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**Town of Hounsfield
Jefferson County, New York
Local Law No. _____ of the year 2012**

**A Local Law Establishing Rules, Regulations and Water Rents for Town of
Hounsfield Water Districts Nos. 1. 2. 3. 4. and 5.**

Be it enacted by the Town Board of the Town of Hounsfield as follows:

Local Law 1 of 1999, establishing Water District No. 1, and Local Law No. _____ of 2002 establishing Water District No. 2, are each hereby repealed, to be replaced by the following:

ARTICLE I. PREAMBLE

The Town Board of the Town of Hounsfield, acting for and on behalf of the Town of Hounsfield Water Districts Nos. 1, 2, 3. 4. and 5 (the Districts) pursuant to the provisions of Section 198 of the Town Law of the State of New York, hereby adopts the following rules, regulations, and water rents for the several Districts.

ARTICLE II. HOOK-UPS

Section 2-1. Permit required for water service.

No connection shall be made with any water main, and no water shall be taken from any water main, without permit therefore, in writing, issued by the Town Clerk on a written application therefore, in writing. A separate tap is required for each lot supplied with water.

Section 2-2. Application for service.

- A. All applications for use of water through a service pipe and all applications for the introduction of a service pipe to premises and for connection of service pipes with water mains must be made in writing by the owner of the premises sought to be supplied, or by an agent thereof duly authorized in writing. The authority of the agent must be filed with the Town Clerk, and all water used must be through a service pipe.

- B. All applications for a service connection or main extension shall be accompanied by a permanent easement granted to the Town of Hounsfield

describing the location of the as-installed water pipe from the corporation stop to the building served.

- C. All plans and construction for said connection shall be in conformance with all applicable laws and regulations and standards, including but not limited to, the applicable standards of the American Water Works Association, and the New York State Sanitary Code. Unless waived by the Town's Water Operator, all lateral services, meters, and meter pits shall be designed and constructed in accordance with the materials and means of construction of the District's original construction. When required by the Town Highway Superintendent or his designee, said plans shall be reviewed and approved by the New York State Department of Health and the Town's Engineer.
- D. All applications for a service connection of two (2) inches or less shall be accompanied by the application fee set forth in Schedule "A", attached hereto. The District shall provide the applicant with a ¾ inch meter and materials for the curb stop.
- E. All applications for a service connection of greater than two (2) inches shall be accompanied by an application fee sufficient in amount to pay all costs of labor and materials, including a water meter.
- F. When a property owner requires more water than the existing water pipe can deliver, the property owner shall make a separate application for the enlargement of said water line from the main to the building, and shall be responsible for all costs associated therewith.
- G. The property line of the real property on which the residence or other building to which water is to be provided must be no more than one hundred (100) feet from the water main.

Section 2-3. Laying of service pipes: cost, supervision, easements.

The corporation stop will be installed by the District, at its expense. All service pipes shall be connected with a water main at a corporation stop installed by the District and shall be laid at the expense of the owner of the premises served, and such connection, laying and maintenance shall be under the direction and supervision of a duly authorized agent of the District. Upon completion of the installation of the service pipe, as approved and accepted by the Town Highway Superintendent or his designee, the owner shall convey to the Town of Hounsfield a permanent easement, acceptable to the Town's attorney, granting a permanent right of way and easement twenty (20) feet in width for

water mains and laterals, the location of which shall be ten (10) feet on each side of the water pipe(s) as actually built and as shown on a map to be filed in the Jefferson County Clerk's Office. All future maintenance of the water pipe from the water main to the meter shall be performed by the Water District or under the authority of the Water Operator.

Section 2-4. Unauthorized use of water.

No person, co-partnership, corporation, or other entity shall be permitted to furnish water to others, or suffer water to be taken by others, for any purpose, without first receiving a special permit therefore in writing from the Town Board.

Section 2-5. Enlargement of services.

When a property owner requires more water than the exiting water pipe can deliver, it is the responsibility of the property owner to pay all of the costs associated with the enlargement of said water line from the water main to the building.

ARTICLE III. METERS

Section 3-1. Meters required.

No potable water shall be used on any premises within the District, except through meters provided by the District, and no connection with the District water system shall be made unless covered by such meter or meters.

Section 3-2. Furnishing, installation, and repair of meters.

The District will furnish and keep in repair all water meters used with the District's water system, but only one (1), five-eighths (5/8) inch meter shall be provided for each application fee. If any additional meter is furnished to such service, it shall be at the expense of the owner of the premises. One (1) hook-up and one (1) meter shall be made available to the owner of a facility in any District that has, or might have, multiple users, to measure the total amount of water furnished the facility. Examples of such facilities would include, but are not limited to: multiple dwelling, combined residential and commercial uses, trailer park, office building, shopping plaza.

Section 3-3. Responsibility for damage to meters.

