

**VILLAGE OF BUCHANAN  
RESOLUTION TO ADOPT LOCAL LAW #4  
AMENDING CHAPTER 195 ENTITLED "WATER" TO THE  
CODE OF THE VILLAGE OF BUCHANAN**

**Introduced by:** \_\_\_\_\_

**Seconded by:** \_\_\_\_\_

**Dated:** \_\_\_\_\_

**WHEREAS**, a motion was approved by the Board of Trustees of the Village of Buchanan for a public hearing to be held by said Village Board at the Municipal Building, 236 Tate Avenue, Buchanan, to hear all interested parties on a proposed Local Law to amend Chapter 195 entitled "Water" to the Code of the Village of Buchanan; and

**WHEREAS**, notice of said public hearing was duly advertised in the official local newspaper; and

**WHEREAS**, said public hearing was duly held at a regularly scheduled meeting of the Village Board on May 4, 2021 at 7:30 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, the Board of Trustees of the Village of Buchanan, after due deliberation, finds it in the best interest of the Village of Buchanan to adopt said Local Law;

**NOW BE IT THEREFORE RESOLVED** that the Board of Trustees of the Village of Buchanan hereby adopts said Local Law No. 4-2021 amending Chapter 195 entitled "Water" to the Code of the Village of Buchanan

**BE IT FURTHER RESOLVED** that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Buchanan, and to give due notice of the adoption of said local law to the Secretary of State of the State of New York.

Upon Roll Call Vote:

Mayor Theresa Knickerbocker \_\_\_\_\_

Trustee Richard Funchion \_\_\_\_\_

Trustee Duane Jackson \_\_\_\_\_

Trustee Cesare Pasquale \_\_\_\_\_

Trustee Nicolas Zachary \_\_\_\_\_

Vote: Resolution carried by a vote of \_\_\_\_ to \_\_\_\_.

STATE OF NEW YORK            )  
COUNTY OF WESTCHESTER    )

I, Cynthia Kempter, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held May 4, 2021.

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CYNTHIA KEMPTER, Village Clerk

**VILLAGE OF BUCHANAN  
AMENDED LOCAL LAW NO. 4 OF THE YEAR 2021**

**A LOCAL LAW AMENDING CHAPTER 195 ENTITLED WATER TO THE CODE OF  
THE VILLAGE OF BUCHANAN**

**§ 195-1. Connections and alterations restricted.**

- A. No person, other than the regular employees or duly employed contractor of the Village, will be permitted to tap or make any connection or attachment with any Village water main or to make any repairs, additions or alterations to any pipe, tap, cock, or other fixture connected to any service line from the main to the curb box in the Village right-of-way, unless otherwise approved by the Village Water Department in a written notice copied to the Village Clerk. All work performed by non-Village employees beyond the curb box must be conducted by a licensed plumber in accordance with Village Standards and shall be reviewed and approved by the Village Engineer with an as-built of the work submitted to the Village Clerk. (The curb box shall mean to include the curb valve and valve box.)
- B. The Village will, upon request, attempt to locate an existing water main for the purpose of making an excavation for a water tap. In granting such request, the Village assumes no obligation or liability in connection therewith due to inability to locate such main, and the applicant by making such request expressly assumes all responsibility to his agent or employees in the event of such inability to so locate the main.
- C. The Village Water Department or its authorized agent may at any time enter a building or upon the premises where there is a supply pipe or meter to make examination or repairs.
- D. New installations shall include all work and shall be paid for the property owner.

**§ 195-2. Application for service; fees.**

- A. Application for service connections shall be made to the Village Clerk on the form provided therefor. Such application shall be signed by the owner of the property or his legal agent. Payment for such connection must be made in advance, in accordance with the following schedule and any updated fee schedule as approved by the Board of Trustees:  
[Amended 8-19-1974]
  - (1) Three-fourths-inch tap: as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
  - (2) One-inch tap: as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
  - (3) Setting stop and waste valve (furnished under § **195-4**): as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
  - (4) Copper tubing, three-fourths-inch service, per linear foot: as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
  - (5) Charges for larger services on demand.

