

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~County~~
~~City~~ of Cairo
Town
~~Village~~

Local Law No. 4 of the year 19 90

A local law WATER DISTRICT
(Insert Title)

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Cairo as follows:
Town
~~Village~~

SEE ATTACHED

(If additional space is needed, attach pages the same size as this sheet, and number each.)

TOWN OF CAIRO
WATER DISTRICT

LOCAL LAW #4-90

No. 1

It shall not be lawful for any person to throw into the supply reservoir at Route 23, Cairo, or upon the bank thereof, or upon the ice formed in said reservoirs when the same is frozen over, any stick, stone, refuse or other substances or material of any description whatsoever, either solid or liquid. Nor is it lawful to skate, run, slide, walk, stand, go or be upon any ice that may form upon such reservoir. Any violation of this local law shall result in a fine of \$250.00.

It shall not be lawful to fish at the Cairo Reservoir without a permit. Permits may be obtained at the Town Clerk's office either on a yearly basis or as one lifetime permit. Fees for said permits to be determined by the Town Board. There will be no charge for a reservoir permit for senior citizens age 70 and over. Failure to comply with the rules and regulations printed on the permit will result in a revocation of said permit and a fine of \$100.00.

No. 2

No person except the Superintendent of Public Works or persons acting under his direction or permission, shall open any fire hydrant or draw water therefrom, that the chief engineer of the fire department of the Town of Cairo and his assistants and members of the fire department, are authorized to use said hydrants for the purpose of extinguishing fires or testing engines, hose and apparatus, but all such uses shall be under the direction and supervision of the chief of the fire department and his assistants and in no case shall inexperienced or incompetent persons be allowed to manipulate or interfere with any such hydrant or any gate valve or other fixture of said water works. Any violation of this local law shall result in a fine of \$250.00

No. 3

It shall not be lawful for any person not specially authorized by the Water Department to tap any main of the Cairo Water District or to make any connections therewith or to in any manner interfere with said mains. Any violation of this local law shall result in a fine of \$500.00.

No. 4

CAPITAL COSTS: Any new construction, outside the Cairo Water District limits, wishing to connect to the Town water system, may do so after agreeing to pay the District a capital costs reimbursement. This cost is determined by dividing the estimated water usage of the location per day, by the total usage of the District water system per day and then multiplying that number by the estimated worth of the Town water system. Said worth to be determined by the most recent appraisal.

The capital cost may be paid in one payment or billed quarterly, with the regular water billing, over a ten year period, with interest added at 1 1/2% per quarter.

No. 5

Rules and Regulations shall be passed by the Town Board of the Town of Cairo from time to time for the operation of the aforesaid Water District and shall form a part of the contract of all persons using Water District water and shall be considered an assent on the part of the owner or user to be bound thereby. The Town Board of the Town of Cairo may make changes by resolution in the water rates when they deem it necessary.

A copy of the aforesaid Rules and Regulations are on file with the Town Clerk of the Town of Cairo.

No. 6

Installation of water mains outside the limits of the District of Cairo shall be allowed after approval is given by the Town Board of Cairo and the Superintendent of Public Works or his duly appointed agent and all necessary agreements and permits have been executed. All construction, attorney's, engineering and/or inspection fees incurred for main extensions, outside the District of Cairo limits, shall be borne in their entirety by the water consumers of that new installation.

The water main extensions are to be made in accordance with plans and specifications approved by the Town Board of Cairo and the Superintendent of Public Works, and shall be under the supervision and inspection of the Superintendent of Public Works. Plastic pipe must be used for all water main extensions. The Superintendent of Public Works will inspect and accept all water mains before connection to the water system.

No. 7

On and after the effective date of these regulations, no toilet, unless it shall meet the water saving performance standards as provided for in this section, shall be installed in any building using the District of Cairo water and sewer systems.

The water performance standards for toilets and associated flush-valve, if any, will be a maximum flow not to exceed an average of one and six-tenth (1 6/10) gallons of water per flush.

The provisions of this section shall not apply to fixtures installed prior to the effective date of this section which are removed and relocated to another room or area in the same building after the effective date of this section, nor shall they apply to the installation of fixtures in buildings for which a building permit was issued prior to the effective date of these regulations.

Any violation of this section shall cause a fine of \$25.00, per day of violation, to be levied upon the property owner.

RULES AND REGULATIONS

TRENCHES

SECTION 1. All trenches dug for service connections must be properly guarded and not left open longer than is absolutely necessary and the road bed and sidewalk must be restored to its former condition to the satisfaction of the Superintendent of Highways. Flooding trenches to settle the ground will not be allowed.

