

TOWN OF ORLEANS WATER USE LAW

ARTICLE I: Title

This Local Law shall be known and may be cited as "The Water Use Law for all Water Districts within the Town of Orleans" and shall repeal and replace any Local Law, or Ordinance pertaining to this subject matter.

ARTICLE II: Definitions

Construction of Words: When used in this Law, words in the present tense include the future and words of one gender include all genders. The singular includes the plural and the plural includes the singular. The term "shall" is intended to be mandatory. Whenever a word or term is defined to "include" certain items or matters, such inclusion is intended to be by way of specification and not by way of limitation.

Administrator: The Town of Orleans Supervisor or his/her designee.

Buildable Lot: A Parcel meeting or exceeding, the dimensional requirements of that particular zoning district such that a building could be sited thereon.

Building: Any residential or commercial structure or enclosure to which water is supplied, whether attached to realty or not; whether occupied or vacant. The term shall include boats or vessels to which water is supplied.

Bunk House: A building to which water is not supplied and which is designed for occasional, temporary, sleeping facilities ancillary to a primary residence.

Capital Cost: That portion of the user charge that is attributable to the District's debt retirement.

Cottage: Any residential structure to which water is supplied and which is designed and/or constructed for seasonal use.

District or Water District: The Orleans Water District No. 1 a/k/a LA Water District and NYS Route 12 Water District a/k/a Water District No. 2 and all properties included therein as the same may be extended or the boundaries thereof altered from time to time by appropriate action of the Town Board of the Town of Orleans.

Equivalent Dwelling Unit (EDU): A typical single-family residential dwelling or parcel.

Equivalent Dwelling Unit (EDU) Factor: A system under which a uniform rate is assessed and charged for the capital costs of a Water District plus operation and maintenance expense,

short-lived assets, and reserves based upon an individual parcel's character as it relates to an EDU.

Equivalent Dwelling Unit (EDU) Table: The table of Equivalent Dwelling Units for the properties within a District attached to this Law as Exhibit "B", as the same may be amended by the Town Board from time to time by Resolution.

Operation and Maintenance Expense/Reserve: The amount fixed by the Town Board from time to time to pay for the actual operation and maintenance expenses of a District and to establish a reserve fund for future operation and maintenance expenses.

Owner: The legal owner, a tenant, occupant, under-tenant or assignee of any real property within a District regardless of his/her legal status with respect to the realty.

Parcel: Tax parcel as appearing on the latest completed assessment roll for the Town.

Premises: A Parcel or Building within a District regardless of whether the same is supplied with water.

Town: The Town of Orleans, Jefferson County, New York.

Town Board: The Town Board of the Town of Orleans, Jefferson County, New York.

ARTICLE III: Purpose

The purpose of this Law is to establish clear and concise rules and regulations for the proper administration of Orleans Water Districts.

ARTICLE IV: Effective Date

This Law shall become effective upon adoption by the Town Board of the Town of Orleans and after it has been filed with the New York State Department of State.

ARTICLE V: Public Hearing

The Town Board shall schedule a public hearing for all Owners as the Town Board deems necessary to review the administration, finances and rate structure for a District. This public hearing may take place as part of the public hearing on the Town Budget.

ARTICLE VI: Records Administration

All correspondence, records, funds, payments, receipts, bank checking accounts, investments and debt service management shall be maintained as a separate and distinct file for each

District. The Town Clerk, as the records officer, shall be responsible for maintenance of all District records.

ARTICLE VII: District Membership

All Premises shall be subject to the provisions of this Law. Any Owner within the legally defined boundaries of a District, as the same may be amended from time to time, is a member of a District. An Owner may request connection to the water distribution system of a District upon submitting a complete application and payment of the prescribed fees, costs or charges. The application shall be prepared by the Town and is available from the Town Clerk and/or the Zoning Officer.

ARTICLE VIII: Leased Property

The responsibility for all charges, fees or other financial obligations to a District rest with the legal owner of property as last recorded in the book of Deeds at the office of the Jefferson County Clerk.

ARTICLE IX: Application and procedure for connection to the water distribution system

