

# Town of Cape Vincent

## Local Law #3

### Water District Law

Article #1. – Statement of Authority. The Town Board of the Town of Cape Vincent, pursuant to the authority granted it under Article 12-a of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law, hereby enacts as follows:

Article #2. – Statement of Purpose. The Town Board of the Town of Cape Vincent sits as commissioners of all water districts in the Town of Cape Vincent. Previously the Town Board has enacted certain rules and regulations to govern users of the water system within those districts by Local Laws. After having utilized such regulation for a period of time, the Town Board is desirable of making certain changes or alterations to refine those rules and regulations to suit current conditions and to provide greater clarity. It is the purpose of this local law to amend the prior rules and regulations towards that end.

Article #3. – Enactment. The Town Board of the Town of Cape Vincent hereby makes the following Local Law No. # 3 2019

Section 1. – Rates. The Town Board as Commissioners of all water districts may from time to time adopt rates by resolution after public hearing, including at a budget hearing to be held no less frequently than annually. Rates shall be composed of the following elements:

- A. Capital. This shall include all principal and interest required to retire any indebtedness and any additional sums allocated by the Town Board to establish, fund or increase reserve accounts. The elements shall be assessed as follows:
- A Flat Charge Per Residential Unit. A flat charge shall be billed to users (a user is a property owner/parcel owner), based on the number of units. A full unit will be addressed as a Single Family Unit (EDU) and will be defined as a parcel with a structure on it that has at least one bathroom and a kitchen or kitchen area. If there are multiple EDU's on one residential parcel, there will be a minimum of one flat charge for each such unit. One half an EDU will be assigned to all parcels on which a curb stop exists but does not have the capability of using water. A quarter EDU will be defined as a vacant parcel within the District which is a lot of record. The EDU charges will be adjusted by adoption of the annual Town Budget. The number of units shall be determined each year as of the March 1<sup>st</sup> tax status date.
  - Commercial property, institutions and businesses will be assigned EDUs by the Town Board within the annual Budget (Appendix A)
- B. Operation and Maintenance. This shall include the cost of purchasing the water from the Village of Cape Vincent (DANC for WD #2) and maintaining the distribution and supply systems, and any administrative expenses. The rate shall be based on anticipated metered consumption at an amount per 1,000 gallons of water usage. That rate shall be set by the Town Board as Water Commissioners in the annual budget on

a per 1,000 gallons of water usage as metered and whenever the Town Board deems necessary.

Section 2. – Connection to Distribution System.

- A. All property owners inside or outside a district shall properly fill out an application form (Water Service Connection Application – Appendix “B”) and pay a fee with the application per Section 2 B-1 schedule.
- B. Fees may be revised by resolution of the Town Board as Water Commissioners. Fees as of the enactment of this law shall be:
  - 1) Connection fees shall include the following fixed fee plus any labor, equipment and material expenses incurred by the District. If actual incurred costs exceed the connection fee the property owner is responsible for those additional costs:
    - a) Single Family Residence \$1,500.00
    - b) Farm 1,500.00
    - c) Restaurant/Bar 1,500.00
    - d) Motel/Hotel/Multiple Dwelling 1,500.00
    - e) Mobile Home Park 1,500.00
    - f) Public Recreation Area 1,500.00
    - g) School 1,500.00
    - h) Correctional Facility/Prison 1,500.00
    - i) Commercial Establishment (i.e. store) 1,500.00
    - j) Laundromat 1,500.00
    - k) Car Wash 1,500.00
- C. The connection to be installed by the Water District shall be from the water main to the outlet curb stop and shall include an installed meter. It shall be the property owner’s responsibility to connect the curb stop with the meter in the residence. If required, a meter pit/vault will be installed after the outlet curb stop; it shall be the property owner’s responsibility to connect to the curb stop after the meter pit/vault to the residence. (A meter pit/vault requires two curb stops). The connection materials must meet Town Standardized Specifications and shall be inspected by Town Inspectors at the time of installation. No on site water system shall be connected to the District System.
- D. Where connection within the District requires the extension of a main or lateral, such extension shall be the sole cost of the property owner. No main shall be extended across private property unless an easement is provided.
- E. In the event a main or lateral is extended under Section 2D hereof; and, within five (5) years of such extension other users are added to such extension, the original property owner that paid for such extension shall be rebated for a portion of the cost of the original extension, pro-rated on a per foot basis, which rebate shall be charged to the new person connecting as an additional connection fee.

Section 3. – Water Meters.

- A. The water meters and pits are the responsibility of the Water District and shall be owned and installed by the Water District. (Subject to Section 8B)
- B. Any user within the District projected to be a user of 100,000 gallons per day or more, that requires a special meter pit/vault or meter, shall have the Water District install the same, the expense of which may be capitalized and amortized to the user in monthly installments on its water bill over a period to

be agreed upon by the user and the Town Board, not to exceed twenty four months. Amortization shall include principal plus interest at a rate mutually agreed by both parties.

