

**Town of Forestport
Special Water District No. 1**

**New
Rules and Regulations**

Passed at the July 20th, 2005

Revised at November 15, 2006 Town Board Meeting

Article No. 1 – Statement of Authority. – The Town Board of the Town of Forestport pursuant to the authority granted it under Article 12 of the Town Law and Section 10 and 20 of the Municipal Home Rule Law, hereby enacts as follows.

Article No. 2 – Statement and Purpose. – The Town Board of the Town of Forestport sits as commissioners of Water District No. 1 in the Town of Forestport. The Town Board wishes to enact certain rules and regulations to govern users of the water system within that District by Local Law. It is the purpose of this local law to provide rules and regulations for Water District No. 1.

Article No. 3 – Enactment. – The Town Board of the Town of Forestport hereby enacts as follows:

SECTION ONE – USER CHARGES

- 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:
1. **A Flat charge per 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 an Equivalent Dwelling Unit (EDU) and will be defined as a parcel with a dwelling on it that has the capability of using water. A partial EDU will be defined as a vacant parcel through which the water line passes. Such parcels shall be charged ½ EDU. Trailer Parks shall be charged ½ EDU per lot. A full unit EDU will be charged annually, to be paid in quarterly installments in January, April, July and October of each year. A one half unit EDU will be charged annually to be paid in quarterly installments in January, April, July and October of each year. A quarter unit EDU will be charged annually to be paid in quarterly installments in January, April, July and October of each year. These figures may be adjusted by the Town Board. Actual charges to be determined upon placement of final financing. This unpaid charges will be levied to the County and be placed on the annual Town tax bill.
 2. **The number of EDU's** shall be determined each year as of November 1st. That number shall be used to calculate the initial connection fee and annual flat charge. This flat charge shall be billed to the property owner.
- B. **OPERATION AND MAINTENANCE.** This shall include maintaining the distribution and supply systems and any administrative expenses.
1. The rate shall be based on anticipated meter consumption at an amount per 1,000 gallons of water usage. Initially, that rate shall be a minimum charge of \$30/Quarter for the first 7,500 gallons and \$3.00 per 1,000 gallons of water usage above 7,500 gallons as metered.
 2. The O&M water rate and/or flat charge may be adjusted by the Town Board if deemed necessary.

SECTION TWO – CONNECTION TO DISTRIBUTION SYSTEM

- A. All new buildings or structures within the Water District that requires water services must connect to the District's facilities.
- B. After initial construction of the system, any property owner seeking connection to the system shall properly fill out an application form (Water Service Connection Application) and pay a fee.
- C. After initial construction of the system, any person wishing to connect must pay a connection fee equal to \$300.00 per unit to cover the cost of the District's inspection expenses.
- D. The connection to be installed by the Water District shall be from the water main to the curb stop and shall include meter installed in residence. The cost of installation shall be paid by the customer in accordance with the Fee Schedule.
- E. It shall be the property owner's responsibility to connect from the curb stop with the meter in residence. The materials will meet Town Standardized Specifications (Type K copper, Sensus SR II meter) and inspected by Town Inspectors at time of installation. No on-site private groundwater well(s) shall be connected to the District System.

SECTION THREE – WATER METERS

- A. Water Meters are the responsibility of the Water District and shall be owned and installed by the Water District, one per parcel. The cost of the water meter shall be paid by the customer in accordance with the Fee Schedule.

SECTION FOUR – METER READING, BILLING, LATE PAYMENTS AND PENALTIES

- A. Meter Readings. Where applicable, meters will be read on or about the last week of January 1st (Estimate), April, July and October. Owners shall allow the Town reasonable access to meters as needed.
- B. Large volume consumers at the discretion of the Town shall be read the last week of each month.
- C. Water Bills. Water bills will be mailed on or about the first of the month following meter readings.