All clay removed from the street opening must be removed and same back filled with an approved fill of bank run gravel or Item 4, as approved by the Superintendent of Highways.

TAPPING OF MAINS

SECTION 2. APPLICATION: All persons or corporations wishing to use the water of the Town of Cairo for any purpose must first make application to the Water District, in writing, in the form prescribed, upon blanks which will be furnished free of charge. Said blanks must be signed by the owner of the property where the water is to be used or by his/her duly authorized agent, stating without reserve the various uses to which the water is to be applied. Should the water be required for other purposes, after work is commenced or finished, notice in writing must be given before the desired change is made, and an addition granted. A WATER METER MUST BE INSTALLED WITHIN 24 HOURS OF WHEN TAP IS MADE UNLESS SOME HARDSHIP EXISTS. SAID HARDSHIP SHALL BE DETERMINED BY THE SUPERINTENDENT OF HIGHWAYS. ANY INDIVIDUAL OR CORPORATION USING TOWN WATER WITHOUT MAKING PROPER APPLICATION, SHALL BE GUILTY OF ILLEGAL USE OF WATER UNDER SECTION 9.

TAPPING: For all tapping of mains, the property owner must hire someone, who has been approved by the Superintendent of Highways, to make the tap.

SERVICE PIPES AND FIXTURES

SECTION 3. All persons taking water will do so at their expense and all owners shall furnish their own service pipe which must be not less than 3/4 inch K copper tubing for underground use. All service pipe must be laid at least three and one half feet (3 1/2 ft.) below the surface of the ground and the curb box must be located just behind property line. The property owner must supply all materials. A stop and waste cock must be properly located inside the building and have pipes so arranged that the water can be drawn off to prevent freezing and shall keep the curb box uncovered and exposed to view and on a level

with the top of the curb stone. Upon installation of the above, the Superintendent of Highways or his agent shall inspect all work.

Service pipes and drain or sewer pipes for any new construction must be laid in two (2) separate trenches ten feet (10 ft.) apart. When repair or replacements need to be done on already existing connections, the service pipe will not be allowed in the same trench with a drain or sewer pipe unless there is an intervening space of at least three feet (3 ft.) between said sewer pipes and service pipe, but under no circumstances will the drain or sewer pipe be allowed to be above the water service pipe.

SERVICE LEAKS: The cost of repairs must be born by the property owner as he/she is responsible for the service line from the connection at the main to the premises it services.

All fixtures shall, at the owners' expense, be protected from frost and kept in order to prevent waste of water. Should any users wish to discontinue the use of the District water and remove their fixtures, they must do so upon giving notice to the Water District.

If a property is torn down without any plans for future use of water to the premises within a three month period from the date of such notice, the owner will be assessed the regular quarterly water rent until the meter is removed and returned to the Water Department and the water is shut off at the main.

When hot water boilers are used suitable vacuum and air valves must be applied to prevent collapsing as the District will in no event be responsible for any damage that may occur from failure to observe this important rule.

PRIVATE WATER LINES

SECTION 4. Upon request for a private line, the applicant shall present all pertinent information to the Water District concerning the new line. Where necessary, building and/or site plans must be submitted at the time of application. All private lines shall be installed subject to the supervision and inspection of the Superintendent of Highways and trenches shall not be backfilled until the private line is inspected and approved. Water will not be turned into the private line until work has been approved.

OWNERSHIP: Ownership of a private line shall remain with the owner of the property serviced by this line. Right to connect to the private line for extensions of or services connections is retained by the Water District. However, such service installations normally will not be made until written consent of the owner of said private line has been received by the Water District.

REPAIRS: Repairs to private lines will be made as set forth in Section 7, Repairs and Maintenance.

USE: The use of said private line must be in accordance as stated in the application. Any other use, unless granted in writing by the Superintendent of Highways, could result in the permanent discontinuance of service.

BRANCH SERVICE AND CURB COCKS

SECTION 5. No service pipe will be allowed to run from one lot to another, but consumer may make application to the Water District for a permit to unite and if such permit is granted, may use one service pipe by placing at curb branched service, independent curb cocks and boxes whereby the supply to each consumer may be controlled. The application for water shall accompany the application to unite.

Same will not be allowed except in the event the parties involved agree to have attached to their deeds that the parties involved shall share and share alike the maintenance of the main line between the branch and/or curb boxes to the Town main.

CROSS CONNECTIONS

SECTION 6. In conformity with the New York State Sanitary Code, cross-connections between potable, public water and nonpotable supplies are prohibited.

Discharge lines from sprinkler systems must have a six inch (6") air gap between discharge and drain unless an approved trap check is provided.