- C. All Water leaks on the homeowners side of the meter are the responsibility of homeowners. In the event of a water leak more than 1,000,000 gallons. The homeowner will be charged the Town water rate for 1,000,000 gal and the village water rate for all water over the first 1,000,000.

Section 4. – Meter Reading, Billing, Payment, Late Payment and Penalties.

- A. Meter readings. Where applicable, meters will be read on or about the last week of March, June, September and December. Except Water District #1 which will be read one month earlier at the end of February, May, August, and November.
  - Consumers having a 2 inch or greater meter shall be read the last week of each month.
- D. Water bills. Water bills will be mailed on or about the first of the month following meter readings.
- E. Payment of Bills. All water bills are due and payable when prepared. All bills are payable at the Supervisors Office without penalty, up to and including the due date indicated on the water bill. If the billing due date falls on a weekend or a legal holiday, payment without penalty shall be extended to the next business day. Any payment received after the due date will be assessed a twenty percent (20%) penalty. The date of a check does not enter into the criteria of determination of penalty imposition, only the envelope postmark. Payments may be made by E-Check or credit card on-line through the Town website link. No partial payments will be accepted. Payments not received within 30 days past the due date will result in termination of service.
- E. Additional readings and billing. Any request for, or requirement for, additional readings separate from the regularly scheduled readings will be performed with a charge of twenty dollars (\$20.00) imposed.
- F. Unpaid Bills. Any water bills, including penalties, more than sixty (60) days delinquent as of October 31, shall be added onto the property owner's Town Tax bill as a special assessment.

Section 5. – Termination of Service.

- A. Water service will be terminated for nonpayment of water bills or violation of these regulations.
- B. Seasonal property owners may request service be shut off once per calendar year with no charge applicable. Additional shut off requests will be charged twenty dollars \$20.00 per request.

Section 6. – Restoration of Service.

- A. When service has been terminated per Section 5 (A), service will not be restored until all bills, penalties and service charges are paid in full. This includes an additional fee of fifty dollars (\$50.00) for service restoration.

- B. When service has been terminated per Section 5 (B), the property owner may request that service be restored at no cost once per calendar year. Additional restoration service requests will be billed twenty dollars \$20.00 per occurrence.

Section 7. – Transfer of Property Ownership.

- A. It is the responsibility of the current property owner to notify the Supervisor’s Office of the impending date of transfer and request a meter reading for final billing.
- B. The Supervisor’s Office shall, upon notice of the impending transfer of property, make arrangements for reading the meter if applicable. Upon meter reading, a final bill will be prepared and mailed to the owner. Final bill payments are due at the Supervisor’s Office within five (5) days. Upon receipt of payment, water records will be changed to reflect the new owner.
- C. This constitutes a special reading and the fee of twenty dollars (\$20.00) applies.

Section 8 - Maintenance Responsibilities.

- A. The Town has the responsibility of maintenance of all facilities within the highway right-of-way and/or within any granted easement limits.
- B. The property owner has the responsibility of maintenance within the boundaries of his property beyond the outlet curb stop, including insuring that the meters do not freeze or are otherwise damaged. The property owner is responsible for the cost of replacing meters that have been damaged due to misuse or freezing. The District may notify a property owner to make certain repairs on the owner’s property if the failure to repair would affect the water system. The failure to timely make such repairs shall be grounds for termination of service. Service can be terminated as the result of tampering with a meter, and if mandated conservation practices are not adhered to.

Section 9. – Hydrants.

- A. Hydrants are solely for the purpose of fire protection. Hydrants shall not be turned on except by authorized fire departments for the sole purpose of fighting fires or by Town maintenance personnel for maintenance, flushing, repair or testing.

Section 10. – Multi-Dwelling Units.

- C. All requests for water service to multi-dwelling units shall be brought to the Town Board for consideration. The Town Board shall determine whether a single meter per building or a separate meter for each dwelling unit will be required. In no event may the owner of a multi-dwelling unit buy water from the District and make a profit on the resale of water.

Section 11. – Outside Users.

A district is not obligated to provide service to any outside users, but will do so upon request, whenever feasible, subject to the following:

- A. The connection and meter shall be located within the district. All property owners must fill out water connection application and pay the applicable fees.
- B. Where service is provided to outside users, it shall be provided only if the outside user agrees to sign the Town’s Standard Outside User Agreement. (Appendix C) Such agreement is contingent upon the outside user obtaining all necessary easements and paying for any fees that may be incurred by the town pursuant to the contract.
- C. It shall be the responsibility of the outside user to properly install and maintain all mains, laterals, and other appurtenant features to deliver water from the boundaries

of the Water District or District Rights of Way to the outside user's premises. The outside user shall be fully responsible for all maintenance of all facilities outside the boundaries of the District or District right of way. In the event of a leak, the Town and District retain the right to turn off water to the outside user until such leak is properly repaired.

