

LOCAL LAW NUMBER TWO OF 2018 FOR THE TOWN OF WATSON

A Local Law for the Management, Control and Operation of Water Districts in the Town of Watson

SECTION 1:

This Local Law shall be known as the Local Law for the Management, Control and Operation of Water Districts in the Town of Watson.

SECTION 2 — PURPOSE:

Within the Town of Watson is located several water districts and the Town is as of the date of this Local Law in the process of extending Water District Number Four and may in the future create or extend water districts.. The Town Board, believes it is in the best interest of the residents of the Town of Watson that a Local Law establishing Rules and Regulations for the Management, Control and Operation of said districts be uniform throughout the Township which will preserve the orderly development of the Town of Watson.

SECTION 3 — PROPOSED LOCAL LAW:

This proposed Local Law No. 2 2018 of the Town of Watson shall read as follows:

ARTICLE 1: DEFINITIONS

1. The word "Water District", as used in this Local Law, shall mean any water district in the Town of Watson, County of Lewis and State of New York. The words "Town Board" shall mean the Town Board of the Town of Watson, County of Lewis and State of New York. The words "Water Supplier of the Water District" shall mean the organization authorized by the Town Board to provide Operation and Maintenance of the Water Districts.

ARTICLE 2: AUTHORIZATION, RESPONSIBILITY AND INSTALLATION

- 2.1 No one except someone properly authorized by the Water Supplier will be permitted to tap or make any connection with the mains or distribution pipes of the Water District.
- 2.2 Property owners, occupants and/or their contractors, plumbers, agents and employees will be held responsible for the violation of this Local Law or of any of the rules and regulations of the Water District and/or Water Suppliers and shall be subject to the penalties set forth in Article 8.
- 2.3 No person shall make any attachment to, or connect with, or tap into the pipes of the Water District or make additions, extensions to, or alteration of any tap, pipe or other-  
fixture attached to, or intended to become attached to the pipes of the Water District,

including the service pipes and/or lines between the main and the meter without first having obtained a permit from the Water Supplier.

- 2.4 Only one user shall be connected with or upon one service line. Each service line must be metered by one meter, and each service will have its own curb box located by the street where the dwelling exists, unless otherwise approved by the Town Board or the Water Supplier.

### ARTICLE 3: NEW WATER SERVICES

- 3.1 Application for a water service must be obtained from the Water Supplier and filled out by the homeowner. Completed form shall be returned two (2) weeks prior to the date of service. A tapping fee shall accompany the service application. The Water Supplier shall establish the tapping fee. This fee includes the meter, remote reader and wire for the remote, if applicable.
- 3.2 The Water Supplier shall install all supply pipes between the main and the meter. The cost for the tap and service line will be as established by the Water Supplier.

Lines installed by the applicant shall conform to the regulations established by the Water Supplier.

- 1) The service line installation must be inspected and approved by a Code Enforcement Officer of the Town before being covered and after inspection fee is paid, said fee set by Town Board Resolution.
- 2) Water service lines shall not be laid in the same trench as other pipes or utilities.
- 3) Water service lines shall be laid in a straight line in so far as possible, from the main to the meter location. A plastic sleeve is to be installed over copper tubing, or HDPE, SDR-9 pipe where it goes through a foundation wall.
- 4) A shut off valve must be placed between interior wall and meter.
- 5) Persons having their own well water source shall disconnect the well source prior to the Water Supplier turning on the water unless such person shall demonstrate to the satisfaction of the Code Enforcement Officer that there is no cross connection between the well and the water to be supplied by the Water Supplier so as to allow co-mingling of water between the two sources.
- 6) A meter pit can be installed only when approved by the Water Supplier for reasons such as multiple users (mobile home parks), larger service lines, and very long distances between curb box and building where a larger line is needed,

or as required by Water Supplier. If the house or business is over 150' from the road right of way, a meter pit will be required and located near the water service shut off. Where a building is built upon a slab or is otherwise without a basement or cellar, a meter pit will be required to avoid freezing.

