

CHAZY WATER CODE
ARTICLE I
Terminology
Amended January 1, 2018

1. Definitions

Unless the context specifically indicated otherwise, the meanings of the words, terms and phrases used herein shall be as follows:

WATER SYSTEM — All property, plant, pipes, tanks, pump stations and other facilities and appurtenances existing for the purpose of supplying and distributing water which are owned by the Town of Chazy.

CROSS-CONNECTION — Any unprotected connection between any part of the water system and any service or system containing water or substance that is not approved as equally safe for human consumption.

CUSTOMER — A property owner with water service installed from a public water system in the Town of Chazy to a premises on said property.

DEVELOPER — Any person who subdivides or improves land for the purpose of constructing or causing to be constructed buildings for which potable water is required.

DISTRICT — A water district of the Town of Chazy formed in accordance with the laws of New York State.

EASEMENT — An acquired legal right for the specific use of land owned by others.

ENGINEER — A person or firm appointed by the Town Board to advise the Town Board on matters related to the public water system possessing licenses to practice engineering and conduct business in New York State.

EXTENSION — Attachment of a waterline, with more than one user, to an existing waterline.

PERSON — Any individual, public or private corporation, political subdivision, federal, state or local agency or entity association, trust, estate or any other legal entity whatsoever.

PREMISES — Any parcel of real property, including land, improvements or appurtenances, as buildings, grounds, etc.

PUBLIC WATER SYSTEM — All property, plant, pipes, tanks, pump stations and other facilities and appurtenances, which are used to supply potable water to customers within the Town of Chazy, Water District No. 1.

SERVICE AREA — The legally defined bounds of real property within the Town of Chazy in which water may be distributed from the public water system. The bounds shall be established, altered, changed, modified, reduced, enlarged, combined or consolidated only by action of the Town of Chazy Town Board.

SUPERINTENDENT — The person(s) appointed by the Town Board to oversee operation and maintenance of the public water system(s) and otherwise carry out duties and functions defined herein and as may be prescribed by the Town Board.

TOWN — The Town of Chazy, Clinton County, State of New York and may, as appropriate, mean the Town of Chazy acting on behalf of Water District No. 1.

TOWN BOARD — Town Board of the Town of Chazy, Clinton County, New York, acting on behalf of the town or on behalf of a district, as appropriate.

TOWN ENGINEER — The engineer hired by Town Board for the purposes of this chapter or his authorized agent or representative.

ARTICLE II

Superintendent; Billing Clerk and Collection Clerk

2. Water Superintendent.

There shall be appointed for the various town water districts, in the same manner and for such term and on such basis as the Town Board may determine, a Superintendent of Water Supply who, on behalf of the Town Board, shall have general supervision of the operation and maintenance of the water systems in each district, issue all permits required hereby, read meters, inspect service installations and perform other such duties as required for operation and maintenance of the water systems as the Town Board may direct.

3. Authority of Superintendent.

- A. Wherever it is referred to herein that permission be granted by or that an application be made to or that an act be done by or that an act be approved by the district, it shall mean the Superintendent of Water Supply of the district.
- B. Whenever any of the provisions of these rules, regulations and ordinances are violated, the water supply may be shut off and the meter removed by the Superintendent; however, such action shall first require authorization by resolution of the Town Board.
- C. The Superintendent of the district or his authorized agents shall have full power to enter the premises of any consumer, at all reasonable hours, to read the meter or to examine fixtures, plumbing and the manner of using water, upon due notice, unless in an emergency.

4. Billing Clerk and Collection Clerk.

There shall be appointed by the Town Board both a Billing Clerk and a Collection Clerk whom shall serve at the direction of the Board. The Billing Clerk shall render bills for water furnished or other service given. The Collection Clerk shall collect all accounts due and owing, file a monthly report of accounts with the Town Board and make such other reports as the Board may require.

- A. All money received by the Collection Clerk on behalf of the various districts shall forthwith be deposited in such banks or trust companies as the Town Board may from time to time direct.
- B. Claims and charges against the district shall be audited and paid in the same manner as

Town of Chazy charges.

- C. The Collection Clerk shall give bond for the faithful performance of his or her duties and for rendering a just and true account of all moneys received by him or her on behalf of the various districts in said sum as the Town Board may from time to time direct. The premium of such bond shall be a district charge.

