

# TOWN OF WILLSBORO WATER POLICY

DRAFT 08 July, 2014

ORDINANCE for the Town of Willsboro regulating the use of public water facilities and furnishing of water to customers within the Willsboro Water District in the Town of Willsboro, County of Essex, State of New York.

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

## ARTICLE I. Rules and Regulations

### Section 1. Regulations as Part of Contract

- A. The following rules and regulations as established by the Town Board of Willsboro, or hereinafter amended or modified, are hereby made a part of any and all agreements, or contracts, with each customer, take or user of water furnished directly or indirectly from the mains of Willsboro Water District.
- B. Each and every customer, user or taker of water from the District water system shall be in all respects bounded by, and shall be considered to have agreed to the rules, regulations, requirements and schedules of water rates and other charges hereinafter set forth, or amended or modified by the Town Board as a condition precedent to the rights or services from said water system.

## ARTICLE II. Water System Infrastructure

- A. The Willsboro Water District provides water on a flat rate basis to properties located within the Willsboro Municipal Water District. Commencing January 1, 2015 the Willsboro Water District will begin transitioning to a metered water system. The transition will be accomplished in phases over multiple years. During the transition water will be billed both by flat rate for non-metered customers and by meter reading for customers that have meters installed.

## ARTICLE II. New Connections to the System

### Section 1. Permanent Connections

- A. Those desirous of making permanent connections to the main of the water system of the said district, should make application from the Water District Administrator at Town Hall and shall pay the Town Clerk at the time of making said application. The sum of \$750.00 for each connection must be made to cover the cost of the permit, inspection of the service installation and connection to the public system. The Town shutoff will be placed at the nearest point on the applicant's property or right-of-way from the main. The Water District Administrator will notify the applicant of when the connection will be made following application approval by the Water Superintendent.
- B. After 1 January, 2015 all new permanent connections will have metering equipment installed as part of the installation. New customers will be responsible for the additional cost meter and ancillary equipment purchase for the metering system.
- C. All work associated with the digging of the trench, laying of pipe and the backfill in making connections from the shutoff to the residence with the sole expense of the applicant, and must be performed to the satisfaction and under the supervision of the water Superintendent or his/her representative.
- D. No person, or persons, shall make any connections to the mains of the water system of the said District, except the duly authorized representatives of the Town of Willsboro. Any person violating any of the forgoing provisions shall be subject to a penalty of not less than One Thousand dollars (\$1,000) per incident, plus all repairs and expenses incurred to the Town/Water Department.
- E. The installation of the service pipe from the curb box to the customer shall be performed to the satisfaction of the District water Superintendent, or his representative. The curb stop will remain closed and shall not be reopened by any other than the Water Superintendent or his agent except by express permission of the Water Superintendent and/or Town Board.
- F. All materials used shall be proper and adequate for the type of service intended, shall meet the respective quality standard of the American Water Works Association, and shall receive approval of the Water Superintendent before installation. Service pipe shall be Type K copper, with bronze fittings or polyvinyl chloride SDR 26 with PVC fittings. All underground copper connections shall be of the flared type. Connections should not

have any galvanized material or SDR 26. All connections should be rated at 160 PSI. The method and manner of placing materials and the general arrangement and progress of the work shall conform to the specifications hereinafter set forth of these regulations.

- G. No work shall be performed until the owner or applicant has obtained the necessary street-opening permit from the proper authority, plus building permit when required.
- H. Except with the written permission of the Town of Willsboro (hereinafter called the Town), a separate tap and service shall be installed for each premise located on a street in which there is a water main, and no consumer will be allowed to supply water to another person or 'premise'. When the word premise is used herein it shall be taken to designate:
  - (1) A building under one (1) roof owned, leased, by one (1) party and occupied as a residence or for business or commercial purposes.
  - (2) Each premises having its own frontage upon a street upon which there is a water main shall have its own individual service excepting however, that in all cases where only one (1) or two (2) or more buildings in this same lot have frontage on the street upon which there is a water main; the buildings which do not have water service may connect onto the water line of the building having such service, providing that when such a connection is made, notice is given to the Water Superintendent of said district before any water is drawn from the connection. Any person who violates the provisions of this section shall be subject to a penalty of not less than fifty dollars (\$50) for the first offense and a penalty of one hundred (\$100) for each additional offense.
- I. The minimum size service pipe to be installed shall; have an inside diameter of three-quarters (3/4) of an inch. In making an application an applicant shall state size of the service desired. The Town Board must approve any larger size. All additional costs above and beyond the cost of a normal 3/4" hookup will be the total responsibility of the customer.
- J. The connection of any kind shall be made to the service pipe between the main and the curb stop.