The cost of repairing any damage which a meter may sustain by reason of the carelessness of the owner, his agent or tenant of the premises, or from neglect of any kind to properly protect the same, including damage or injury that may result from freezing, shall be paid to the District by the owner of the property served by such meter.

Section 3-4. Opening, changing or interfering with meters.

No person, excepting a duly authorized agent of the District, shall open, change or interfere with, in any manner, any water meter or any associated radio reader connected with, or for the use of, the District water system.

ARTICLE IV. DAMAGE TO EQUIPMENT

Section 4-1. Responsibility for damage to water district equipment.

The cost of repairing any damage to any Water District equipment, or replacing such equipment, when deemed necessary, including but not limited to: corporation shut-off valve, radio meter reader, and meter pit, regardless of the reason for such damage, shall be the responsibility of the owner of the property served by such equipment, and shall include the cost of replacement when necessary, and the cost of labor involved, at the current rate, paid to the Town employee(s) required to remedy the situation.

ARTICLE IV. POLLUTION/CONTAMINATION/HYDRANTS

Section 4-1. Pollution and contamination prohibited; remedies.

It shall be unlawful for the owner or occupant of property, or any user of District water, to introduce or permit the introduction into the District's water supply system of pollution or contamination of any kind. Whenever the Highway Superintendent finds cross-connection to another water supply into the District system, or any other condition which presents the possibility of contamination or pollution, he shall immediately disconnect and discontinue the water supply to the premises where such condition is found or other premises from which cross-connection is made. The water supply to such property shall be restored only when the cross-connection, or other source of pollution or contamination, is eliminated and the condition remedied.

Section 4-2. Responsibility for expenses.

Any corrective measure, disconnection or change on private property shall be at the sole expense of the owner of such property. Any expenses necessitated by changes required in the District system outside such private property or between the meter and the supply line or distribution system and any charges for cutoff or disconnection shall be added to the charges for water rents against the premises necessitating such expenditure.

Section 4-3. Conformance of connections with standards.

All physical connections which constitute potential cross-connections are prohibited unless constructed, maintained and operated in accordance with the provisions

of the New York State Sanitary Code, Ten State Standards for Water Systems, and the American Water Works Association Standards.

Section 4-4. Use of fire hydrants

- A. No person, other than the Water Superintendent or his designee, or a member of a fire department acting under orders of his proper superior in the performance of fighting a fire, may operate a public fire hydrant unless in possession of a permit from the District to do so.
- B. Public or private fire hydrants may not be used for flushing or for any other purpose except by special written permission of the Water Superintendent, for the time and at the location specified. If such permission is granted, the water used shall be paid for by the user, who shall be charged for the water at the prevailing water rents.
- C. **Swimming pools:** No swimming pools shall be filled from any hydrant within the Water District.

ARTICLE V. WATER SUPPLY EMERGENCIES

Section 5-1. Authority of Supervisor to restrict use.

During periods when the supply of water is inadequate, or there is an imminent threat that it will become inadequate, the Supervisor of the Town is authorized, temporarily and during the existence of such period of inadequate supply or threat thereof, to issue an order prohibiting the use of water from the District supply for watering of lawns or gardens, washing of automobiles, or any other nonessential use.

Section 5-2. Penalty for violation.

In case of violation of such order or orders, the Highway Superintendent or his designee is authorized to cut off the supply of water to the property of the person or firm violating such order or orders.

Section 5-3. Liability.

In the event of an emergency, including but not limited to breaks in a water main, the Town shall not be liable for any damage which may result to any person or property from the shutting off of the water from any main or service for any purpose whatever, even in cases where notification is not given.

ARTICLE VI. WATER RENTS

Section 6-1. Water rents.

The quarterly water rents to be charged to each property served in the District is to be set by Resolution of the Town Board, and shall be not less than Fifty Dollars (\$50.00). The amount of water used will be determined by the reading of the water meters on or about the fifteenth day of March, June, September and December of each year. In the event a meter is not functioning properly and cannot reasonably measure the approximate amount of water used, the amount of water used shall be estimated by the Water Operator, based upon past consumption of water over the same quarter of the previous year, as appropriately modified by the activities actually performed on the same premises during the quarter of the year to be billed for water usage.

Section 6-2. Schedule of charges.

In addition to any and all other fees and charges provided by law, every person whose property shall be supplied water by any of the Town of Hounsfield Water Districts, shall pay, each quarter, no less than the minimum water rent, regardless of the actual amount of water used during that particular quarter, as well as the pre-determined fee for debt reduction. The rents and applicable fees are set forth on Schedule A., attached hereto and intended to be incorporated herein, as said Schedule A. may be amended from time to time.

Section 6-3. Payment of water rents.

Water rents shall be due and paid no later than the tenth (10th) day of April, July, October, and January of each year at the office of the Town Clerk.