ARTICLE III
Permits

5. Permit required.

No person shall use the water supplied by the district for any purpose whatsoever without having first obtained a permit upon written application therefore, after having first paid the charges pertaining to the introduction of water to the premises. The district and/or Town Board shall have the right to reject any application where cause exists or to stipulate such conditions as may be necessary to maintain acceptable operating conditions in the system.

6. Application for permit.

All applications for introduction of water to any premises or for the use of water shall be made upon a form furnished by the district for such purpose and shall be signed by the owner or his, her or its duly authorized agent. Such application shall contain a statement of all uses for which water is desired, and a use of water for any purpose other than mentioned in the application shall be sufficient cause to justify discontinuance of water service. Application for additional uses may be made at any time and permit may be granted therefore. Upon acceptance by the Water Superintendent acting for and in behalf of the district, the application shall constitute a binding contract between the water district and the customer obligating the customer to pay the water district the established rates and to comply with rules and regulations herein. Where such application shall require construction within a public right-of-way or district easement, such application shall require approval of the Town Board. Separate and distinct applications and approvals of the agency having jurisdiction over a public highway or right-of-way are required.

ARTICLE IV
Water Service Installations and Maintenance

7. Authority to connect to water mains.

- A. No person shall make any attachment to or connection with any of the pipes or mains or meters of the districts nor make any repairs, additions or alterations to the service pipes, except on the consumer's side of the meter, unless he or she is an employee of the district acting within the scope of his or her employment or a person authorized so to do by the Town Board.

8. Bond requirements.

Any person may make application to the Town Board for the purposes set forth in § 7. Except in the case of work done wholly within the owner's property, such application shall be accompanied by a bond in an amount as established and/or modified from time to time by resolution of the Town Board, with one or more sureties authorized to transact business in New York State, conditioned that he, she or it will comply with these regulations, rules and laws, will pay to the district all fees, penalties or other charges

required hereby in consequence of the work undertaken and that he, she or it will restore openings made in streets, roads, lanes and other public places and pavements thereon and therein, to the same standard of condition as before the work started and keep and maintain the same in such condition for a period of one year after the work has been completed and, in case of failure so to do, will pay to the proper authority in the premises the cost of putting the same in such condition. The Town Board may, in its discretion, grant or deny such application. Such permission so given may be revoked by the Town Board at any time.

9. Insurance requirements.

- A. Before application for the purposes set forth in §7 is approved, and, before commencing work, the applicant shall file insurance certificates with the Town Clerk. Insurance coverage shall be provided for the types and in the amounts as established and/or modified from time to time by resolution of the Town Board.
- B. All insurance policies must provide for 15 business days' notice to the Town of Chazy before cancellation and must cover all liabilities of the Town of Chazy and be in a form approved by the Town of Chazy Town Board.

10. Inspection by Superintendent.

- A. No person shall tap any main or distributing pipe or make or interfere with any connection with the water system unless under the direction of and in the presence of the Superintendent or unless he is an employee of the district or unless specific permission in each case is given by the district; nor shall any person make any alterations or additions in and about water pipes other than on the consumer's side of the meter, unless a written permit shall have been given by the district upon written application therefor.
- B. Where a new connection is made with street mains and where new extensions or attachments are made in unoccupied premises, the curb stop shall be closed by the Superintendent upon notification by the customer. Notice of the completion of the work shall be given the district by the customer, and the curb stop shall not again be opened until the work has been inspected and approved by the Superintendent and the meter read. Pipes and connections between the main and meter shall not be covered until so inspected and approved by the Superintendent.

11. Highway work permits may be required.

No street, highway or any part of the right-of-way thereof shall be opened by any person for the purpose of making a connection with the mains or for the laying of water pipes or fixtures, unless permission, in the form of an authorizing permit or other written document, shall have

been granted by the authority having jurisdiction therein.

12. Installation requirements.

Service taps, pipes, valves and other appurtenances shall be installed in accordance with Town of Chazy Standard Specifications and Details for Water and Waste Facilities Water, as adopted and/or modified from time to time by resolution of the Town Board.

13. Modifications due to ground surface changes.

In the event that a change in ground elevation leaves a service pipe insufficiently buried or results in the curb box projecting above the ground or being covered with earth, the customer shall notify the Town to promptly lower or raise his service pipe and curb box, at the customer's expense 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. Service will not be turned on again until the customer has received approval of the Superintendent that the service has been properly modified and has paid the fee set by the Town Board for reactivation of a service.