- K. Where an application is made for a connection for which an existing service pipe is provided to the curb box only, all work shall be performed in accordance with these rules and regulations and specifications as far as they are applicable, except that the connection shall be made at the curb stop instead of at the main. It shall be the duty of the applicant or his agent to determine that the portion of the connection previously installed is in the satisfactory condition or to make any repairs thereto which may be required by the Water Superintendent or his representative; all of which shall be the expense of the applicant. Detailed methods of connection to the existing service pipe shall be in accordance with the instructions of the Water Superintendent or his representative. The applicant may pay the charge, which was applicable to the service connection previously installed, upon application for such connection.
- L. Where an application is made to increase the size of the service pipe, the corporation cock controlling such service must be closed at the main prior to any withdrawal of water through the new service pipe.

### ARTICLE III. General Regulations

#### Section 1. Use of Water District Fire Hydrants

Except in cases of fire, no person, or persons shall take water from the fire hydrants of the said district for any purpose whatsoever. In case of fire, said fire hydrants shall be opened and water taken therefrom only by Town employees or active members of the Fire Department. Any person violating the provisions of this section shall be subject to a fine and penalty of not less than One Thousand (\$1,000) plus time and materials for repairs and expenses.

#### Section 2. Work performed only by the Town

No work shall be performed upon the District's mains or upon the Services connected thereto between the main and curb stop except by employees or agents of the town. No connection shall be made between November 1 and May 1 except specific permission granted by the Water Superintendent.

#### Section 3. Owner to Report Damage or Leaks

The consumer/contractor is required to notify the Water Superintendent of any leak occurring in, or damage to the service line. In such case the water will be turned off at the curb stop, after 24 hour notice, and remain turned off until the leak is repaired or the damage restored to the satisfaction of the Water Superintendent.

The consumer/contractor, at his/her own expense shall make all repairs to the service line between the curb stop and premises. The repairs to the service line between the main and the curb stop will be made in conformity with the specifications for new service insofar as they may be applicable.

#### Section 4. Abandoned Service

In case it is desired to abandon a service, the Town Board shall be notified and the Service will be disconnected at the main. The work shall be performed at the expense of the owner. No new service pipe will be provided for an applicant while a discontinued service is not disconnected in accordance with this provision.

#### Section 5.

The Town Board shall have control of the installation, maintenance, repair and adjustment of taps, main, curb boxes, service pipes up to and including curb box, and water meters. The said Town Board shall not be responsible for breaks, obstructions, or interruptions in service arising from any cause whatsoever except that they may take such steps as are necessary to restore service from the main to the curb stop. Charges for such repairs are to be made in accordance with Section 3 of this Article.

#### Section 6. Curb Stop Violations

Service shall be controlled at the curb stop and water will be charged for as long as the curb stop is open. The water will be turned off and on only by employees of the Town and only by filing proper notice with the Town Clerk. Should the curb stop be damaged by any such action, the property owner will be responsible for costs of repair or replacement of curb stop. Exclusively Willsboro DPW will do repairs, or replacement of curb stop. Alteration or manipulation of installed water meters is strictly prohibited. Any violations will be assessed at \$1000.00 for the first offense. Subsequent offenses may be assessed at no more than \$2000.00 and / or termination of water service as determined by the Town Board.