1. In order to connect to the water distribution system of a District, an Owner must complete an application as prescribed by the Town Board and pay an application fee set by the Town Board, payable at the time **the zoning** application is submitted. **(refer to Exhibit A)** Each zoning permit issued within a District shall also include the application referred to herein. Connection fee(s) and related charges may be adjusted by the Town Board from time to time by Resolution. The District Administrator shall have the right to refuse any application, if in his/her judgment the District cannot meet the additional water demand. An Owner whose application is refused by the Administrator may appeal the decision to the Town Board. The determination of a majority of the Town Board shall be final and conclusive.
2. The Owner is responsible for all fees, costs or charges related to a connection to the water distribution system. **(Refer to Exhibit A)**
3. As part of the application, the Owner must submit a scale drawing showing the proposed point of connection to the water distribution system and a point of connection to the Building(s) on the Premises to be served. If street or road excavation is required, the Owner must secure a road opening permit from the appropriate jurisdictional government, (i.e., the New York State Department of Transportation, the Jefferson County Highway Department, and/or the Town of Orleans Highway Department) and submit a copy of the road opening permit with the application. The proposed connection drawing must be approved by the Administrator.
4. All connections to the water distribution system, including excavation and backfilling of pipes, must be performed by Town personnel or a person hired by the Owner acceptable to the Town with suitable skill and training to make a connection to a public water supply. If the Town is not performing the work, the Owner must submit the name of the qualified person he/she has retained to make the connection for approval by the Town as part of the application. All such activities and connections to the District water lines are to be

performed only under the physical observation of the Administrator or his/her designee. **Taps must be performed by town employee's, unless otherwise approved by town. Failure to comply will result in penalties. (See article XXI)** Prior to back filling, the Administrator or his/her designee must inspect and approve the connection, pipe bedding and back filling. All materials used must meet the reasonable requirements of the Administrator and be compatible with the system. An application fee, to be established by the Town Board, shall be paid by the Owner before water service is provided for a building and which is intended to reimburse the District for labor, and equipment, for installation and "tap in" to a water line.

5. A curb stop is required for each connection and must be located outside of the highway right-of-way.
6. Infrastructure installed by the Owner after the initial construction of the District from the water main to the curb stop, including the meter pit, shall become the property of the District upon connection to the public system following final inspection. Infrastructure from the Owner's side of the meter pit to the building shall remain the property and responsibility of the Owner.
7. The Town shall have access to all property within a District to which water is supplied for the purpose of inspecting, repairing and maintaining the water lines, meters and appurtenances of the District water distribution system. Denial of access of an agent or employee of the Town to any Premises shall be grounds for termination of service pursuant to Article XIII(1) of this Law, and shall constitute an offense as is punishable pursuant to Article XXI of this Law.

ARTICLE X: Water Meters

1. Water meters shall be installed and maintained by **the** District. The District shall bear the initial cost of a meter. The cost for installation and for any maintenance, repair or replacement shall be the responsibility of the property owner. An approved water meter must be installed and sealed prior to water service being established. Only water meters approved by the Administrator shall be installed within a District.
2. It is the responsibility of the Owner to promptly notify the Administrator of any leakage of, or damage to, the water meter or its connections. The Administrator shall take reasonable steps to repair damage or leak(s) as soon as practicable and the cost of such repair shall generally be a District Charge. Costs of repairs shall be the responsibility of the Owner and billed to such person(s) promptly where damage or leak(s) are caused by the negligent act or omission of an Owner of the Premises.
3. See Article XVI for additional information.

ARTICLE XI: Water Rate

1. Water rates shall be fixed and established by the Town Board by Resolution annually during the annual budget process, or any time it is deemed necessary or appropriate by the Town Board. Until a new rate is fixed and established by the Town Board, the existing rate shall continue in effect.
2. All Premises shall be billed based upon its designated EDU count as established on the Table at Exhibit "B" as the same may be amended from time to time by action of the Town Board by Resolution. The water rate for a Parcel in the NYS Route 12 Water District a/k/a Water District No. 2 shall be calculated by multiplying the Premise's EDU count by the EDU Factor plus the cost of water used at the Premises. The amount of water used, if any, shall be based upon the reading of the Parcel's water meter, as provided in Article XII. The cost of water shall be based upon the cost from the supplier and any wheeling fees, plus a reasonable percentage to allow for unaccounted for water associated with leaks, flushing, fires, or other unmetered uses. A similar methodology shall be used in regard to Premises within the Orleans Water District No. 1 a/k/a LA Water District except that water usage may be estimated without regard to water meters.
3. The initial EDU Factor for a District which has been established by the Town Board, and which shall remain in effect until amended by the Town Board by Resolution, is attached as Exhibit "A".

ARTICLE XII: Meter Reading; Billing; Payment; Late Payments and Penalties; and Delinquent Accounts

1. Meter Reading and Billing. In regard to the Orleans Water District No. 2 aka NYS Route 12 Water District, meters will be read when reasonably necessary by the Administrator's designee. Water Bills will be mailed quarterly for such District. Water Bills for "LA Water District a/k/a Orleans Water District No. 1. will also be mailed quarterly.
2. Payment of Bills. All water bills are due and payable when prepared and mailed. All bills are payable up to and including 30 days after billing without interest or penalty. Payment must be received at the Town Clerk's office, 20558 Sunrise Avenue, PO Box 103, LaFargeville, NY 13656 within that period. Any payment physically received after the 30th day of Billing shall be assessed a penalty of 10% of the payment amount. The date of an envelope post mark shall constitute receipt by the Town Clerk. If the 30th day falls on a weekend or legal holiday, and the Town Clerk's office is closed, payment without penalty shall be extended to the close of business at the next business day.
3. Additional Meter Readings and Billings. Any requests or requirement for additional readings separate from the regular scheduled readings will be performed only upon at least 24 hours' notice, **if less than 24-hour notice (refer to exhibit A)**, to the Town Clerk and the payment of an additional fee as determined by the Town Board. This amount may be changed by Resolution of the Town Board.