14. Maintenance customer's responsibility.

- A. All water pipes, service lines, meters, and appurtenances from the curb stop shall be the responsibility of the customer and shall be maintained and repaired at the customer's expense.
- B. Customers shall maintain and protect their own water pipes, service line and fixtures connected therewith from frost and freezing (five and one half foot minimum cover for service lines) at their own expense.
- C. When determined by the Town that an emergency exists or in instances in which a customer neglects to provide proper maintenance, the water service line on the customer's side of the curb box shall be repaired by the Town and the owner of the property shall be billed for the cost thereof. An invoice of such repair cost will be prepared and the customer will be billed. Any unpaid invoice shall be subject to enforcement as provided in this code.

15. Notice required for service shutoff

In case a house or other building is to be closed or becomes vacant, notice thereof should be given the district in order that meter may be read and curb stop closed. Where such notice is not given and pipes burst from freezing or other cause, the value of water lost by reason thereof, as estimated by the Superintendent, together with the fee established by the Town Board to cover labor and expense to the district, shall be added to the next bill and be paid in like manner regular Water charges

16. Building plumbing drain required.

A stop or waste cock shall be provided within the building so located that all piping on the consumer's side of the meter can be drained whenever necessary.

17. Reactivation of discontinued service.

Where water has been turned off by direction of the district or at the request of the customer, it shall not be again turned on without the permission of the district. No person other than the Superintendent or an employee of the district shall turn on any water service. Prior to reactivation, a fee, as may be established and modified from time to time by resolution of the Town Board, shall be paid to the district.

18. Resale of water prohibited.

No water shall be resold or distributed by the recipient thereof from the district supply to any premises other than that for which application has been made and the meter installed, except

in case of emergency where approved by the Superintendent.

19. Separate meters required.

Separate and independent meters shall be installed for each and every parcel for which water is to be provided

20. Temporary water service or usage.

Application shall be made to the Superintendent who may solely, at his discretion, permit the temporary usage of water. The Superintendent shall establish the requirements for such usage, including provisions for monitoring water usage. An application fee equivalent to the fee established for reactivation of a service shall be paid to the district, and water rent shall be charged as though said temporary usage was a residential service. Where connection to a district line is required, the appropriate fee shall be assessed and paid by the applicant.

ARTICLE V

Water Meters

21. Meters required.

Permanent water service shall be rendered by meter only. In order that there may be a uniformity of make and design and to give the greatest efficiency in operation and maintenance, all meters shall be of such make and type as specified in the Town of Chazy Standard Specifications and Details for Water and Waste Water Facilities as adopted by the Town Board. Meters shall be owned by the district and shall be obtained from the district at cost as may be established and modified from time to time by the Town Board.

22. Maintenance and replacement of meter

- 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 district by the customer. Where repairs are found necessary due to negligence of the user, the same shall be made by the district and the cost thereof borne by the customer. When, in the opinion of the Superintendent of the district, a meter becomes unsuitable for further use, except when due to negligence or lack of care of the user, it shall be replaced by the district. The district shall have the right to test meters suspected of improper function at the discretion of the Superintendent.
- B.** The Superintendent, or any persons delegated by him, must at all reasonable hours have access to all meters and to all parts of the premises to which water is delivered, for the purpose of inspection, examination of fixtures, reading meters, etc., upon due notice, unless in an emergency. All persons using water must at all times, frankly and without concealment, answer all questions put to them relating to its consumption. All meters will be sealed, and no person shall tamper with or remove a seal on a meter without the consent of the Superintendent.

ARTICLE VI

Cross-Connection Control

23. Requirements for cross-connection control.

- A. Cross-connection control shall be provided by the customer to protect the public water system by containment of any existing or potential contamination within the premises of the customer in the following manner:
- (1) By installing an acceptable air gap, reduced pressure zone device, or equivalent backflow prevention device acceptable to the New York State Department of Health and approved by the Superintendent, consistent with the degree of hazard posed by the premises;
 - (2) By submitting plans for the installation of backflow prevention devices to the Water Superintendent and the New York State Department of Health for approval; and
 - (3) By inspecting and testing all such devices annually at the expense of the customer. These devices shall be repaired, overhauled or replaced at the expense of the customer whenever they are found to be defective. Inspection shall be performed by a person qualified in the testing of backflow prevention devices. Records of such inspections shall be provided to the Water Superintendent within one week after the test is performed.
- B. Cross-connection control devices shall be provided for all commercial and industrial connections unless it is determined by the Superintendent that no significant hazard is posed without backflow prevention devices. Backflow prevention devices shall only be required for residential connections when the Superintendent determines that a significant hazard may be posed.