## Section 7. Board Not Liable for Shut Off of Water

The Town Board shall not be liable for any damages which may result to consumer's pipes, appliances or other fixtures from the shutting off of water mains or service pipes for any purpose whatsoever whether previous notice has been given or not. No deductions from the service charge will be made for periods when the service was shut off.

## Section 8. Heating Equipment

In cases where coil or other devices are installed in heating furnaces or separate heating devices for the purpose of providing domestic hot water, approved check and relief valves must be installed at the expense of the owner in the supply or feed pipe between the curb box and the source of heat. This is not only to be installed at the expense of the owner, but also at his peril. The Town Board assumes no responsibility for proper operation and function of said valves.

## Section 9. Valves Installed For Boilers

In cases where boilers or other special equipment are supplied with water, a suitable valve or device must be installed at the expense and peril of the consumer to prevent collapse or explosion in case water is shut off in the street mains.

## Section 10. Control of Water Supply

The Town Board shall not be held liable for any damage sustained by reason of its failure to supply water to any consumer at any time or for any cause; and it reserves the right to control the amount of water. It reserves the right at any time it is considered necessary to prohibit the use of water for sprinkling of lawns or gardens, irrigation, or for any other purpose. Notification of Water Ban Order will be published in the Town's official newspapers (the Valley News and Press-Republican) and will air on the local cable TV Station (CCW).

## Section 10A. Misuse of Town Water

In cases of misuse of water during times of restricted water usage and or by intentional misuse of Town of Willsboro Water, the following procedure will be followed:

1. Water Superintendent identifies water misuse and reports same to Supervisor and Town Board for action.
2. The Town Supervisor will provide written notification sent by certified mail to party causing misuse of water. Letter indicating that the party causing misuse of water has three (3) working days to correct problem.
3. If after three (3) working days the Water Superintendent declares continued misuse, the Town Board will be notified and the offender will be assessed a first offense fine of fifty dollars (\$50.)
4. If misuse of water continues beyond six (6) days, water service may be disconnected. Service shall be re-instated upon correction or discontinuance of misuse and after recommendation of Water Superintendent to the Town Board. A connection fee of twenty-five dollars will be paid BEFORE the service is reconnected.

#### Section 11. Board has no Guarantee of Service

The Board does not guarantee service from the street main to the building through any piping, valves or connections therein. Any damage sustained to the system by user or agent shall be charged against the landowner.

#### Section 12. Interpretation of Rules

The Town Board shall be the sole judge as to the meaning of these rules and regulations. Its interpretation shall be final and binding upon all applicants for water service and upon all takers and users of water.

#### Section 13. Water Sample Testing

When requested, water samples will be taken by Water/DPW personnel and sent to an appropriate lab for testing. A fee for actual costs (personnel

time and lab fees) shall be collected from party requesting water testing at time results of the water testing become available.

Annually the results of The Water Districts water tests will be distributed to the public. This can be accomplished by sending out paper copies of the results or by posting to the Town website, with notice given via quarterly billing.

#### Section 14. Water Meters

Water meters will be installed on all new water connections after 1 January 2015. A \$50.00 per year meter surcharge will be assessed on all customers of the Willsboro Water District commencing in 2015. This surcharge will be placed in a Reserve Fund for the purchase of water meters and ancillary equipment. Water meters will be installed throughout the water district in phases starting with all commercial customers and followed by water distribution zones as determined by the water superintendent. The meter surcharge will be assessed yearly until the entirety of the Willsboro Water District is equipped with water meters.

### ARTICLE IV. Shutting off and Turning on Water

#### Section 1. Notification

Should it be desired by the customer to discontinue the use of water, the Town Board shall be notified in writing five (5) working days prior to the desired date of shut off and the time and place at which service is to be discontinued. The Town Board shall require the Water Superintendent, or his/her representative, to shut off the service at the curb box. When it is desired to resume service, similar notification shall be given to the Town Board and upon payment of all indebtedness, the Water Superintendent or his/her representative will turn the water on at the curb box.