- 7) The Water Supplier, or appointed representative, shall have access to the meter upon request and during reasonable hours. Failure to comply with such request shall be just grounds for discontinuing water service to such premises.
- 8) Homeowner is responsible for the water meter. It should be protected from damage or frost. If the meter should break, the homeowner shall be responsible for the cost of replacement.
- 9) All water bills are due and payable when rendered and interest will be charged after thirty days.

#### ARTICLE 4: WATER RATES AND BILLS

- 4.1 The water rates shall be fixed from time to time by appropriate Water Supplier. Water bills shall be rendered -quarterly and shall be payable at such times and places as may be designated by the Water Supplier. The Water Supplier may provide appropriate penalties for non-payment of bills, including a shut-off of the water supply. Water bills are to be paid within thirty (30) days of their due date after which time interest and penalties as determined by the Water Supplier will apply. All water bills in arrears more than thirty days on October 1 of any year shall be placed upon the tax roll for the ensuing year pursuant to §198 (d) of the Town Law.
- 4.2 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 proceeding billing period, or the corresponding period of the preceding year, or upon a corrected water bill as shown by meter test, as the Water Supplier may determine.
- 4.3 Operation and Maintenance cost for the Water District will be billed based on primary water flow through individual meters at each user's structure by the Water Supplier.

#### ARTICLE 5: NEW WATER MAINS

- 5.1 All new mains or extensions shall have engineered plans reviewed and accepted by the Town Water Supplier, the New York State Department of Health to the extent they have jurisdiction over such approvals and such other governmental agencies as may have jurisdiction over such approvals. All new mains and extensions shall be no less than eight inches in diameter, unless otherwise accepted by the Water Supplier and the New York State Department of Health to the extent they have jurisdiction over such approvals

and such other governmental agencies as may have jurisdiction over such approvals. The pipe shall be laid no less than four feet six inches (4' 6") below the established grade or the highway grade and shall have water hydrants not more than 600 feet apart, and line valves installed every 800 feet. Service taps shall be AWWA approved CC (corporation cock) as required by the Water Supplier. A curb stop with extension curb box and rod shall be installed at the property line (the road right-of-way).

- 5.2 Any extension of new water district must include properties on both sides of the road. Installation must include lateral and curb stops before being approved by the Town Board and Water Supplier.
- 5.3 Any extensions or new water districts will end for tax purposes at the furthest boundary line of the last property to be included in the proposed district or extension
- 5.4 Property on the opposite side of the road, which overlaps the end of the district, will not be considered part of the district.
- 5.5 With regard to any new district, extension of existing district, or installation of new water main, real estate parcels on both sides of the main must install at least one tap for water service. In the case of a parcel of real property which is, pursuant to the zoning code of the Town of Watson, substandard, the same being a parcel which by reason of size or dimensions is ineligible for the construction of any structure, building or improvement may be exempted from this requirement upon submission of a written request to the Town Board and satisfactory proof of such status.

ARTICLE 6: DEBT CALCULATION

- 6.1 Debt calculation: The following table has been set up to determine debt calculation based on a benefit basis. The number of units of property connected shall be determined or modified by Resolution of the Town Board of the Town of Watson from time to time enacted and thereafter filed with the Town Clerk.

User units (EDU's, Equivalent Dwelling Unit) will be established annually by the Town Board for payment of all debt incurred by a specific Water District. Debt payments will be billed in January of each year.

|    | Description             | Assigned EDUs |
|----|-------------------------|---------------|
| 1. | Single family home      | 1             |
| 2. | Vacant parcel, with tap | 1             |

|     |   |   |
|-----|---|---|
| 3.  | Vacant parcel in designated agricultural district, with tap | 1   |
| 4.  | Multiple Mobile Homes on 1 parcel,                          | less than 5 homes,<br>1 for the first, and<br>½ for each after.                         |
| 5.  | Mobile Home Park, 5 homes or more                           | 1 for first home<br>and ½ for each additional   |
| 6.  | Multi-family structures,                                    | 1 per structure and ½ for<br>each apartment therein                                     |
| 7.  | Multiple homes on 1 parcel, tapped or not                   | 1 per home  |
| 8.  | Church  | 1   |
| 9.  | Volunteer Fire Station                                      | 1   |
| 10. | Car Wash  | 1 per bay   |
| 11. | Small Motel   | 1/8 per room (round<br>to nearest ½ unit)   |
| 12. | RV Park and/or campground                                   | 1 per 15 sites (rounded up<br>to nearest ½ unit)  |
| 13. | School  | 1 per 15 faculty, staff<br>and student (rounded<br>up to nearest ½ unit)                |
| 14. | Seasonal residence  | 1 per home  |
| 15. | Commercial  | 1 per 10 FTE's and ½<br>for each increment of<br>10 or fractional part<br>thereof after |
| 16. | Other to be determined by the Town Board                    |   |