- B. For new connections the property owner shall make all excavations, including necessary holes through any foundation walls, from the water main to the meter at his own cost and expense. The Village of Buchanan will furnish and install only the meter, for which service the applicant shall pay the below rates and any updated rates as approved by the Board of Trustees. The performance for all work will be the responsibility of the property owner, with the exception of the meter. All work must be performed by a licensed plumber and inspected by the Village prior to back filling.
  - (1) Three-fourths-inch service: as set by resolution of the Board of Trustees. [Amended 2-7-2011 by L.L. No. 9-2011]
  - (2) Charges for larger services on demand.
- C. Upon completion of the installation of the service line, after inspection, the applicant shall cause the trench to be properly backfilled.

### § 195-3. Tampering with fire hydrants and valves; penalties for offenses.

- A. Except in case of fire, no person shall attempt to manipulate or control any fire hydrant or draw any water therefrom, except regular employees of the Village, unless said person shall have obtained a permit from the Village.
- B. No person shall adjust, close, tamper, or in any way modify water valves located in the right-of-way, except regular employees of the Village.
- C. A fine per the fee schedule shall be imposed for each and every violation of the above subsections, and in addition thereto, all water drawn from such hydrant shall be paid for at the domestic rate. The amount of water shall be computed from the time the water is allowed to run, taking the average pressure in consideration and presuming that the hydrant was fully open.

### § 195-4. Meters.

- A. Meters up to 1" in diameter will be furnished and installed by the Village and shall remain the property of the Village. Meters larger than 1" shall be furnished and installed by the Village and the cost of the meter and its installation shall be charged to the consumer.
- B. The annual rental for meters shall be payable quarterly at the time that the water bills are due and shall be made a part of such bill.
- C. The owner shall furnish and install, at his own cost and expense, a check valve at the outlet side of the meter. The owner shall furnish and the Village will install a stop and waste valve on the inlet side of the meter.
- D. The owner shall furnish and install, at his own cost and expense, all necessary pressure-reducing and/or pressure-relief valves.
- E. The employees of the Village may enter the premises of any consumer at any time between the hours of 8:00 a.m. and 6:00 p.m. to examine the meter and/or its connections and to read the same.
- F. Should the consumer feel that any meter is registering improperly, he shall file a complaint with the Village Clerk, whereupon the meter will be removed and tested. If it is found to register against the consumer by more than 2%, there will be no charge for removing, testing, repairing and replacing the same. If, however, the meter is not found to register against the consumer in an amount of more than 2%, a charge will be

made in accordance with the following schedule and any updated fee schedule as approved by the Board of Trustees:

- (1) Charge for changing and testing meters (if found correct), up to and including one inch in size: as set by resolution of the Board of Trustees.  
[Amended 2-7-2011 by L.L. No. 9-2011]
- G. Should any meter get out of order and not register properly, the Village may, at its option, fix then charge against the consumer according to the consumption during the previous corresponding period.
- H. It shall be the duty of any consumer to protect all meters, pipes, fittings, etc., from harm. Should any meter become damaged or non-functional, it shall be repaired by said Village and the expense thereof charged against the consumer.
- I. As a rule, only one meter will be furnished for each building or service. However, upon application, additional meters will be furnished. In such cases, the owner shall arrange the plumbing as required, and for each additional meter supplied, a meter rental shall be charged.
- J. No seal placed by the Village upon any meter, valve or fitting shall be tampered with or defaced. Whenever any seal is found broken, the meter shall be tested at the expense of the consumer.
- K. Where meters are installed at a point other than in the building, the owner shall construct, at his own cost and expense, a meter pit of a design and in a location approved by the Village Engineer.
- L. For commercial and industrial properties and properties with large diameter connections, meters shall be installed in a meter pit installed at the property line.
- (1) Meter pits shall be installed in accordance with these provisions within five years of adoption of this code amendment.
  - (2) Properties which do not relocate their meter to the property line shall be subject to an annual leakage test performed by the Village. The cost of the test shall be reflected in the consumer's water bill.
  - (3) Any leaks detected shall be corrected in accordance with §195-5.
- M. Access to the meter pit shall be maintained by the Owner. No soil, objects, barriers, or similar shall be placed over or around the meter pit in any way that would inhibit accessibility. The Village may remove and dispose of any materials inhibiting access and charge the same to the Owner.
- N. Remote meter reading equipment shall be installed in the meter pit unless an adequate signal cannot be obtained and then the remote reading equipment shall be installed outside of the pit, at the owner's expense, in a secure, weather protected location as approved by the Village Engineer.
- O. Meter rental charges.
- (1) The following meter rental charges will be made quarterly: [Amended 2-7-2011 by L.L. No. 9-2011]
- | <b>Size of Meter (inches)</b> | <b>Quarterly Charge</b>                       |
|-------------------------------|---|
| 5/8 to 3/4                    | As set by resolution of the Board of Trustees |
| 1                             | As set by resolution of the Board of Trustees |
| 1 1/2                         | As set by resolution of the Board of Trustees |
| 2                             | As set by resolution of the Board of Trustees |
- (2) Where meters are owned by the consumer, no charge shall be made.

