

SECTION 1:

This Local Law shall be known as Local Law #1 of the year 2011 Amending Local Law # 1 of 2004 Regarding Management, Control and Operation of Water Districts in the Town of New Haven.

SECTION 2 – PURPOSE:

Within the Town of New Haven, are located Water District #1, Water District #2, Water District #3, and Water District #4 and the possibility of future additional Water Districts. The Town Board, given the previously formed Water Districts and the possibility of additional future districts, believes it is in the best interest of the residents of the Town of New Haven and that Rules and Regulations for the management, Control and Operation of said districts uniform throughout the Township will preserve the orderly development of the Town of New Haven. The purpose of this law is to amend LL #1 of 2004.

SECTION 3 –LOCAL LAW:

This Local Law No. 1 of 2011 of the Town of New Haven shall be as follows:

ARTICLE 1: DEFINITIONS

- 1.1 Water District - shall mean any water district in the Town of New Haven, County of Oswego, State of New York.
- 1.2 Town of New Haven – shall mean the Town of New Haven, County of Oswego, State of New York.
- 1.3 Town Board – shall mean the Town Board of the Town of New Haven.
- 1.4 Town Clerk - shall mean the Town Clerk of the Town of New Haven.
- 1.5 Town Assessor – shall mean the Town Assessor of the Town of New Haven.
- 1.6 EDU – shall mean equivalent dwelling units used for debt and assessment calculations in this local law, and the plural be referred to as “EDU’s”

ARTICLE 2: AUTHORIZATION, RESPONSIBILITY AND INSTALLATION

- 2.1 No one except someone properly authorized by the Superintendent of the Water District, 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 Ordinance or of any of the rules and regulations of the Water District.

- 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 Superintendent of the Water District.
- 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 dwelling exists, unless otherwise approved by the Town Board.

ARTICLE 3: NEW WATER SERVICES

- 3.1 Application for a water service must be obtained from the Water Clerk and filled out by the homeowner. Completed form shall be returned 2 weeks prior to the date of service. A tapping fee shall accompany the service application. The Town Board shall establish the tapping fee by Resolution. This fee includes the Meter, meter valve, check valve, remote reader and wire for the remote and processing fee.
- 3.1.1 When a tap is to be removed from a vacant parcel at the request of the owner, an un-tapping fee shall be paid to the Town of New Haven for such removal. The un-tapping fee shall be paid in full before removal and must accompany the removal application. This fee includes the cost of the original installation, and removal of the tap, and processing fee. Taps can only be removed from vacant parcels by the Town of New Haven. The Town Board shall establish the un-tapping fee by Resolution.
- 3.1.2 A reinstallation shall be subject to all the requirements applicable to a new water service.
- 3.2 The Water District shall install all supply pipes between the main and the property line. The applicant shall install the service line between the property line and the meter location.
- Lines installed by the applicant shall conform to the following:
- 1) The service lines shall be laid at a depth of at least four feet.
 - 2) The service lines shall be at least ¾ inch diameter, Type “K” copper pipe, for a home up to 250 feet from the street.
 - 3) Structures beyond the 250 limit will be required to install a meter pit at the right of way and also be required to use 1-inch diameter Type “K” copper pipe. Larger service lines may be required beyond 350 feet from the street. The service line installation must be inspected and approved by a representative of the Water District before being covered.
 - 4) Water service lines shall not be laid in the same trench as other pipes or utilities.
 - 5) 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 where it goes through a foundation wall.

- 6) An angled meter valve must be placed between interior wall and meter.
- 7) A check valve must be placed in the service line after the meter.
- 8) Persons having their own well water source shall disconnect the well source prior to the Town turning on the water.
- 9) If no Main water tap is needed, Meters will be provided by the Town of New Haven at an initial fee to be established by Resolution of the Town Board. (Meter, meter valve, check valve, remote reader and wire will be included for the initial fee.)
- 10) A meter pit can be installed only when approved by the Water Superintendent, for reasons such as multiple users (mobile home park), larger service lines, and very long distances between curb box and building where a larger line is needed.
- 11) All meter pits must meet or exceed AWWA standards. The meter shall be installed three feet from the bottom of the pit. An angled meter valve must be installed before the meter and a backflow preventer (check valve) after the meter. Wherever possible there must be a drain from the pit.
- 12) Meters shall be installed before the property is occupied and no later than six months after date of application.
- 13) The water service must be inspected and approved by the Water Superintendent, or his representative, before it is backfilled.
- 14) The Superintendent of the Water District shall be notified when the meter is installed.
- 15) The Superintendent of the Water District, or his representative, and any member of the Town Board, shall have access to the meter upon the premises upon request and during reasonable hours. Failure to comply with such request shall be just grounds for discontinuing water service to such premises.
- 16) 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 ordinance or resolution of the Town Board. Water bills shall be rendered quarterly and shall be payable at such times and places as may be designated by the Town Board. The Town Board may provide appropriate penalties for non-payment of bills, including a shut off of the water supply. All water bills in arrears more than thirty days on November 1st 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 Superintendent of the Water District 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.

ARTICLE 5: NEW WATER MAINS

- 5.1 All new mains or extensions shall have engineered plans reviewed and accepted by the Town Water Superintendent and the County Health Department. All new mains and extensions shall be no less than eight inches in diameter, unless otherwise accepted by the Water Superintendent and the County Health Department. The pipe shall be laid no less than four feet six inches below the established grade or the highway grade and 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) thread brass service saddle with two (2) u-bolts and brass nuts. A corporation stop shall be installed in each saddle and 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 Town Board.
- 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 opposite side of road, which overlaps end of district, will not be considered part of the district. It can be included in a new district when formed, or if added to the established district, must be paid for by the owner and the line must extend to the property's furthest boundary line.