24. Customer responsibility.

It shall be the responsibility of each customer at his own expense to furnish, install and keep in good working order and safe condition any and all protective devices required. The district shall not be responsible for any loss or damage directly or indirectly resulting from or caused by the improper or negligent installation, operation, use, repair or maintenance of, or interfering with, any protective device by any customer or other person. All devices must meet standards contained in Town of Chazy standard specifications and details for Water and Waste Water Facilities.

25. Separate sources of water restricted.

- A. The owner(s) of all houses, buildings, or properties used for human occupancy, employment, recreation or other purposes, situated within the Town of Chazy and abutting on any street, alley or right-of-way in which there is now located or may, in the future, be located a public waterline, shall not establish or maintain a separate source of water without the approval of the district. All private wells as described in S-25 must be isolated from the Public Water System.
- B. In order to receive approval of a separate source, the customer must justify the need. If approved, separate sources of water shall not be physically connected to the public water system in any way, either directly or through building plumbing systems. Any and all separate sources must have separate and independent plumbing and distribution systems.
- C.-All users of the public water system shall prevent cross-connections, within their premises,

between the potable water piping system and any other piping system. Failure to comply with any cross-connection regulations shall result in termination of water services to the affected property.

**ARTICLE VII
Operation and Use of Hydrants and Valves**

26. Use restricted.

No person shall open, interfere with or draw water from any fire hydrant, or open or close any valves in the district without permit from the district therefor, except that hydrants may be opened by or on the order of any member of a Fire Department or any fire commissioner within the district in case of fire for the purpose of attaching thereto fire hose and equipment, where contract for the purpose has been entered into with the district.

27. Notification of use required.

Whenever a hydrant has been opened and used, notification of such fact shall be promptly given the district.

28. Tools for hydrant and valve operation.

No tools or implements shall be used to open hydrants and valves except such as are furnished by the district or by a Fire Department operating with the district's permission.

**ARTICLE VIII
Extensions of Water System**

29. Engineering plans and approval required.

Engineered plans and specifications prepared and stamped by a professional engineer licensed to practice in New York State shall be required for any new water system extensions. Plans shall be subject to review and approval of the town's Engineer. Where extension is proposed by someone other than the Town Board on behalf of the district; all cost associated with the extension, including the cost of such review shall be borne by the person proposing the extension. Funds to cover review expenses shall be deposited in escrow with the town prior to review work being performed.

30 Standard specifications and details.

Extensions to the water system shall be made in accordance with Town of Chazy Standard Specifications and Details for Water Facilities, as adopted by resolution of the Town Board.

31. Construction inspection required.

Construction of water system extensions shall be inspected by the Town Engineer, or, at the discretion of the Town Board, the Superintendent. Where extension is proposed by someone other than the Town Board on behalf of the district, the cost of inspections shall be borne by the person proposing the extension. Funds to cover inspection expenses shall be deposited in escrow with the town prior to construction work being performed. No work shall advance unless inspected to the satisfaction of the Superintendent and the Town Board.

32. Testing and certification.

All water system extensions must be successfully leak tested in accordance with AWWA specifications, and disinfected and tested for bacteriological contamination in accordance with of AWWA regulations prior to acceptance by the district. Written certification by a New York State licensed professional engineer attesting as such shall be provided to the Superintendent by the person making the extension prior to the Town Board's acceptance of the extension.

33. Record drawings.

Record drawings shall be prepared for all water system extensions by the design engineer which reflect any substantive modifications to the original plans and specifications made during construction.

34. Dedication of facilities.

Upon written acceptance by the Town Board, completed facilities for water system extensions which have been privately constructed shall be dedicated to the district, at which time they will become the property of the district. At the time of dedication, the person dedicating the facilities to the town shall provide a guarantee against defects in materials and workmanship for a period of one year. The guarantee shall be in such form and contain such provisions as deemed necessary by the Town Board, secured by a surety bond or such other security as the Town Board may approve.

35. Easements.

Any extension of the water system constructed on or adjacent to private property which property must be entered upon for the purposes of maintaining or reconstructing said water system extension will require easements. Any such easements will be written such that the town and the district have the right to access for maintenance and reconstruction of the waterlines. Easements shall extend along the length of the waterline a minimum width of 30 feet; 15 feet on each side of the center line of the waterline. For extensions made by someone other than the Town Board on behalf of a district, all costs associated with obtaining any such easements shall be born by the person making the extension.