### ARTICLE V. Frozen Water Services

#### Section 1. Responsibility

The Town Board does not assume responsibility for frozen service<sup>3s</sup>, notwithstanding the fact that the installation of any service, which may be

subsequently become frozen, had been installed and/or approved by the Water Superintendent or his/her representative.

## ARTICLE VI. Rates, Bills and Penalties

### Section 1. Billing

- A. Billing Rates will be set or affirmed at the yearly organizational meeting of the Town Board in early January of each year. Flat and metered rates will be set at that time. Changes in rates will only be made by resolution of the Town Board.
- B. Unless it otherwise provided, each customer will receive a bill for water quarterly, the same to be due and payable upon presentation. Each of these bills shall include the charge for water **consumed** as well as any other charges, which the customer may have incurred.
- C. The Town Board will review and approve the Water District billing Register at each billing quarter. No changes to bills may be authorized except by the Town Board. Unpaid water bills will be relieved yearly on the owner's county property tax. The Water District Administrator will provide the Supervisor with the water reliev list for Town Board approval prior to it being transmitted to the county tax office for reliev on taxes.
- D. In any case where the amount of water used is of such quantity that the water Superintendent shall deem it advisable to issue a more frequent billing. It shall be done notwithstanding the provision of the forgoing paragraphs. The decision of the Water Superintendent shall be binding and the bills shall become due and payable upon presentation.
- E. The responsibility for payment of all bills rests on the owner of the premises, and he/she shall be liable for all charges when due and payable and such charges shall be a lien upon the premises until fully paid.
- F. Failure to receive bill does not entitle any consumer to avoid the penalty as hereinafter provided. The Town Board does not guarantee billing or delivery of bills to any customer.

## Section 2. Penalty on Bills

Any penalty rendered shall be subject to a penalty of ten percent (10%) of the full amount of said bill, and the said penalty shall go into effect thirty (30) days following the date of the bill.

## Section 3. Nonpayment of Bills

Unpaid bills for water service charges or other charges incurred by the consumer are lien upon the property. The Town Board may enforce the collection of unpaid bills by cutting off the supply of water until after the penalties start to accrue on the unpaid bills. Any unpaid bill together with any accumulated charges, fines or fees against the property will be charged to their land tax.

## Section 4. Private Fire Protection

- A. In cases when it is desired to install connections to private fire protection systems, written application shall be made to the Town Board setting forth the details thereof. The application shall be accompanied by a sketch, or diagram showing the plan of the system to be installed. The Town Board, prior to any work being done, must approve this plan.
- B. All installations necessary to serve private fire protection systems shall be constructed and maintained at sole expense of the owner or applicant. Connections for private fire protection purposes shall be properly valved at the expense of the consumer in order to prevent the use of water for any other purposes than those, which are contemplated by this Article.

## Section 5. Violations

Service of any notice, authorized or directed by, or on behalf of the said Town Board, may be made upon the owner or consumer, personally or by sending the same by mail to such party at the last address furnished to the Town Board.

Rate Schedule  
Effective 1 January 2015

Metered Rate: To Be Determined Jan. 2015

Flat Rates:

Residential –Household	\$150.00
Residential Complex	\$150.00 X Number of Rental Units
Senior Exempted*	\$100.00
Commercial Small**	\$150.00
Commercial***	\$300.00
Commercial Complex****	\$1000.00
Industrial	metered: \$1200 up to 20Kgal. \$1.00/1000gal. > 20K gal.
Wholesale	\$6000.00 up to 2.4Mgal. \$2.50/1000gal. >2.4Mgal.
Inter Governmental / School	\$4000.00
Fire Department	\$1000.00
Churches	\$200.00

(Rectories-same as Residential)

Senior Housing

metered

\*Requirements: Owner over 65 & income less than \$30,700.00 per year as verified by Assessor tax rolls.

\*\* Commercial Small defined as nonresidential business using only water and sanitary facilities for employee and customer convenience.

\*\*\*Commercial defined as medium business using water as part of the commercial operation (restaurant, marina, greenhouse, farm, medical office, veterinary office, stables, Laundromat, bakery, etc.).

Commercial Complex defined as business complex containing three or more businesses.

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