour to remove, replace, repair or test the meter, to make a record of the quantity of water used, to inspect the premises to determine the manner of water use or to enforce the provisions of this Water Chapter. If the Water Department is unable to read a meter after two (2) successive attempts, the charge will be estimated on the basis of prior use in comparable periods and the difference adjusted when the meter is again read. If the meter is damaged or fails to operate, the bill will be based on the average use during prior comparable periods unless there is evidence that the use is not normal and the average use for comparable periods is not properly applicable, in which case the charge will be estimated by some other method which the Water Department considers equitable.

~ 140-29.1. Meter reading card. [Amended 7-7-82]

In all instances, except for industries and meter pits, the consumer will be mailed a meter reading card, with postage prepaid, with a request that the consumer fill in, in the space provided, the consumption figures on the water meter. The meter reading card should be filled in and returned within by the sixteenth of the month of receipt. If the meter reading card is not so received, the bill will be estimated using previous readings on the consumer's account ledger. For the third estimate, covering nine (9) months' water usage, the meter will be read and an additional service charge of fifteen (\$15.) will be added. For the fourth estimate, covering one (1) year's service, a notice of shutoff of service will be mailed with the meter reading card.

**ARTICLE VI
Water Rates**

~ 140-30. Establishment.

The schedule of charges and rates for water service shall be as adopted annually or at any other time as determined by resolution of the Town Board, except that, if no action is taken by the Board, the most recently adopted schedules shall continue in effect.

~ 140-31. Basis for charges.

All water supplied shall be charged for on the basis of the amount registered on the meter or meters installed on the consumer's premises with a minimum charge as established by the Town Board. Where two (2) or more meters supply the same premises and the consumer, the consumer, in addition to the fixed charges for all meters, shall be billed at the schedule of rates for a quantity of water equal to the sum of the readings on all meters on the premises.

~ 140-32. Water used for construction purposes.

A charge shall be made for construction purposes during the erection of any dwelling or business establishments. This is only available until the building is secure. This charge shall be fixed by the Town Board when it adopts the schedule of charges and rates herein provided for. For all other types of construction, water shall be metered. Note: The Water Department is not liable for frozen meters or services. This is the sole responsibility of the owner or contractor.

~ 140 -33. Special cases.

The Water Department, with the approval of the Town Board, shall determine the charges and rates in special cases to cover unusual conditions or types of service not contemplated in these rules and regulations or in the rates and charges set by the Town Board for regular service. No consumer will be allowed to supply water to other persons or premises, and no owner or occupant shall use water from another premise unless specific permission has been obtained in each case from the Water Department. The Department has the right to require, during a temporary period of emergency, that a consumer allow it to connect an adjacent premises to such consumer's piping, but in such case allowance will be made for any excess water registered on his meter.

~ 140-34. Billing Procedure.

- A. Checks for payments of water bills and water charges shall be made payable to the Town Water Department. Meters will be read and bills rendered at regular quarterly intervals for all meters upto 2" in size. e. Bills for the previous quarter shall be due and payable at the office designated on the bill.
- B. If the quarterly bill remains unpaid for a period of one hundred eighty(180) days after it becomes due, the water will be shut off until such bill is paid, together with an additional charge as fixed from time to time by resolution of the Town Board, which shall fix a charge both for restoration during normal Hours. [Amended 7-7-82;12- 19-84]
- C. If a monthly bill remains unpaid for a period of ninety(90) days after it becomes due, the water will be shut off as stated in "B" above.

~ 140-35. Responsibility of property owner.

The Water Department, upon the written request of a property owner, will mail the water bills to the tenant or lessee using the water, but the owner shall remain responsible for all charges provided for in this Article, together with any penalties.

~ 140-36. Users outside district.

The Town Board may enter into a contract or contracts for the sale of water to users not within the Elma Water District. Rates for such use shall be specified in each such contract, provided that such rates shall not be less than the rates established for users within the district. In fixing such

rates, the Board may consider whether any such applicant is assessed by the Elma Water District as a property owner within said district. Any contract for such service outside the district shall require the party requesting such service to comply with the provisions of this chapter.

~ 140-37. Unpaid charges to constitute lien.

A. All water rents, penalties and interest thereon and all charges for tapping, connection and disconnecting and any other charges provided by this chapter shall be a lien on the real property upon which the water is used, and such lien shall be prior to every other lien or claim except the lien of an existing tax.

B. The Town Clerk shall annually file with the Town Board and the Supervisor the amount of any such liens which have not been paid at the time and in the manner prescribed by the Town Board with a description of the real property affected thereby, and the Supervisor and the Board of Assessors may include such amount in the annual tax levy and transmit such statements to the Board of Supervisors, who shall levy the same upon the real property in default.