## § 195-5. Leaks; discontinuance of service; charges.

- A. No connection of any kind shall be made to the service pipe between the main and the meter.
- B. Consumers are responsible for keeping their own water pipes and appurtenances in good repair and free from frost, including the connection on the consumer's side of the curb box, at their own expense.
- C. The Village Clerk shall be notified immediately of any leaks in the water service line. For leaks between the water main and the meter, repairs shall be made in accordance with the following:
  - (1) The Village shall, at no cost to the owner, determine if the service pipe is in need of repair or if that an entirely new line shall be constructed on account of leaking, corrosion or other cause.
  - (2) Work between the main and the curb box shall be performed by the Village unless otherwise approved by the Village and the cost shall be charged to the owner.
  - (3) Work between the curb box and the meter shall be performed by the property owner at his own expense.
  - (4) All repair work shall be performed by a licensed plumber and shall be inspected by the Village prior to back-filling.
  - (5) The property owner shall prepare an "as-built" drawing of the repair work and shall submit it to the Village for review and acceptance.
  - (6) Should the Village provide written notice to the owner to repair the leak between the curb box and the meter and the owner fails to perform the repair within 48 hours or fails to repair adequately, as determined by the Village Engineer or Water Department, then the Village may shut-off water supply until the requirements of the Village have been complied with or the Village shall perform the repair and charge the same for the repair and lost water to the consumer. The volume of lost water shall be as estimated by the Village Engineer.
- D. In case any owner desires to abandon any service, the Village Clerk shall be notified and the service will be discontinued at the main. This work will be performed by the Village, for which service the owner shall be charged a sum as set from time to time by resolution of the Board of Trustees.  
[Amended 2-7-2011 by L.L. No. 9-2011]
- E. Should the owner desire to discontinue the use of water, the Village Clerk should be notified in writing as to the time and place of such discontinuance that is desired. The Village will shut off the water at the curb box and remove the meter. If and when said consumer desires to resume the use of water, the Village Clerk shall be notified in writing, and the Village will turn on the water at the curb box and reset the meter. The charge for these services will be in an amount as set from time to time by resolution of the Board of Trustees.  
[Amended 2-7-2011 by L.L. No. 9-2011]
- F. Charges and arrearages to the consumer shall be included in the water bill and collected in accordance with the provisions of § 195-7 of this article.

## § 195-6. Regulation of water supply; safety valves.

- A. The Village of Buchanan shall have full right at all times, whenever in its opinion the public good requires it, to regulate, diminish or entirely cut off the supply of water from any and all consumers taking water and to make all such regulations and rules for the use of or for diminishing the supply of water or reducing the pressure as said Village may deem necessary.
- B. The Village shall not be responsible for breaks, obstructions or intermissions in service arising from any cause whatsoever. The Village shall not be responsible or liable for any damage which may result to

consumers' pipes, appliances, etc., from the shutting off of any water mains and/or service pipes for any purpose whatsoever, whether previous notice has been given or not.

- C. In cases where boilers or other special equipment is supplied with water, a suitable valve or other device must be installed by the owner to prevent collapse or explosion in case the water is shut off in the main.