<sup>1</sup>Parcels with more than one distinct use (i.e. business plus apartment) will receive a separate EDU assignment for each use.

<sup>2</sup>Full-time equivalent employees. (FTE)

To be considered as an agricultural parcel of property, the property must meet the following criteria:

- 1) The property is being used for the active production of crops, livestock, fish, game or nursery stock on a yearly basis as outlined in the New York State Office of Real Property Services classification system and be in a County Agricultural District.
- 6.2 In order for a mobile home site to be considered out of use and not charged an assigned EDU, all electrical and plumbing fixtures must be removed from the site.

#### ARTICLE 7: WATER SERVICE MATERIALS

**1. Polyethylene Tubing-**Polyethylene shall comply with the following:

- Tubing shall have working pressure of 200 PSI at 73.4 degrees F and be in conformance with ANSI/NSF Standard 61.
- Tubing dimensions and tolerances shall correspond with the values listed in AWWA C901 with standard dimension ratio (SDR) of 9.
- Tubing shall be fully labeled at intervals of not more than 5 feet with brand name and manufacturer, the nominal size, PE 3408, the work TUBING and SDR9, PC 200, AWWA C901-88, and the seal, or mark of the testing agency.

**Copper Tubing-**Copper tubing shall be Type K and shall conform to AWWA Standard C800 Section A.2, ASTM Specification B 88 and ANSI/NSF Standard 61.

**Joints-**

- Joints for polyethylene or copper tubing shall be of the compression type utilizing a totally confined grip seal and coupling nut. Stainless steel tube stiffener insert shall also be used for tubing services.
- Other type joints may be considered for specific installation upon submission of specifications and approval by the engineer.

#### ARTICLE 8: OPERATION AND REPAIRS

- 8.1 No person shall turn on the water to any premises, whether an old or new supply, without the written permission of the Water Supplier. Fee for turn on/turn off will be based on the Water Supplier's rate.
- 8.2 Except in case of fire, no person other than an employee of the Water Supplier shall turn on or off the water on any main or supply pipe, reservoir or hydrant.
- 8.3 When required for construction or repair work, the Water Supplier shall have the right to

shut off the water, and keep it shut off, as long as may be necessary and no deduction from water bills shall be made nor damages allowed for the time the water is shut off. Notice of such shut off will be given when possible.

- 8.4 A fire main whenever installed into any premises shall be for sprinkler and fire hose use only. No connection for any other use shall be made. The customer must repair leaks in the fire main immediately. If repairs are not made within a reasonable time, the Water Supplier shall notify the customer and the Public Protection Department of the New York Fire Insurance Rating Organization in writing and turn off the water until proper repairs are made by the customer.
- 8.5 In the event that the Town Board, the New York State Department of Health, or other Governmental agency shall deem it advisable, the Town Board is hereby authorized to take and direct such emergency measures as may be deemed necessary to protect the public water supply.
- 8.6 The Water District and the Town shall not be liable for any damage or loss of any name or kind to any property, persons or business, or loss of use of property or interruption of business. The Water District and the Town shall not be liable for any injury or damage which may occur to any person or premises as the result of shutting off the water from any main or service line for any purpose whatsoever, even in cases where no prior notice is given.
- 8.7 Use of Fire Hydrants:
- a. Fire hydrants are provided for fire protection only. It is required that property owners keep hydrants free of snow and other obstructions.
  - b. Tampering with or obstructing fire hydrants are specifically prohibited.
  - c. Fire hydrants will be periodically flushed and will be maintained by the authorized Town Representative or water supplier.
  - d. No person shall operate or use a fire hydrant without the prior authorization of the the authorized Town Representative or water supplier. Fire Department personnel are authorized to operate and use fire hydrants in connection with their official duties.
- 8.8 Conservation of Water Resources:
- a. Water is an important natural resource which must be conserved.
  - b. Under no circumstances may a property owner waste water, whether metered or unmetered.
  - c. Lawn sprinkling, car washing, filling in ground or above ground swimming pools and other uses of water outside normal consumption are permitted uses, but may be

limited or otherwise controlled if the Town Board or water supplier deems such measures necessary due to drought, water emergency, or other event or circumstance rendering it necessary to conserve water.