REPAIRS AND MAINTENANCE

SECTION 7. All services, including all piping and fixtures for the delivering and supplying of water from the main to the building served, shall be maintained and/or repaired by the property owner. If, for any reason, a leak develops on the service or of the fixtures, the owner shall take immediate steps to repair same. In the event of unreasonable delay in the prosecution of the repair work, due notice will be given by the Superintendent of Highways to the owner or the tenant of the premises to start the necessary repairs within twenty-four hours (24 hrs.). Upon failure of the owner to start repairs within this period, the Department of Highways and Water District shall repair the break and the cost of the repairs shall be levied against the owner. The determination of the responsibility involved, whether the Water District or the property owner, shall rest with the Cairo Town Board and the Superintendent of Highways and their decision shall be final.

Where an emergency shall exist upon the occasion of a break on a service line, the Superintendent may make the necessary repairs with Water District forces without notice to the property owner. However, the costs involved in the prosecution of the work will be assessed against the property owner.

METERS

SECTION 8. Any newly constructed residential or commercial building tapping into the Water District water supply must have a water meter installed for the purpose of determining usage. Property owners who now have a water meter on the premises are not allowed to remove them and be billed at the flat rate.

Those customers who are presently being billed at the flat rate and wish to install a water meter, may do so. When a property billed at the flat rate is sold and transferred to a new owner, said new owner must install a water meter.

Meter readings will be taken quarterly (February, May, August and November). A Water District meter reading card will be left at any premises where no one is at home or where the owner requests one. If a meter is not read or a card has not been returned for two (2) quarters, the Water District will not be responsible if any discrepancies occur in the billing when an actual reading is received.

Any outside the District water customer whose meter has been turned in at the Water District Office and who still has an outstanding balance on their account, cannot be given their water meter back until the account is paid in full.

If a meter gets out of order or fails to register, the consumer will be charged at the average rate of consumption based on previous bills. Nonfunctioning meters will be replaced by the Water District as soon as possible. However, if the valve to the meter and/or the curb box are damaged, then it will be the responsibility of the property owner to obtain the services of a plumber to affect any repairs and replace the meter.

Suitable location for the installation of a water meter must be provided by the consumer which shall be as near the service pipe entrance as possible. The meter reader will not be responsible for entering a crawl space or any other area considered unsafe, nor will they move the belongings of any owner or tenant for the purpose of reading the water meter.

The Water District reserves the right to remove and test meters and to substitute another meter in its place.

Shut off valves must be installed on the street and house side of the water meter prior to its installation.

ILLEGAL USE OF WATER

SECTION 9. No person taking water shall supply other parties or families not entitled to its use, or take Town water from a hydrant, except by special permission from the Superintendent of Highways. If permission is not obtained, the person(s) using same will be held responsible for the whole amount of water illegally used.

Any person illegally using Town water by any means with no meter, a tampered meter or an open hydrant shall be charged a full year at the flat rate charge for usage plus a fine of \$1,000.00 and may face a charge for theft of services.

WASTE OF WATER

SECTION 10. All property supplied with Town water must be open and accessible to proper representatives of the Water District at all reasonable times and wherever it is found that water is permitted to run to waste or is being wasted through defective faucet or other fixtures or is being taken from the premises by those not entitled to its use, the owner of said property shall be responsible for any and all excess water usage.

VACANCY

SECTION 11. Water meters must be disconnected and water shut off at the curb by a plumber. Water meters must then be turned in at the Water District office in order for billing to be suspended while premises is vacant. Property owners will be charged only for the number of days in the quarter that the meter is on their premises. Those failing to turn in the water meter to the Water District office will incur a full quarter charge for water usage.

If water is not shut off nor meter disconnected, any damage caused by freezing of pipes and meter shall be at the expense of the property owner. If the water meter is damaged due to freezing or any other negligence on the part of the property owner, the property owner will be responsible for payment of a new meter at the current market cost.

Seasonal customers will be billed for two (2) full terms. Customers taking service for less than six consecutive months are considered seasonal customers. The minimum charge for seasonal service shall be twice the quarterly minimum charge.

There will be no charge for water being disconnected. A reconnect or turn on charge, set by the Town Board of the Town of Cairo will be charged when service is reconnected.

SHUTTING OFF WATER SERVICE

SECTION 12. The water may be shut off from the mains of the entire District or of any street or streets thereof, when repairs, connections or changes are to be made or when necessary for any purpose. When practicable, notice will be given in advance when the water is to be shut off, by publication in the local newspaper and/or local radio stations; however, the Town of Cairo and the Water District shall not be responsible for failure to do so in any case, nor be liable for any damages that may result from such shutting off of said water, whether such notice be given or not.