- D. Initial connection fees and ongoing fees to be charged to outside users for the use of water and for capital charges shall be in an amount equal to that charged to users within the District.
- E. Outside users shall be subject to all rules and regulations as laid out in the Water District Law, as from time to time amended, including payment of bills, late payments and penalties.
- F. In the event that the Town as Commissioners of all Water Districts, should institute conservation measures due to a shortage of water supply, all outside users shall be equally subject to such conservation measures and penalties for non-compliance as inside users.
- G. All water users shall have a curbstop outside the residents and a Town water Meter and radio inside the residents. The property owner shall sign an easement allowing the Town access to the meter at all times.
- H. No more than 4 tax parcels can be connected to an outside district.
- I. Where there are more than one residents within an outside district, The water usage discrepancy between the master meter and the total residents meters will be divided between the users and added to the quarterly water bill.

#### Section 12. – Restrictions on Use.

- A. Should lower than normal pressure or other emergency-type situations occur in the water distribution system or should a serious fire hazard exist, a restriction may be placed on water usage above basic health and sanitation requirements. If water restrictions are imposed, compliance is mandatory.

#### Section 13. – Manner of Payment.

- A. All payments for water usage and charges are payable at the Supervisor's Office. Payments may be made in person, US Postal service or on-line with an E-check or by credit card through the link on the Town's website.

#### Section 14. – Penalties for Offenses.

- A. The opening of a water hydrant by an unauthorized person or evidence that attempts have been made to by-pass a meter or in any manner obtain water from the District without proper payment will result in prosecution under the penal laws of New York State.
- B. A violation of these regulations may result in the termination of water service to the violator. All violations of these regulations shall be brought to the attention of the Town Board for disposition.

- C. A person found to be in violation of these regulations shall be guilty of a violation and shall be subject to a fine not to exceed Five Hundred (\$500.00) per offense. Each week of continued violation shall constitute a separate offense.
- D. Where appropriate, the District may seek injunctive relief in a court of competent jurisdiction for enforcement of any provision of these regulations.

Section 15 – Temporary Users

The Town has the discretion to allow outside users temporary access to the municipal water supply when necessary. The charge for water to temporary users shall be based upon meter readings and charged at 1.5 times the current water rates.

Article 4 – Repealer. This Local Law shall supersede all prior Local Laws and/or Regulations relative to the governing of any Water Districts within the Town of Cape Vincent, and they shall be upon the effectiveness of this Local Law, null and void.

Article #5. – Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article #6. – Effective Date. This Local Law shall take effect immediately upon filing with the Secretary of State.

**Town of Cape Vincent**  
**Common Water Law 2016**

**Appendix A**

**Units Table**

TYPE OF USER		ASSESSMENT FACTOR
Business/store		1- unit
Single Family Residence		1-Unit
Mobile Home Parks		1-Unit per pad
Cottages/ Cabins		1-Unit per Cottage/Cabin
Restaurants		1-Unit per 16 seats
Campgrounds		1/4 – Unit per site
Motel		1/4- Unit per room
Churches		1-Unit
Schools		1-Unit per 14 students/staff
Prisons		1 Unit per 14 beds
Vacant land with curb stop		1/2 – Unit
Vacant land		¼- Unit
Farms--	Under 50 animals	1- Unit
	Under 100 animals	5- Units
	Under 500 animals	10- Units
	Over 500 animals	15- Units





Section 2. Connection to Distribution System.

- A. A property owner shall properly fill out an application form (water service connection Application) and pay a fee with the application per Section 2. (B-1) schedule.
- B. Fees shall be:
  - 1. Connection fees shall include the following fixed fee plus any labor, equipment and material expense incurred by the district, if costs exceed the connection fee.
    - a. Single Family Residence \$1500.00
    - b. Dairy Farm 1500.00
    - c. Restaurant/ Bar 1500.00
    - d. Motel/Hotel/ Multiple Dwelling 1500.00
    - e. Mobile Home Park 1500.00
    - f. Public Recreation Area 1500.00
    - g. School 1500.00
    - h. Correctional Facility/Prison 1500.00
    - i. Commercial establishment (store) 1500.00
    - j. Laundromat 1500.00
    - k. Car wash 1500.00
- C. The connection to be installed by the water district shall be from the water main to the meter pit with meter and outlet curb stop.
- D. Where connection within the district requires the extension of a main or lateral, such extension shall be at the sole cost of the property owner. No main shall be extended across private property unless an easement is provided.
- E. In the event a main or lateral is extended under section 2.D hereof, and, within five (5) years of such extension other users are added to such extension, the original property owner that paid for such extension shall be rebated a portion of the cost of the original extension, prorate on a per foot basis, which rebate shall be charged to the new person connecting as an additional connection fee.