

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

NEW YORK
DEPARTMENT OF STATE

~~County~~
~~City~~ of Volney
Town
~~Village~~

MAY 17 2007

RECORDS & STATISTICS

Local Law No. 1 of the year 2007

A local law for the Management, Control and Operation of Water
(Insert Title)
Districts in the Town of Volney

Be it enacted by the Town Board of the
(Name of Legislative Body)

~~County~~
~~City~~ of Volney as follows:
Town
~~Village~~

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 Volney.

SECTION 2 – PURPOSE:

Within the Town of Volney are located several Water Districts and the possibility of future additional Water Districts. The Town Board, given the Water Districts and the possibility of additional future districts, believes it is in the best interest of the residents of the Town of Volney that Rules and Regulations for the Management, Control and Operation of said districts uniform throughout the Township which will preserve the orderly development of the Town of Volney.

SECTION 3 – PROPOSED LOCAL LAW:

This proposed Local Law No. 1 of 2007 of the Town of Volney shall read as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

ARTICLE 1: DEFINITIONS

1. The word "Water District", as used in this Local Law, shall mean any water district in the Town of Volney, County of Oswego and State of New York. The words "Town Board" shall mean the Town Board of the Town of Volney, County of Oswego 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. They will include the City of Fulton; Town of Scriba or the Onondaga County Water Authority.

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 property line. The applicant shall install the service line between the property line and the meter location and shall abide by the regulations 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 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.
- 6) A meter pit can be installed only when approved by the Water Supplier 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, or as required by Water Supplier.
- 7) The Water Supplier, or appointed representative, 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.
- 8) 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. All water bills in arrears more than thirty days on October 15th 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 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 Supplier and the County Health Department. 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 part, 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.

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 Volney 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
1.	Single family home	1
2.	Vacant parcel, with tap	1
3.	Vacant parcel, without tap	½
4.	Vacant parcel in designated agricultural district, with tap	1
5.	Vacant parcel in designated agricultural district, without tap	0
6.	Multiple Mobile Homes on 1 parcel, less than 5 homes	1 per home
7.	Mobile Home Park, 5 sites or more	4, plus 1/3 for each site over 4
8.	Multi-family structures, less than 5 apartments	1 per apartment
9.	Multi-family structures, 5 apartments or more	4, plus ½ for each apartment over 4
10.	Multiple homes on 1 parcel, tapped or not	1 per home
11.	Church	1
12.	Volunteer Fire Station	1
13.	Car Wash	1 per bay
14.	Hotels, Motels	1, plus ¼ per room

15. Other

To be determined by Town Board

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

²Full-time equivalent employees.

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: 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 Water Supplier may cause the leak to be repaired and add the expense there to the next water bill of the customer.

7.2 No person shall turn on the water to any premises, whether an old or new supply, without the written permission of the Water Supplier.

7.3 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.

7.4 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.

7.5 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.

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 Local Law, or omitting or failing to do or perform any act or thing 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.

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.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2007 of the ~~(County)~~(City)(Town)(Village) of Volney was duly passed by the Town Board on 5-10- 2007, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved)(repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

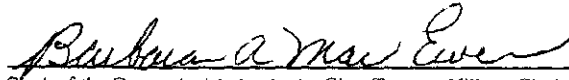
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20_____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____, above.



Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
BARBARA A. MACEWEN

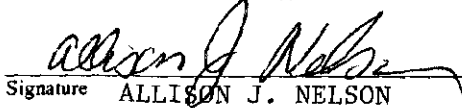
(Seal)

Date: 5/11/2007

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF OSWEGO

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature ALLISON J. NELSON

Town Attorney
Title

~~County~~
~~City~~ of Volney
~~Town~~
~~Village~~

Date: 5-14-07