PAYMENTS OF WATER RENTS

SECTION 13. Water rents are payable quarterly on the first days of December, March, June and September in each year at the office of the Town Clerk-Treasurer-Collector and if not paid within thirty days (30) of when they become payable, a penalty will be assessed. The percentage of said penalty shall be set by the Cairo Town Board. Any water rents not paid by October 30th will constitute a lien against the real estate and will be added to the tax bill with a penalty to be set by the Town Board.

All water rents are due during the collection months (December, March, June and September). If received by mail and not postmarked by the last day of the collection month, a penalty will be assessed.

Water rents are a lien on the property at which they are used. Therefore owners of property will be responsible for the unpaid water rents of their tenants.

PROPERTY TRANSFERS

SECTION 14. When a property transfer occurs and neither the new owner nor his agent has asked for a final reading or checked for any outstanding balance on an account, the new owner will be responsible for payment of said unpaid balance or large billing resulting from no final reading.

MAIN EXTENSIONS

SECTION 15. No water main extension shall be made on any street that has not been accepted as such by the Cairo Town Board without prior approval.

In the case of a developer changing undeveloped areas into streets and building lots, within the limits of the Water District, and seeking water main extensions, same may be granted under the following conditions:

(a) The developer must pay for all excavation and back fill, same being done under the supervision of the Superintendent of Highways or his agent. The mains, and installation of same, shall be paid by the developer.

(b) The developer must file with the Cairo Town Board a copy of the map of the proposed development, drawn to scale and indicate thereon all proposed streets and building lots.

In the case of a developer of undeveloped property outside the limits of the Water District wishing to develop said property into streets and building lots and seeking water main extensions on same, may be granted permission under the following conditions:

(a) The development must be in a currently established water district or must establish a new water district or become annexed to the Town.

(b) The street in which the main is to be installed must first be accepted as such by the Cairo Town Board.

(c) The entire cost of installation must be paid by the developer and the installation must be under the supervision of the Superintendent of Highways or his duly authorized agent.

ALL NEW OR RENEWAL SERVICES SHALL BE METERED

FEE _____

CODE _____

TAPPING APPLICATION
CAIRO WATER DISTRICT

_____ 19__

I/We _____ owner(s)
of the property at _____
hereby make application for water service of size _____
inch for the following express purpose:

- New or Renewal Service _____
- One Family _____
- Apartment House _____
- Motel _____
- Trailer(s) _____
- Other _____
- Est. Water Usage _____
- Zoning Approval Needed - yes _____
no _____

- (a) is property located in existing water district _____
- (b) capital cost reimbursement is _____

On a renewal service the original service shall be abolished at the main at the property owners expense or be charged for the additional service at the current rates.

I/We agree to abide by the Ordinances, Rules and Regulations now in force or that may be adopted hereafter by the Cairo Water District.

The plumber(s) that I have employed for the work is _____ and I hereby agree that he shall complete all the work specified.

Violation of this application for water service will immediately show cause for the discontinuance of water service to the premises by the Cairo Water District.

A WATER METER MUST BE INSTALLED WITHIN 24 HOURS OF WHEN THE WATER TAP IS MADE UNLESS SOME HARDSHIP EXISTS. SAID HARDSHIP SHALL BE DETERMINED BY THE SUPERINTENDENT OF HIGHWAYS. APPLICANT IS RESPONSIBLE FOR ALL INSPECTION, ENGINEERING AND ATTORNEY'S FEES INCURRED.


(please complete reverse side)

APPLICANT _____

BILLING ADDRESS _____

TELEPHONE (DAY) _____ (EVENING) _____

BUILDING PERMIT NO. _____ ISSUED _____
TOWN OF CAIRO

Approved By:  _____
James F. Keefe, Supervisor

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, ~~no disapproval or repassage after disapproval~~ by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 4 of 1990 of the ~~(County)(City)(Town)(Village)~~ of Cairo was duly passed by the Town Board on December 12, 1990, and was (approved)(~~not disapproved~~)(~~repassed after~~ ~~disapproval~~) by the James F. Keefe and was deemed duly adopted on December 29, 1990, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____, in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ in accordance with the applicable provisions of law.
(Name of Legislative Body) (Elective Chief Executive Officer*)

*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

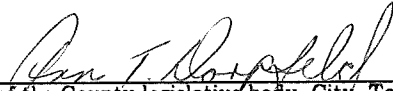
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 2, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body

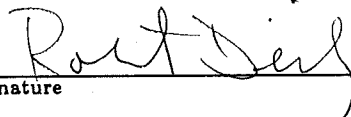
Date: November 29, 1995

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK
COUNTY OF GREENE

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Signature

Town Attorney

Title

~~County~~
~~City~~ of Cairo
Town
~~Village~~

Date: _____