***Section 6-4. Transfer of ownership**

It shall be the responsibility of the record owner of the real property to which water has been provided, as of the respective date above, to pay the water rents for the applicable period covered.

Section 6-5. Late payment and nonpayment of charges.

- A. A ten percent. (10%) penalty shall be added to all water rents not paid within thirty (30) days after the date they shall have become due. In case any water rent or charge shall not be fully paid within sixty (60) days after the date they shall have become due, the water supply to the premises served shall thereupon be shut off for such nonpayment. A **revitalization charge** of Seventy-five Dollars (\$75.00), together with all unpaid water rents, charges, fines, penalties and interest must be paid in full before the water supply is restored to said premises.

- B. In addition to the foregoing, any water rents or other charges remaining unpaid within sixty (60) days after the date the same become due shall be subject to a one percent. (1%) per-month interest charge on the unpaid principal balance, which shall accrue on a monthly basis.

Section 6-6. Turning off and turning on water.

The water supply to any premises shall not be turned off or turned on at the curb except by a duly authorized agent or employee of the District.

Section 6-7. Lien for unpaid water bills.

All water rents and other charges shall be a lien on the premises upon which the water is used until paid, and shall be added to the applicable Town Tax.

**ARTICLE VII. ADMINISTRATION, ENFORCEMENT
AND OTHER PENALTIES**

Section 7-1. Penalties for offenses.

Any person, persons, partnership, limited liability company or partnership, corporation or other legal entity violating any provision of this Local Law (except nonpayment of water rents or other charges) shall be subject to a penalty of a fine not to exceed Two Hundred fifty Dollars (\$250.00), or imprisonment for fifteen (15) days, or both, and each and every day the violation of this Local Law continues shall constitute a separate offense.

Section 7-2. Enforcement, appearance tickets.

- A. In addition to his other respective duties and powers, the Highway Superintendent of the Town of Hounsfield is hereby authorized and empowered to enforce this Local Law.
- B. In accordance with New York State Municipal Home Rule Law, Section 10, Subdivision 4, the Highway Superintendent of the Town of Hounsfield shall have the power to issue and serve appearance tickets in connection with the performance of his respective duties in enforcing this Local Law, which shall have the same force and effect as if served by a peace officer.
- C. Appearance tickets shall be of a form and content acceptable under, and issued in accordance with, Article 150 of the Criminal Procedure Law of the State of New York.
- D. In addition to the foregoing the Town Board may also maintain an action or proceeding in the name of the District or Town in a court of competent jurisdiction to compel compliance with or restrain by injunction a violation of this Local Law.

Section 7-3. Right to shut off water for repairs or additions.

The District reserves the right, at all times and without notice, to shut off the water in case of a break in a water main or in a water pipe, for repairs on a water main or pipe, for the extension of a water main, or for any other purpose deemed necessary by the Water Superintendent or his agent, and the Town, Water District, Water Superintendent, or other agent or employee of the Town, shall not be liable for any damage which may result to any person or property from the shutting off of the water from any main or service for any purpose whatever, even in cases where notification is not given.

Section 7-4. Right of entry.

The District, through its duly authorized agent, shall, at all times, have the right to enter upon any premises or into any building served by the District Water System, for the purpose of reading water meters; inspecting, repairing or replacing service connections, water meters, and other property owned by the District, or inspecting the premises for compliance with this Local Law.

ARTICLE VIII. FIRE PREVENTION SERVICES AND COSTS

Where on-premises fire prevention services are permitted, the entire cost of materials, including meter, installation and maintenance of the services from the main to the premises and within the limits of the premises, shall be borne by the property owner. The property owner shall pay a connection charge as listed. Failure to make proper repairs to the system, after due notice given, will result in the water being turned off. When the property owner or representative of the owner desires to conduct flow tests or repairs to the fire service system, except in emergencies, the owner or its representative must give the Water Operator forty-eight (48) hours' advance notice before commencing such testing or repairs. The connection charges may be changed from time to time by Resolution of the Town Board. The initial collection charges, per quarterly billing, are as follows:

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|------------------------------|---------|
| Hydrants on private property | |
| Inside the District | \$5.50 |
| Outside the District | \$7.76 |
| | |
| Sprinkler system (inches) | |
| 1-1/2 | \$5.00 |
| 2 | \$5.00 |
| 4 | \$10.00 |
| 6 | \$15.00 |

| | |
|----|---------|
| 8 | \$20.00 |
| 10 | \$25.00 |

ARTICLE IX. SPECIAL BENEFIT UNIT ASSESSMENT

Section 9-1. Unit Charges

In each Water District except District One, Equivalent Dwelling Units (EDUs) are assigned to each property within such Water District, depending on the use which such property has. Each EDU is computed so that the total cost for debt reduction and cost of required capital improvements can be paid each year. For that reason, the cost allocated to an EDU is different for each Water District.