36. Restoration.

All surface features and landscaping shall be fully restored to at least as good a condition as existed prior to construction by the person making the water system extension. Restoration shall be included in the warrantee and covered by the bond required in § 34.

ARTICLE IX

Right to Restrict Water Use

37. Circumstances warranting restriction.

- A.** The district reserves the right to limit the amount of water furnished to any customer, should circumstances warrant such action, even though no limit be stated in the application or permit for use; or the district may entirely shut off the water supply used for any manufacturing purposes, or for furnishing power, or for lawn sprinkling, at any time, by giving reasonable notice of such intended action. Or, in case of making or constructing new work or in making repairs, the right is reserved to shut off the water from any customer without notice for as long a period as may be necessary, upon due notice, except in an emergency.
- B** The Superintendent has the right to invoke the following restrictions in time of drought or emergency:
 - (1)** No water is to be used for sprinkling of lawns or golf courses.
 - (2)** No washing of automobiles, trucks or any motor vehicle of any kind shall be allowed
 - (3)** No water shall be used for air conditioning or air-conditioning units.
 - (4)** Other restrictions as deemed necessary and appropriate.

38. Water conservation.

All new construction and renovations of building plumbing systems shall be made with water saving plumbing fixtures. Other water conservation measures may be implemented by the district upon approval by resolution of the Town Board.

39. Moratorium.

At the recommendation of the Superintendent who determines that one or more segments of the public water system is at or beyond its hydraulic capacity to serve portions of the service area tributary to it; any specific purpose of this chapter is being violated; provisions of an intercommunity agreement are being violated; or limits of water supply or provisions set forth

in an intercommunity agreement are in danger of being violated if additional demands are placed on the system, the Town Board shall have the authority to limit or deny new connections to the public water system until the conditions leading to the moratorium are corrected. Such correction may be by:

- A.** Construction of new facilities.
- B.** Enlarging existing facilities.
- C.** Repairing existing facilities.
- D.** Amendment of intermunicipal agreements.
- E.** Entering into new intermunicipal agreements.

Charges and Bills

40. User fees.

User fees shall be assessed to each property within the service area for the purposes of retiring debt. User fees and formulas for determining user fees shall be established in accordance with New York State Town Law and may be modified from time to time by resolution of the Town Board.

41. Water rates and billing schedule.

All persons utilizing water from the public water system shall pay a water service charge based on the quantity of water so utilized, which charge shall be collected as water rent. Water rents shall be fixed from time to time by resolution of the Town Board. Nothing herein contained shall prevent the Town Board of the Town of Chazy from establishing separate schedules of rates for separate water districts. Water bills shall be rendered for residential customers; for commercial, industrial, agricultural customers; and other customers with usage significantly greater than that of a typical single-family home, at the discretion of the Superintendent. Bills shall be payable at such times and places as may be designated by the Town Board. All bills will be sent to property owners with copies to tenant, if any. The Town Board may provide appropriate penalties for nonpayment of bills, including a shut off of the water supply.

42. Delinquent payments.

- A. If there shall be any payments which are due to the Town of Chazy or any department or district thereof, pursuant to any article or section of this chapter, which shall remain due and unpaid, in whole or in part, for a period of thirty (30) calendar days from the date of billing by the Town of Chazy, the same shall constitute a default, and there shall be added to the entire amount of the original bill a penalty and interest shall accrue on the unpaid balance retroacted to date of the original billing.
- B. In the event that there are any water bills, taxes, assessments, fees, rents or other service charges which shall have been delinquent as of the due date of the 4th quarter billing, the Collection Clerk shall report the names of the defaulting persons to the Town of Chazy Town Board, the Town of Chazy Clerk, the Town of Chazy Tax Assessor and the Town of Chazy Supervisor on or before the due date of the 4th quarter billing. The Town of Chazy Town Clerk is hereby directed to direct the County to add the entire amount of the water tax, assessment or other service charge which shall be in default, plus penalty and interest, as provided for in this chapter, to the real property taxes due and owing to Town of Chazy in the next succeeding year, and the Town of Chazy Town Clerk is directed to collect the same in the same manner as real property taxes due and owing to the Town of Chazy are collected.
- C. Where charges are delinquent and the violator is not a resident of the Town of Chazy or is located outside the geographical boundaries of the Town of Chazy or in such instance where no real property taxes are due and owing to the Town of Chazy, then the Town of Chazy Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the customer is located to

add the amount of the water assessment and/or other charges which shall be in default, plus penalty and interest, as provided for in the law, to the real property taxes due to the county in the next ensuing year.