C. Notwithstanding any other provision of this Article or of the Town Law, the Superintendent of the Elma Water Department may, when a user terminates use of water service and requests refund of a meter deposit, deduct from said deposit any balance due the Water Department for water use. The Superintendent shall first send such user a voucher itemizing the deposit, the water charge and the balance due the user, if any. If the user does not return said voucher within ten (10) days with his signature affixed, the Superintendent may proceed to offset the meter deposit against the amount due, as above, and remit the balance, if any, to the user. [Added 12-19-84]

**ARTICLE VII
General Regulations**

~140-38. Temporary shutoff of service. [Amended 12-19-84]

If a consumer desires to discontinue the use of water for a temporary period, the Water Department shall be given at least twenty-four (24) hours notice in writing for turning off the water and similar notice for turning it on again. If the temporary discontinuance is during the winter months, the Water Department, upon such request, will shut off the service at the curb cock and remove and place the water meter in its storeroom and will reinstall the same upon proper notice when required, and a charge to be fixed from time to time by resolution of the Town Board will be made to cover the expense incurred rendering this service.

~ 140-.39. Permanent shutoff of service. [Amended 12-19-84]

If a consumer desires to discontinue the use of water due to permanent vacancy, the Water Department shall be given at least twenty-four (24) hours' notice in writing, accompanied by a fee to be fixed from time to time by resolution of the Town Board, whereupon it will, at the time required, shut off the service and will read and remove the meter for the consumer and will render a special bill for the fractional period.

~ 140-40. Fire service connections; lawn sprinkler connections .

A. A service connection for private fire protection purposes may be secured from the town upon application by the owner of the property involved. A drawing showing the proposed location

of all valves, pipes, hydrants, sprinkler heads and other appurtenances to be installed shall be submitted with the application and in accordance with the adopted Town of Elma Cross-Connection

B. The Water department will determine the necessity and advisability of installing any fire service connection in view of the size of the street main available, the existence of available fire hydrants and the possible effect on the main pipe system if such a service line were broken and open during a conflagration. Likewise the Water Department will determine the proper size of each fire connection, which in no case shall be larger than ten (10) inches in diameter. The cost of installation of such a service, including an approved type of check valve with meter on a bypass located in a pit or vault, if required, shall be borne entirely by the applicant. An annual ready-to-serve charge, based on the size of the service connection and payable in advance, shall be made as follows:

- (1) Four-inch: two hundred sixteen dollars (\$216.)
- (2) Six-inch: three hundred ninety-six dollars (\$396.)
- (3) Eight-inch: six hundred forty-eight dollars (\$648.)
- (4) Ten-inch: nine hundred dollars (\$900.)

C. A fire service connection, except as provided in this section, will be subject to the same rules and regulations as apply to regular service connections. No connection shall be made at any time between the fire protection system and the regular water supply on the premises or any other supply, regardless of source, unless specifically approved by the Water Department. A fire service connection is exclusively for fire protection purposes. The use of water from this service for any other purpose whatever is prohibited. Any violation of the provisions shall be sufficient cause for discontinuing such service until reasonable assurance is given that the offense will not be repeated.

D. Service connections to supply lawn sprinkler pipe systems shall conform with the Water Department's Cross-Connection Control Ordinance as well as any and all New York State and Town health and sanitary codes. These service connections will be permitted only where the use of water for that purpose will not adversely affect regular service to neighboring consumers at periods of peak demand. The size and arrangement of pumps, if any, valves, check valves and other appurtenances shall meet the requirements of the Water Department.

~ 140-41. Cross-connections

No person owning or occupying premises receiving water service from the town shall make or allow to be made any connection, either of a direct or of an indirect nature, between his piping system and a water supply from any other source or install or allow to be installed any fixture or appliance or waste or soil pipe from which water may flow, be siphoned or be pumped into any piping connected to the town water system.

~ 140-42. Responsibility of contractors.

Where either hand excavation or excavating machines are used by contractors or others in digging trenches for sewers, drains, gas mains and conduits, or in connection with any other underground excavation work, all water mains shall be maintained in position at the expense of such persons or contractors. Contractors or others working in the public street must ascertain for themselves the location of all water service connection pipes.

Where they are removed, cut or damaged in the construction or repair of a sewer, drain gas main or conduit or in connection with any other underground

excavation work, such person or contractor must, at his expense, cause them to be replaced or repaired in accordance with the requirements of or directly by the Water Department, promptly, and he must at once notify the Water Department of the interruption of service and must reimburse the Department for any expense to it in providing temporary service and in restoring regular service.

~ 140-43. Responsibility for facilities within streets or easements.

The Water Department will operate, maintain and, where necessary, replace all existing mains and appurtenances, fire hydrants and other facilities within the territory of any street or any easement that is under the jurisdiction of the water district, except that repair or damage resulting from collision or any other external cause shall be paid for by the person causing such damage.

~ 140.44. Meddling with Equipment by unauthorized persons prohibited

No unauthorized person shall open or close any valve, hydrant or curb cock, meter, or other fixture or appurtenance connected with the water system of the town. The Water Department shall control all mains, taps, gate valves, street service connections, curb stopcocks, and gate valve boxes and meters and may, whenever such facilities are operated or interfered with in any way violation of these rules and regulations, discontinue the water service to the premises involved, which action shall be in addition to the penalties provided for by this chapter. No person shall, except with a permit from the Water Department, allow contractors, masons or other unauthorized persons to take water from his premises or operate any connected with the distribution system.