Section 9-2. Allocations of EDUs to Property

The unit charges, or EDUs, allocated to each property use in each Water District except District One, shall be reviewed by the Water Committee once each year, at its September meeting, with a recommendation adopted at such meeting to the Town Board, and subsequent Resolution by the Town Board. Examples of property use include, but are not limited to: 'Residential', 'Commercial Utilization', 'Industrial Land or Industrial Park', 'Institutional Uses', 'Farm/Agriculture', and 'General'. Upon final adoption by the Town Board, the EDU allocations for the following year shall be set forth in the "Guide for Special Benefit Unit Assessment", attached hereto as Schedule B.

ARTICLE X. MISCELLANEOUS

Section 10-1. Severability

Should any section or provision of this Local law be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of the rest of this Local Law, as to the whole or any part thereof, other than that part so declared unconstitutional or invalid.

Section 10-2. Effective date

The provisions of this Local Law shall take effect upon filing with the Secretary of State of the State of New York.

Local Law Establishing Rules, Regulations and Water Rents for Town of
Hounsfield Water Districts Nos. 1., 2., 3., 4., and 5.

Schedule A
Schedule of Charges

Last revised _____

Service Connections of less than two (2) inches shall cost One Thousand, Two Hundred Dollars (\$1,200), payment of which shall accompany the application for such service connection.

Service Connections of two (2) inches or greater shall cost the total of labor and materials to complete, payment of which shall accompany the application for such service connection.

Meter Reading: There will be a charge of Twenty-five Dollars (\$25) to read a meter and issue a water bill in mid-cycle.

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TOWN OF HOUNSFIELD WATER

Policy for Permanent Disconnection of Water

When a property owner, whose property is connected to public water, determines that he/she no longer wishes to receive public water, a request for permanent disconnection from the water main may be made by calling the Town of Hounsfeld Highway Dept., 315-782-6380, leaving a message with the Water Department, and giving the telephone number where he/she may be reached.

The property owner shall be required to sign a form, a copy of which is attached hereto, which will be left with the Water Supervisor and, prior to disconnect, shall pay the estimated cost to the Town of such disconnect.

Should the property owner, or his/her successors or assigns, request that water service be re-established, a payment of One Thousand, Two Hundred Dollars (\$1,200) shall be made to the Town Clerk before such new water connection is made.

The aforesaid fee of \$1,200 shall be subject to change, from time to time, by action of the Town Board of the Town of Hounsfeld.

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TOWN OF HOUNSFIELD WATER

Policy for Seasonal Turn-off of Water

The Town of Hounsfeld will provide, free of charge, the turn-off of a property owner's water service, and the re-connect, when the following requirements have been met:

1. The request is made by calling the Town of Hounsfeld ~~Highway~~ ^{Water #2} Dept., 315-782-6380, leaving a message with the Water Department, and giving the telephone number where he/she may be located.
2. The request must be made two (2) business days, exclusive of Saturday and Sunday, before the date of the requested shut-off.
3. The shut-off will be made during regular business hours; the property owner, or a duly authorized person over the age of 18 years, with the owner's written authorization, must be present during the shut-off and must sign a Town form, a copy of which is attached hereto, setting forth the terms and conditions of the water shut-off and reinstatement.
4. During the time when the water is shut off, the property owner will continue to be responsible for the quarterly water bill, at the same rates as though the water had not been shut off.
5. When the property owner desires to have the water service re-established, he/she shall notify the Town of Hounsfeld ~~Highway~~ ^{Water} Dept., at least two (two) business days before the requested date. The provisions of paragraphs 2. and 3. above shall apply.

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TOWN OF HOUNSFIELD WATER

Policy for Hook-up Fee

In most circumstances, the cost of hooking up laterals to properties in a water district with the water main is included in the total contract price of installing the water mains and performing whatever additional work is required to provide access to public water to the properties in the water district.

Nevertheless, a one-time hook-up fee of One Thousand Two Hundred Dollars (\$1,200) for any service connection of two (2) inches or less in diameter shall be imposed on the owner of property within a water district or adjacent to an existing water district when permission has been give the property owner to access the installed water main, in either of the following circumstances:

1. When the property owner at the time the water main was installed does not hook up to the water main but, after the main has been installed, indicates that they wish to hook up the lateral from their property to the said main.
2. At any other time after the water mains in a water district have been installed and a property owner, for whatever reason, wishes to have the lateral to their property hooked up to the water main.
3. The aforesaid fee of \$1,200 shall be subject to change, from time to time, by action of the Town Board of the Town of Hounsfeld.
4. The Local Law Establishing Rules, Regulations and Water Rents for Town of Hounsfeld Water Districts Nos. 1,2,3,4, and 5, particularly ARTICLE II. HOOK-UPS, shall apply.