- D. **Payments of Bills.** All water bills are due and payable when prepared. All bills are payable at the Town Clerk's Office without penalty, up to and including the due date indicated on the water bill. This due date shall be ten (10) days following preparation of water bills. 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 due date will accrue a ten percent (10%) penalty. The date of a check does not enter into the criteria of determination of penalty imposition. The postmark date will be deemed sufficient. Failure to pay any charge under this law, within ten (10) days of rendering of bill shall be cause for termination of water service. No partial payments will be accepted.
- E. **Additional Readings and Billing.** Any request for, or requirement for, additional readings separate from the regular scheduled readings will be performed with a charge of twenty five dollars (\$25.00) imposed.
- F. **Unpaid Bills.** Any water bills, including penalties, more than sixty (60) days delinquent, shall be added onto the property owners Town Tax bill as a special assessment.

SECTION FIVE – 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 with proper notice and payment of a fee of twenty five dollars (\$25.00) to the District.

SECTION SIX – RESTORATION OF SERVICE

- A. When service has been terminated per Section 5 (A), service will not be restored until all bills and penalties and service charges are paid in full. This includes an additional fee of fifty dollars (\$50.00) for service restoration together with any fees charged to the District.
- B. When the service has been terminated per Section 5 (B), the property owner may request that service be restored on proper notice and payment of a fee of twenty five dollars (\$25.00) to the District.

SECTION SEVEN – 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 of 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 bills are due at the Town Clerk'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 five dollars (\$25.00) applies.

SECTION EIGHT – 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 limits of the Town under Section 8 (A), including insuring that the meters do not freeze or are otherwise damaged. The property owner shall be charge a fee not to exceed \$450.00 for replacement of a damaged water meter.

SECTION NINE – 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. Hydrants are not for recreational use.

SECTION TEN – MULTI-DWELLING UNITS

- A. 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 ELEVEN – OUTSIDE USERS

- A. The district is not obligated to provide service to any outside users. Where service is provided to outside users, it shall be provided only if the outside user agrees to sign a contract to pay for such water with the Town in a form acceptable to the Town Board and Town Attorney.
- B. When providing water to outside users, the Town shall be responsible for the delivery of water only to the boundary of the District or any rights of way owned by the District. It shall be the responsibility of the outside user to properly install and maintain all mains, laterals, land 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 ability to turn off water to the outside user, unless and until such leak is properly repaired.
- C. Fees to be charged to outside users for the use of water shall be in an amount at least equal to that charged to users within the District plus a 1.25 factor.

- D. Outside users shall be subject to other terms and conditions of these rules and regulations as from time to time amended, including payment of bills and late payments and penalties.
- E. In the event that there is insufficient water to provide service to residents within the District, the Town as Commissioners of the District, retain the ability to terminate water service to outside users upon reasonable notice. In the event that the Town as Commissioners of any water District, should institute conservation measure due to shortage of water supply, all outside users shall be equally subject to such conservation measures and penalties for non-compliance.

SECTION TWELVE – RESTRICTIONS OF USE

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

SECTION THIRTEEN – MANNER OF PAYMENT

- A. All payments for water usage and charges are payable at the Town Clerk's Office. Payments may be made in person or by mail.

SECTION FOURTEEN – PENALTIES FOR OFFENSES

- A. The opening of a water hydrant by an unauthorized person or evidence that attempts have been made to bypass 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 two hundred and fifty dollars (\$250.00) plus damages per offense. Each week 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 provisions of these regulations.

Article No. 4 – 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 No. 5 – Effective Date. – This local law shall take effect immediately upon filing with the Secretary of State.

Operation & Maintenance Fee Schedule for Town of Forestport Water District

| Item | Cost |
|--------------------------------------|-------------|
| Replace Meter Frost Plate | \$50.00 |
| Install New Water Meter & Pit | \$900.00 |
| Install New Water Meter | \$450.00 |
| Taking Out Water Meter & Pit | \$500.00 |
| Taking Out Water Meter | \$250.00 |
| Replace Meter | \$150.00 |
| Tap Into Water Line (Corp) | \$500.00 |
| Drive Service | \$30.00/ft |
| Install Copper | \$25.00/ft |
| Curb Stop Installation | \$250.00 |
| Restoration (Grading & Seeding Lawn) | \$5.00/sf |
| Restoration (Pavement) | \$35.00/sy |