43. Charges when meter malfunctions.

Water bills shall be computed in accordance with water meter readings. No deduction will be made for leakage. If the meter fails to accurately record the quantity used, it shall be determined and the charge made based upon the quantity used in the preceding billing period, or the corresponding period of the preceding year, or upon a corrected water bill as shown by a meter test, as the Superintendent may, at his discretion, determine.

ARTICLE XI
Miscellaneous Provisions

44. Steam boilers and hot-water tanks.

In all places where steam boilers or hot-water tanks are supplied with water from the water system, the owner or customer 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. There will be no cross-connections allowed. The district, the Town of Chazy and the Superintendent 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 district water system.

45. Water flow and pressure

Neither the district, the Town of Chazy nor the Superintendent shall be liable for any damage or loss of any name or kind to property or persons which may arise from or be caused by any change, diminution in or increase of the water pressure or water flow from any cause whatever.

ARTICLE XII
Enforcement

46. Administrative remedies.

- A. Notification of violation.** Whenever the Superintendent finds that any customer has violated or is violating this chapter or any permit, order, prohibition, limitation or requirement permitted by this chapter, the Superintendent may serve upon such person a written notice stating the nature of the violation. Within 10 calendar days of the date the Superintendent mails the notice, an explanation of the violation and a plan for the satisfactory correction and prevention thereof shall be submitted to the Superintendent, by the customer. The correction and prevention plan shall include specific actions. Submission of this plan in no way relieves the user of liability for any violations caused by the user before or after receipt of the notice of violation.
- B. Consent orders.** The Superintendent is hereby empowered to enter into consent orders, assurances of voluntary compliance or other similar documents establishing an agreement with the customer

responsible for the noncompliance. Such orders shall include specific action to be taken by the customer to correct the noncompliance within a time period also specified by the order.

C. Administrative or compliance orders.

(1) When the Superintendent finds that a customer has violated or continues to violate this chapter or a permit or administrative order issued thereunder, he may issue an administrative order to the customer responsible at the direction of the Town Board directing that, following a specified time period, water service shall be discontinued, severed and abated unless the violation is corrected and that there is no reoccurrence of the violation. Administrative orders may also contain such other requirements as might be reasonably necessary and appropriate to address the noncompliance.

(2) The user may, within 15 calendar days of receipt of such order, petition the Superintendent to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (a) Reject any frivolous petitions;
- (b) Modify or suspend the order; or
- (c) Order the petitioner to show cause in accordance with Subsection H and may as part of the show cause notice request the customer to supply additional information.

D. Administrative fines.

(1) Notwithstanding any other section of this chapter, any customer who is found to have violated any provision of this chapter, or permit or administrative order issued hereunder, shall, at the discretion of the Town Board, be fined in an amount not to exceed \$1,000 per

violation. Each day on which noncompliance shall occur or continue shall be deemed a separate and distinct violation.

(2) The customer may, within 15 calendar days of notification of the Superintendent's notice of such fine, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

- (a) Reject any frivolous petitions;
- (b) Modify or suspend the fine; or
- (c) Order the petitioner to show cause in accordance with Subsection H and may, as part of the show cause notice, request the user to supply additional information.

E. Cease and desist orders

(1) When the Superintendent finds that a customer has violated or continues to violate this chapter or any permit or administrative order issued hereunder, the Town Board may issue

(a)an administrative order to cease and desist all such violations and direct those persons in noncompliance to:

(b)Take such appropriate remedial or preventive action as may be needed to properly address a continuing or threatened violation, including halting operations or terminating the service.

(2) The customer may, within 15 calendar days of the date the Town Board issues notification of such order, petition the Town Board to modify or suspend the order. Such petition shall be in written form and shall be transmitted to the Town Board by registered mail. The Town Board shall then:

(a) Reject any frivolous petitions;

(b)Modify or suspend the order; or

(c)Order the petitioner to show cause in accordance with Subsection H and may, as part of the show cause notice, request the user to supply additional information.

F. - Termination of permit.

(1) Any customer who violates the following conditions of this chapter or a permit or administrative order, or any applicable state and federal law, is subject to permit termination:

(a)Violation of permit conditions or conditions of an administrative order;

(b)Failure to terminate, relieve or remove a cross-connection;

(c)Refusal of reasonable access to the customer's premises for the purpose of inspection or monitoring; or

(d)Failure to pay administrative fines, fees or user charges.