## § 195-7. Payment of bills; penalties and charges.

- A. Water bills shall become due quarterly on January 1, April 1, July 1 and October 1. Water rates shall be computed from the registration of the meters, as taken within a reasonable time before the first day of each quarter.
- B. Bills are due and payable at the office of the Village Clerk on the first days of January, April, July and October.
- C. If any meter water account remains unpaid on the first day of the month following the month in which the bill is rendered, there shall be charged, as a penalty for such nonpayment, an additional sum of 5%.
- D. If any meter account remains unpaid for 120 days after the bill for the same has been rendered, the Clerk shall serve notice upon the delinquent property owner, and if such account remains unpaid for 10 days thereafter, the premises may be deprived of water and a lien shall be claimed to the property until all arrearages are paid in full.
- E. Where any service has been turned off for nonpayment of bills, a charge in an amount as set from time to time by resolution of the Board of Trustees will be made to restore service.<sup>[1]</sup>  
[Amended 9-6-2011 by L.L. No. 12-2011]  
*[1] Editor's Note: As directed by the Village, specific fee amounts have been removed pursuant to Ch. 90, Art. I, Fees, adopted 2-7-2011 by L.L. No. 9-2011.*
- F. All water rents must be paid by the owners and will be billed to them only, unless a resolution of the Board of Trustees makes an exception.
- G. Service charge credits. Whenever a consumer is either notified of a leak on the service line on the consumer's side of the curb box, or the consumer becomes aware of such a leak, the consumer may be eligible for a one-time-only service charge credit for the period which the property is owned by said consumer, that shall consist of adjusting the water bill, equal to the amount of the average of the consumer's water bill over the past 12 months, provided that the consumer meets the following conditions:  
[Added 9-6-2011 by L.L. No. 12-2011]
  - (1) The consumer's property is used for residential purposes only and is within the boundaries of the Village of Buchanan.
  - (2) The consumer must repair the water leak within 10 days of being notified or of learning that a leak exists, and proof of the repair of such leak shall be provided to the Village of Buchanan.
  - (3) The leak must exist in such a way that it was undetected except through an increase in water consumption.
  - (4) The adjustment shall be authorized by the Administrator of the Village of Buchanan.

## § 195-8. Water rates.

[Amended 1-9-1967; 2-5-1968; 6-8-1970; 3-15-1999 by L.L. No. 1-1999; 6-18-2007 by L.L. No. 2-2011]

- A. The charge imposed by the Montrose Improvement District or City of Peekskill for the purchase of water from the Montrose Improvement District or the City of Peekskill will be passed through in its totality to the customers within the Village of Buchanan.
- B. Whenever the Montrose Improvement District or City of Peekskill adjusts the water rates charged to the Village of Buchanan for raw water, said increases shall be reflected in the next billing to the customers of the Village of Buchanan rendered after the increase is in effect. Said increase shall take place at any time during the fiscal year whenever the Montrose Improvement District or City of Peekskill notify the Village of Buchanan of the increased water rates and shall not await the establishment of a new budget or setting of new water rates at the end of any fiscal year.

### § 195-9. Water service outside Village.

- A. The rates for all consumers of water located outside of the corporate limits of the Village of Buchanan shall be not less than 50% more than for the use or class of service located inside the Village.
- B. It shall be optional with the Board of Trustees, subject to provisions of the Village Law relative thereto, to continue present or grant new services outside of the corporate limits of the Village.
- C. The Board of Trustees shall fix the amount of security to be deposited to guarantee the payment of bills accruing for services outside of Buchanan, but in no event shall this deposit be less than the amount as set from time to time by resolution of the Board of Trustees.  
[Amended 2-7-2011 by L.L. No. 9-2011]

### § 195-10. Large connections for fire protection and commercial or industrial properties.

- A. Large connections for fire protection by means of automatic sprinkler or standpipe shall be considered for approval upon special application to the Board of Trustees accompanied by the recommendation of the Village Engineer.
- B. Large connections shall mean any water line greater than 1" in diameter.
- C. No service connection of any kind by the property owner will be permitted to be attached to any fire-protection serviceline. At the Village's discretion, the Village may make emergency or other connections to such water lines.
- D. The connection to the Village water main must be done by a plumber holding a County of Westchester plumber's license.
- E. The property owner must provide a meter pit as approved by the Village Engineer, at their own expense. The meter pit shall be located on the owner's property at the property line as approved by the Village Engineer.
- F. A detector check installation with a meter bypass must be provided. A detailed copy of said detector check installation with meter bypass for fire-protection service is available at the Village Clerk's office.
- G. The tapping of the water main and laying of pipe from the main to a curb box and the meter pit, shall be done by a licensed plumber. The cost of said work shall be borne by the applicant. All work beyond the curb box and in the meter pit shall be done by and paid for by the applicant, with inspection by the Village Engineer.



H. Application for connection shall be paid in an amount as set from time to time by resolution of the Board of Trustees to cover the cost of fees and to establish an escrow account to cover the cost of inspection and Village Engineering services in connection with said connection.  
[Amended 2-7-2011 by L.L. No. 9-2011]

I. A quarterly charge in an amount as set from time to time by resolution of the Board of Trustees per inch of diameter of the main shall be made for all such connections. This quarterly charge shall be billed at the time of the regular quarterly billing.  
[Amended 2-7-2011 by L.L. No. 9-2011]