4. Delinquent Payments. In the event that any water bills or other charges as established in this Law shall have been delinquent for a period of at least sixty (60) calendar days as of October 15th of any year, the Administrator shall identify the delinquent Premises to the Town Board and the Town Clerk on or before October 25th of that year. The Town Clerk is hereby directed to add the entire amount of the water bill to the real property taxes due and owing on the Parcel in the next succeeding year. The Town Clerk is directed to collect the same in the same manner as real property taxes due and owing to the Town.

ARTICLE XIII: Termination of Service

1. Water service may be terminated for non-compliance with, or violation of, this Law. A service charge set by the Town Board will be imposed for termination of service. This amount may be changed, from time to time, by Resolution. (refer to exhibit A)
2. Owners may request that service be terminated, and, where termination will occur at other than normal business hours, a fee set by the Town Board shall be paid at the time of the request. Upon payment of the fee, and all other sums that may be due, service shall be terminated as of the next business day.

ARTICLE XIV: Restoration of Service

1. When service has been terminated for non-compliance with, or violation of, this Law, service will not be restored until all bills, penalties and service charges are paid in full. This includes an additional fee set by the Town Board for service restoration. This amount may be changed by the Town Board by Resolution from time to time. (refer to exhibit A)
2. When service has been terminated at the request of an Owner, an Owner may request that service be restored. A service fee shall be paid by an Owner to the Town Clerk prior to restoration of service. This amount may be changed by the Town Board by Resolution from time to time.
3. Notwithstanding anything to the contrary contained herein, in the event an Owner requests termination and/or restoration of service in connection with seasonal use or seasonal winterization, there shall be no fee for termination or restoration during normal business hours. (one time per season). There may, however, be a fee set by the Town Board and paid to the Town Clerk at the time of such request for termination, or for restoration, where such service is to be provided at other than normal business hours. (refer to exhibit A)

ARTICLE XV: Transfer of Property Ownership

1. It is the responsibility of a record Owner to notify the Town Clerk of the impending date of transfer of a Parcel and to request a meter reading for a final billing on at least 24 hours' notice. **If less than 24hr notice. (refer to exhibit A)**
2. The Town Clerk's office shall, upon the required notice of the impending property transfer, make arrangements for reading of the meter. Upon meter reading, a final bill will be prepared and mailed to the Owner. Final bills are due and payable at the Town Clerk's office within fifteen (15) days. Unpaid bills shall constitute a lien against such Parcel.

ARTICLE XVI: Repair and Maintenance Responsibilities

1. A District is the owner of, and has the responsibility for performance of repairs and maintenance of, all facilities located in the highway right-of-way and from the water main to the curb stop up to, and including the meter pit, up to the Owner's side of the meter pit.
2. The record Owner has the responsibility for repair and maintenance of all facilities located within the boundaries of the Parcel beyond the point of connection at the Owner's side of the meter pit.
3. Should the use of heat tape(s) be required due to conditions not allowing installation of water meter or piping below frost or in a heated room, the Owner shall bear all costs associated with the operation of the heat tape(s) and shall be responsible for any damages that may result therefrom.
4. The Owner shall be responsible for proper winterization of seasonal buildings, and shall be responsible for any damage to Town owned infrastructure that may result due to improper winterization. Owners of property, seasonal or otherwise, shall abide by applicable NYS Department of Health requirements, where applicable.

ARTICLE XVII: Hydrants

Hydrants within a District are solely for the purpose of fire protection. Hydrants shall not be opened except by authorized fire department personnel for the sole purpose of fighting fires, or by District maintenance personnel for maintenance, flushing, repair or testing.

ARTICLE XVIII: Multiple dwelling units

All requests for water service to multi dwelling units (including trailer parks) shall be brought to the Town Board for consideration. The Town Board shall determine whether a single meter for the Premises, or separate meter for each dwelling unit will be required. In no event will an Owner of a multiple dwelling unit purchase water from the District and re-sell water.