~ 140.45 Fire Hydrants.

- A. Fire hydrants are, except under special circumstances and with permission of the Water Department, for the sole use of the various fire companies of the town furnishing fire protection services. Tampering with any fire hydrant or the unauthorized use of water therefrom is a violation of this Article. In cases where no other supply is available, permission may be granted by the Water Department for Temporary use of the hydrant. [Amended 12-17-75]
- B. If a property owner or other party desires a change in the location of a fire hydrant, he shall bear all costs of such change. Any change in location of a fire hydrant must be approved and the work done by the Water Department.

~ 140-46. Responsibility for certain types of damage.

- A. The town and the water district make no guarantee as to the amount or consistency of pressure or volume of the water it furnishes and will not, under any circumstances be responsible for any loss or damage from any excess, deficiency or variation in the pressure, volume or supply of water or for loss or damage caused by water escaping from cause, or for any loss or damage as a result of water escaping from laterals, fixtures, appliances or pipes owned by consumers.
- B. The Water Department shall have the right to shut off the water in the mains temporarily to make repairs, alterations or additions to the plant or system, but the district will not be responsible for damages resulting directly or indirectly from any interruption of the water supply.
- C. When it becomes necessary to shut off the water from any section of the water system, the Water Department will endeavor to give notice to as many of the consumers affected thereby as time will permit and will, so far as practicable, use its best efforts to prevent inconvenience and damage; but failure to give such notice shall not make the town or district responsible or liable for any damages that may result either directly or indirectly from shutting off the water.

~ 140.47. Safety devices.

In cases where boilers or other appliances in a premises depend upon the pressure in the service line to keep them supplied with water, the owner or occupant shall place suitable safety devices to guard against the impossibility of collapse or explosion when the water supply is interrupted. Likewise, such owner or occupant shall protect water-cooled compressors for refrigeration systems by means of high-pressure safety cutout devices and shall provide means for the prevention of the transmission of water hammer or noise of operation of any valve or appliance through his piping to any adjacent premises. Failure of the owner or occupant to provide such safety devices shall in no way make the town responsible for any resulting damages.

~ 140-48. Curtailing of water supply; water shortages

The Water Department shall have the right to curtail the amount of water supplied in the event that its supply becomes limited. The Water Department in case of a shortage of water may limit or prohibit the use of water for sprinkling of lawns or gardens or for any purpose not deemed necessary for the maintenance of public health. Where water is wastefully or negligently used on a consumer's premises seriously affecting the general service, the Water Department may discontinue the service of such premises if conditions are not corrected within twenty-four (24) hours after giving such customer written notice, or, if an emergency exists, it may discontinue service without notice.

~ 140-49. New roads.

Before any road, on a subdivision or otherwise, shall be accepted by the Town Board as a town highway, the person offering such road to the town shall install in or along such road water pipes or mains sufficient to provide water service for any and all dwellings or structures proposed to be erected along such road. In lieu thereof, and in addition to any other deposit or security required for the acceptance of such road, the Town Board may require a deposit or security for the installation of such pipes or mains.

~ 140-50. Promulgation of rules and regulations

For the purpose of carrying out the purpose and provisions of this chapter, the Water Department may prepare rules and regulations not inconsistent with the specific provisions hereof, which shall be complied with by all applicants for water service and users thereof. Such rules and regulations shall be approved by the Town Board and shall be filed with the Town Clerk and shall be available for the guidance of all such applicants and users. Any person objection to the provisions of any such rules and regulations may file such objection with the Town Board which shall determine the effect thereof.

ARTICLE VIII

Penalties

140-51. Penalties for offenses. [Amended 12-17-75]

- A. In addition to any other violations set forth in this chapter or any statute of the State of New York, it shall be a violation for any person to cause damage to any water main, hydrant, meter or metering equipment, storage tower, standpipe or any facility or equipment used in providing water service by the Elma Water Department or for any person to turn on, without

the permission of the Elma Town Board or a representative of the Elma Water Department, any hydrant which is a part of the water system operated by the Elma Water Department.

- B. Any person who violates any provision of this chapter which is declared to be an offense or violation shall be guilty of a violation and shall be punished by a fine not exceeding two hundred fifty dollars (\$250.) or by imprisonment not to exceed fifteen (15) days, or by both such fine and imprisonment.
- C. Where it is provided herein that a violation of this chapter, or any part or section thereof, shall result in a forfeiture or the imposition of a penalty, the Town Board may maintain an action or proceeding in any court of competent jurisdiction to collect such forfeiture or penalty and to compel compliance with this chapter by injunction or in any other legal manner.

~ 140-4.1 Water Service: permit requirements.

Water service shall not be provided for any building or structure in the Town of Elma, unless there is in effect for said building or structure a Building Permit or an existing Certificate of Occupancy issued by the Elma Building Department.