ARTICLE 6: DEBT CALCULATION\

- 6.1 Debt calculation and EDU Calculation... The table set forth in section 6.2 shall be used in determining debt calculation and in calculating the number of EDU's for each category of property listed in the table below and for calculating the total number of EDU's in each water district. The Town Assessor shall determine the correct category applicable to each parcel. Where more than one category may be applicable, the Assessor shall assess the property according to the category with the highest number of EDU's. Once the Town Assessor has made a determination of the correct number of EDU's for each district, the Assessor shall report such determination to the Town Board, no less than annually, prior to the preparation of the preliminary assessment roll, to allow timely collection of the annual assessment for each parcel in each district and the timely payment of the debt incurred for each district, and the final number of units for each district shall be determined or modified by resolution of the Town Board from time to time as necessary and shall be filed with the Town Clerk and the Town Assessor. The

Town Board may establish additional categories and the number of EDU's applicable thereto by resolution from time to time as necessary.

6.2 Establishment of EDU's...The number of EDU's (Equivalent Dwelling Units) for each district shall be separately established for each district annually by the Town Board, upon receipt of the report of the Town Assessor as set forth in Section 6.1, for the purpose of calculating the amount to be charged for each EDU assessed to each parcel in each separate water district. The establishment of such charge for each such EDU will be for the purpose of collecting sufficient funds for the payment of the debt incurred for each district properly apportioned among each EDU in each water district as well as for future maintenance of the infrastructure of each district. The categories of property and the number of units assessed to each category shall be set forth in the following table:

1. One single-family residence on one parcel	1 EDU
2. Each additional single-family residence on one parcel	1 EDU for each residence
3. Vacant Land without tap	½ EDU
4. Vacant Land with tap	1 EDU
5. Additional tap(s) on parcel	1 EDU for each additional tap
6. Manufactured Home/Mobile Home Park, not including park owner's residence, which is calculated separately according to the terms of this local law, with one or two Manufactured Home/Mobile Home sites, with one tap regardless of whether site occupied or rented	1 EDU per site
7. Manufactured Home/Mobile Home Park, not including park owner's residence, which is calculated separately according to the terms of this local law, with three or more Manufactured Home/Mobile Home sites, with one tap regardless of whether site occupied or rented	1 EDU for first site and ½ EDU for each additional site
8. Structure with two apartments	1 EDU for each apartment
9. Structure with three or more apartments	1 EDU for first apartment and ½ EDU for each additional apartment
10. Campgrounds, not including campground owner's residence, which is calculated separately according to the terms of this local law.	1 EDU per 15 sites or

	fraction there of
11. School (each student, staff member and faculty member as of assessment date shall count as one person)	1 EDU for each group of 15 persons or fraction thereof
12. Commercial/Business, non-industrial use building (each employee, employer and owner working at site shall count as 1 person)	1 EDU for each group of 15 persons or fraction thereof
13. Agricultural parcels with one tap.	$\frac{1}{2}$ EDU for each parcel
14. Hotels/Motels	1 EDU for first 10 rooms or fewer $\frac{1}{10}$ EDU for each additional room over 10 rooms, rounded up to nearest $\frac{1}{2}$ unit
15. New Haven Volunteer Fire Department.	1 EDU
16. American Legion	1 EDU
17. Cemeteries, as long as usage limited to cemetery	0 EDU
18. Multi-use structures and/parcels	EDU's shall be separately assessed for each use under this local law

Where the Town Assessor is unable to determine the application of this chart to any parcel, the Town Board, upon request of the Town Assessor, shall be empowered to determine the appropriate number of EDU's to be assessed to a parcel, or interpret this local law where necessary, by resolution.

In so far as any resolution or interpretation of the Town Board regarding the number of EDU's applicable to a parcel, adopted prior to this amendment of this local law, shall conflict with this local law, this local law, as amended, shall be controlling.

Additional categories may be added by amendment of this local law.

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

- 2) The property does not have habitable living accommodations on it.
- 3) The property has a structure that supports production of livestock, crops, fish, game, or nursery stock.

ARTICLE 7: OPERATION AND REPAIRS

- 7.1 Any leak in the service line between the property line and the meter must be immediately repaired by the owner or occupant of the premises; and if not repaired within 24 hours after notice thereof, the Superintendent of the Water District may cause the leak to be repaired and add the expense there to the next water bill of the consumer.
- 7.2 No person shall turn on the water to any premises, whether an old or new supply, without the written permission of the Superintendent of the Water District.
- 7.3 Whenever in the judgment of the Superintendent of the Water District in order to prevent unlawful use of water, it is necessary to turn off the supply by withdrawing the ferrule or tap at the main and when the violation is corrected, the sum of \$1200.00 must be paid before the ferrule or tap will be replaced.
- 7.4 Except in case of fire, no person other than an employee of the Water District shall turn on or off the water on any main or supply pipe, reservoir or hydrant, without written permission of the Superintendent of the Water District.
- 7.5 When required for construction or repair work, the Water District 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.
- 7.6 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 Superintendent of the Water District 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.

ARTICLE 8: PENALTIES

- 8.1 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 Ordinance, or omitting or failing to do or perform any act or thing, required by this Ordinance, 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 Ordinance 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.

SECTION 4: 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.