(2) The customer may, within 15 calendar days of the date the Town Board issues such notification, petition the Town Board to permit continued use of the service by the customer. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Town Board shall then:

(a)Reject any frivolous petitions; or

(b)Order the petitioner to show cause in accordance with Subsection H and may, as part of the show cause notice, request the user to supply additional information.

G. Water supply severance

(1) Whenever a customer has violated or continues to violate the provisions of this chapter or an order or permit issued hereunder, water service to the user may be severed and

service will only recommence, at the customer's expense, after it has satisfactorily demonstrated its compliance or ability to comply.

- (2) The customer may, within 15 calendar days of severance, petition the Superintendent to reconnect water supply service. Such petition shall be in written form and shall be transmitted to the Superintendent by registered mail. The Superintendent shall then:

- (a) Reject any frivolous petitions;

- (b) Order the petitioner to show cause in accordance with Subsection H and may, as part of the show cause notice, request the user to supply additional information.

H. Show cause hearing

- (1) The Town Board may order any customer appealing administrative remedies for violations of this chapter to show cause, before the Town of Chazy Town Board, why an enforcement action, initiated by the Superintendent, should not be taken. A notice shall be served on the customer specifying the time and place of a hearing to be held by the Town of Chazy Town Board regarding the violation, the reasons why the action is to be taken, the proposed enforcement action and directing the user to show cause before the Town of Chazy Town Board why the proposed enforcement action should not be taken. The notice of the hearing shall be served at least 10 calendar days before the hearing in accordance with Subsection I. Service shall be made on any principal or executive officer of a user's establishment or to any partner in a user's establishment or to owner or owners occupant in the case of a residential service. The notice of the hearing shall be served at least 10 calendar days before the hearing, in accordance with Subsection J.
- (2) The Town of Chazy Town Board may itself conduct the hearing or may designate any of its members or any officer or employee of the Town of Chazy to conduct the hearing and may:
 - (a) Issue, in the name of the Town of Chazy Town Board, notices of hearings requesting the attendance and testimony of witnesses and the production of evidence relevant to any matter involved in such hearings.
 - (b) Take the evidence
 - (c) Take sworn testimony.
 - (d) Transmit a report of the evidence and hearing, including transcripts and other evidence, together with recommendations to the Town of Chazy Town Board for action thereon.
- (3) After the Town of Chazy Town Board has reviewed the evidence and testimony, it may order the customer to comply with the Superintendent's order or fine, modify the Superintendent's order or fine or vacate the Superintendent's order or fine.

Failure of customer to petition the Superintendent. In the event that the Superintendent issues any administrative order, terminates the user's permit or makes any fine as set forth in this section and the customer fails, within the designated period of time set forth, to petition the Superintendent, as provided in appropriate subsections of this section, the customer shall be deemed in default and its rights to contest the administrative order or fine shall be deemed waived.

Notice. The notices, orders, petitions or other notification which the customer or Superintendent shall desire or be required to give pursuant to any sections of this chapter shall be in writing and shall be served personally or sent by certified mail or registered mail, return receipt requested, postage prepaid and the notice, order, petition or other communication shall be deemed given upon its mailing as provided herein. Any notice, administrative order or communication mailed to the user pursuant to the sections of this chapter shall be mailed to the customer where the customer's bills are mailed. Any notice, petition or other communication mailed to the Superintendent shall be addressed and mailed to the Town of Chazy, PO Box 217 Chazy, New York 12921.

K. Right to choose multiple remedies.

The Superintendent shall have the right, within the Superintendent's sole discretion, to utilize any one or more appropriate administrative remedies set forth in this section. The Superintendent may utilize more than one administrative remedy established pursuant to this section, and the Town Board may hold one show cause hearing combining more than one enforcement action.