ARTICLE XIX: Restrictions on Use

Should lower than normal pressure or other emergency situation(s) occur in the water distribution system, or in the event a serious fire hazard exists, restrictions may be imposed by the Administrator on water usage above basic health and sanitation requirements. If water restrictions are imposed, compliance is mandatory. Failure to comply may result in involuntary termination of water service for violation of the provisions of this Law. Each week shall constitute a separate offense.

Article XX: Restrictions

Cross connections between the public water supply system and private water sources are strictly prohibited. District personnel shall be authorized to perform such inspection(s) as may be necessary to ensure no cross connections exist.

ARTICLE XXI: Penalties for Offenses

1. Actual, or attempted: opening of a hydrant by unauthorized persons; bypass of a meter; or obtaining water from a District without proper connection and/or payment, will result in prosecution pursuant to the penal law(s) of the State of New York.
2. Any violation of this Law may result in the termination of water service by the Administrator.
3. Each violation of the provisions of this Law shall for the purposes of jurisdiction be considered a misdemeanor, and shall be punishable by a fine not to exceed \$500.00 or imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Nothing contained herein shall prevent the Town Board from enforcing this Law by injunctive relief before any court of competent jurisdiction, or by any other legal manner.

ARTICLE XXII: Savings Clause

The invalidity of any clause, sentence, paragraph, provision or part of this Law shall not invalidate any other clause, sentence, paragraph, provision or part hereof.

EXHIBIT "A"

**THE INITIAL EQUIVALENT DWELLING UNIT FACTOR FOR
ORLEANS WATER DISTRICT NO. 1 a/k/a LA WATER DISTRICT
WILL BE BASED UPON THE FOLLOWING ELEMENTS**

Annual Debt Retirement per Equivalent Dwelling Unit (EDU) \$ 0
Operation and Maintenance Expense and Reserve per EDU \$ 280

Total EDU Factor per EDU \$ 280

TOTAL COST \$280.00

**THE INITIAL EQUIVALENT DWELLING UNIT FACTOR FOR
WATER DISTRICT NO. 2 a/k/a THE ROUTE 12 WATER DISTRICT
WILL BE BASED UPON THE FOLLOWING ELEMENTS**

Annual Debt Retirement per Equivalent Dwelling Unit (EDU) \$ 453.00
Operation and Maintenance Expense and Reserve per EDU \$ 54.00
Short-lived Assets per EDU \$ 18.00

Total EDU Factor per EDU \$ 525.00 annual

-plus-
Cost of Water per 1000 gallons \$ 4/1000
gallons metered

TOTAL COST \$ 525.00 +
Plus cost of water

COSTS, FEES, CHARGES IN ALL DISTRICTS

Termination of Service/Restoration of Service \$25
New Construction fee \$1000
Construction associated with new connection Actual Cost of Labor,
equipment and Materials
Any Additional meter read less than 24 hour notice \$50.00

The above factors may be changed by the Town Board by Resolution

EXHIBIT "B"
TABLE OF EQUIVALENT DWELLING UNITS

Type of User	EDU
Single Family Residence, Apartment, Cottage or Mobile Home	1 – Unit per Residence, Apartment, Cottage or Mobile Home
Businesses	1 - Unit per up to 4 employees at peak of employment. 1 - additional unit for each additional 4 employees or fractional part thereof
Seasonal Mobile Home Parks	3/4 - Unit per Mobile Home
Cottage extra from Residence on same parcel	3/4 - Unit per Cottage
Bunkhouse separate from Residence on same parcel	1/4 - Unit per Bunkhouse
Restaurants	1 - Unit per 12 seats, chairs or bar stools - rounded up on a 1/4-unit basis
Motel	1/4 - Unit per room
Motel with laundry	1/4 - Unit per room and 1 unit per 3 washers or fractional part thereof
Vacant land having frontage along any County Road or NYS Route 12	1/2 - Unit per buildable lot
Vacant land with frontage along public road other than County Rd. or NYS Route 12 <u>without</u> connection	1/4 - Unit per buildable lot
Vacant land with frontage along public road other than County Rd. or NYS Route 12 <u>with</u> connection	1/2 –Unit per buildable lot
Laundromat	1- Unit per 3 washers or fractional part thereof

EXHIBIT "C"
Grass Point State Park
TABLE OF EQUIVALENT DWELLING UNITS

Type of User	EDU
Toll Booth	½ unit
Beach Bathhouse	4 units
Campsites	13 units
4 Dumping Stations	2 units
Maint. Building	1 unit
2 Cottages	1.5 units

EXHIBIT "F"
Campgrounds and RV Parks
Table of Equivalent Dwelling Units For Campsites

Type of User	EDU
1-30	5
31-40	7
41-50	8
51-60	10
61-70	11
71-80	13
81-90	15
91-100	17
101-110	18
111-120	20
121-130	22
131-140	23
141-150	25
151-160	27
161-170	28
171-180	30
181-190	32
191-200	33