- 8.9 Upon request, the Authorized Town Representative or water supplier will take a meter reading and calculate water use for the purpose of a property transfer.
- 8.10 Water shall not be resold by any consumer to any other persons including tenants.

#### ARTICLE 9: PENALTIES

- 9.1 Any person or corporation doing or permitting to be done on premises controlled by said person or corporation any act or thing forbidden by this Local Law, or omitting or failing to do or perform any act, requirement or obligation required by this Local Law, and where no penalty for such act or failure to act is herein before provided, shall be guilty of a misdemeanor and punishable by a fine not exceeding \$1,000.00 or imprisonment not to exceed three (3) months, or both, for each act or omission; and a person or corporation so violating this Local Law shall be liable for all loss and damage suffered as a result of such violation and shall further forfeit and pay to the Town a civil penalty not exceeding \$1,000.00 for the collection of which the Town Board may maintain an action in any court of competent jurisdiction. Despite the remedies and penalties herein provided, the Town Board may in any appropriate case bring an action to enjoin any person or corporation from violating any and all of the provisions of this Ordinance
- 9.2 Late payments----All payments, including payments for water service and payments for debt service benefit assessments under Article 6 above which are not paid within thirty (30) days of the bill's due date shall be subject to interest and a late fee as determined by the Town Board or Water Supplier.
- 9.3 Theft of Services---No person, user, customer, or corporation whether public or private, shall tamper with a Town or water supplier water meter, or install a connection which result in unmetered water use. Such action shall constitute theft of services. Theft of services shall constitute a misdemeanor, punishable by a sentence of imprisonment not to exceed one year, and/or a fine not to exceed one thousand dollars (\$1,000.00). Notwithstanding the foregoing, theft of services may be prosecuted under Section 165.15 of the New York State Penal Law, entitled "Theft of Services." All provisions contained thereunder are incorporated in and shall be a part of this Local Law.
- 9.4 Any person or corporation doing or permitting to be done on premises owned or otherwise controlled by such person or corporation any act forbidden by this Local Law, and where no penalty for such act or failure to act is provided for herein, shall be guilty of a misdemeanor which shall be punishable by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding three (3) months or both for each act or omission. A person or corporation violating this Local Law shall be liable for all damage and loss suffered as a result of



such violation and shall further forfeit and pay to the Town a civil penalty to be assessed by the Town Board not exceeding one thousand dollars (\$1,000.00) for the collection of which the Town Board may maintain a civil action in any Court of competent jurisdiction. Such civil penalty shall not be construed as liquidated damages and notwithstanding the remedies and penalties provided for herein, the Town Board may in an appropriate case maintain a civil action for the actual amount of any damages or loss sustained and/or for an order enjoining the violation of any and/or all provisions of this Local Law.

- 9.5 The Town shall be entitled to recover from any person or corporation found in violation of any provision of this Local Law or against whom the Town has maintained an action for criminal penalty, or damages, injunction or other equitable relief in a civil action all attorney fees, Court costs, and other disbursements and expenses.
- 9.6 The application or pursuit of any or all penalties or remedies provided for herein shall not prevent the Town or water supplier from terminating water service or from pursuing the collection of any delinquent bills.

#### SECTION 4: SEVERABILITY

If any clause, article, section or part of this Local Law shall be found by a Court of competent jurisdiction to be void or invalid, such determination, judgment or order shall not affect, impair or invalidate the remainder of this Local Law.

#### SECTION 5. EFFECTIVE DATE

This Local Law shall take effect immediately upon being filed in the Office of the Secretary of State in accordance with the provisions of Section 27 of the Municipal Home Rule Law.