47. Judicial remedies.

A. Civil actions for penalties

- (1) Any person who violates any of the provisions of or who fails to perform any duty imposed by this chapter, or any administrative order or determination of the Superintendent promulgated under this chapter or the terms of any permit issued hereunder shall be liable to the Town of Chazy for a civil penalty not to exceed \$1,000 for each such violation, to be assessed after a hearing (unless, the user waives the right to a hearing) held in conformance with the procedures set forth in this section. Each violation shall be a separate and distinct violation, and in the case of continuing violation, each day's continuance thereof shall be deemed a separate and distinct violation. Such penalty may be recovered in an action brought by the Town of Chazy Attorney, or his designated attorney, at the request of the Superintendent in the name of the Town of Chazy, in any court of competent jurisdiction giving preference to courts local to the Town of Chazy. In addition to the above described penalty, the Superintendent may recover all damages incurred by the Town of Chazy from any persons or users who violate any provisions of this chapter, or who fail to perform any duties imposed by this chapter or any administrative order or determination of the Superintendent promulgated under this chapter, or the terms of any permit issued hereunder. In addition to the above described damages, the Superintendent may recover all reasonable attorney's fees incurred by the Town of Chazy in enforcing the provisions of this chapter, including reasonable attorney's fees incurred in any action to recover penalties and damages, and the Superintendent may also recover

court costs and other expenses associated with the enforcement activities, including sampling and monitoring expenses.

- (2) In determining the amount of civil penalty, the Court shall take into account all relative circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other relative factors as justice may require.
- (3) Any such penalty may be released or compromised and any action commenced to recover

the same may be settled and discontinued by the Town of Chazy Attorney, with the consent of the Town Board.

B. Court orders.

- (1) In addition to the power to assess penalties as set forth in this section, the Superintendent shall have the power, following the hearing held in conformance with the procedures set forth in this section, to seek an order:

- (a) Suspending, revoking or modifying the violator's permit; or
- (b) Enjoining the violator from continuing the violation.

- (2) Any such court order shall be sought in an action brought by the Town of Chazy

Attorney, at the request of the Superintendent, in the name of the Town of Chazy, in any court of competent jurisdiction giving precedence to courts local to the Town of Chazy.

- (3) The Town of Chazy Attorney, at the request of the Superintendent shall petition the Court to impose, assess and recover such sums imposed according to this section. In determining amount of liability, the Court shall take into account all relevant circumstances, including, but not limited to, the extent of harm caused by the violation, the magnitude and duration, any economic benefit gained through the user's violation, corrective actions by the user, the compliance history of the user and any other factor as justice requires.

C. Criminal penalties.

- (1) Any person who willfully violates any provision of this chapter or any final determination or administrative order of the Superintendent made in accordance with this section shall be guilty of a Class A Misdemeanor, and, upon conviction thereof, shall be punished by a fine of not less than \$500 nor more than \$1,000, or imprisonment not to exceed one year or both. Each offense shall be a separate and distinct offense, and, in the case of a continuing offense, each days' continuance thereof shall be deemed a separate and distinct offense.

- (2) Any user who knowingly makes any false statements, representations or certifications in any application, record, report, plan or other document filed or required to be maintained pursuant to this chapter or permit or who falsifies, tampers with or knowingly renders inaccurate any monitoring device or method

required under this chapter shall be guilty of a Class A Misdemeanor and, upon conviction, shall be punished by a fine of not more than \$1,000 per violation per day or imprisonment for not more than six month or both.

- (3) No prosecution under this section shall be instituted until after final disposition of a show cause hearing, if any, was instituted.

D. Additional injunctive relief.

Whenever a user has violated or continues to violate the provisions of this chapter or permit or order issued hereunder, the Superintendent, through counsel, may petition the Court, in the name of the Town of Chazy, for the issuance of a preliminary or permanent injunction or both (as may be

appropriate) which restrains the violation of or compels the compliance with any order or determination thereunder by the Superintendent

E. Summary abatement.

Notwithstanding any inconsistent provisions of this chapter, whenever the Superintendent finds, after investigation, that any user is causing, engaging in or maintaining a condition or activity which, in the judgment of the Superintendent, presents an imminent danger to the public health, safety or welfare or to the environment or is likely to result in severe damage to the water system or the environment and it therefore appears to be prejudicial to the public interest to allow the condition or activity to go unabated until notice and an opportunity for a hearing can be provided, the Superintendent may, without prior hearing, order such user by notice, in writing, wherever practicable or in such other form as practices are intended to be proscribed, to discontinue, abate or alleviate such condition or activity, and thereupon such person shall immediately discontinue, abate or alleviate such condition or activity; or where the giving of notice is impracticable, or in the event of a user's failure to comply voluntarily with an emergency order, the Superintendent may take all appropriate action to abate the violating condition. As promptly as possible thereafter, not to exceed 15 calendar days, the Superintendent shall provide the user an opportunity to be heard, in accordance with the provisions of this section.

48. Conflicts.

The provisions of any local law in conflict with any provision of this law are hereby repealed.