

11/01/08

TOWN OF ALEXANDRIA WATER USE ORDINANCE

REDWOOD WATER DISTRICT

Article I: Title.

This Ordinance shall be known and may be cited as "The Town of Alexandria Water Use Ordinance for the Redwood Water District."

Article II: Definitions.

Construction of Words: When used in this Ordinance, words in the present tense include the future and words of one gender include all genders. The singular number includes the plural and the plural includes the singular. The term "shall" is intended to be mandatory. Whenever a word or term is defined to "include" certain items or matters, such inclusion is intended to be by way of specification and not by way of limitation.

Administrator: The Town of Alexandria Supervisor or his designee.

Building: Any structure or enclosure to which water is supplied, whether attached to realty or not; whether occupied or vacant. The term shall include boats or vessels to which water is supplied.

Capital Cost: That portion of the user charge that is attributable to the District's debt retirement plus operation and maintenance expense.

District or Water District: The Town of Alexandria Redwood Water District and all properties included therein as the same may be extended or the boundaries thereof altered from time to time by appropriate action of the Town Board of the Town of Alexandria.

Equivalent Dwelling Unit (EDU): A typical single family residential parcel. All parcels within the Hamlet of Redwood shall be considered at a minimum 1 EDU for the purpose of assessing charges for capital costs.

Equivalent Dwelling Unit (EDU) Factor: A system under which a uniform rate is assessed and charged for the capital costs of the Water District based upon an individual parcel's character as it relates to an EDU.

Hamlet of Redwood: That area within the boundaries of the Water District lying to the East, Northeast and Southwest of the Transmission Line.

Owner: The legal owner, a tenant, occupant, under-tenant or assignee of Premises supplied with water, and a consumer of water regardless of his legal status with respect to the realty.

Parcel: Tax parcel as appearing on the latest completed assessment roll for the Town.

Premises: A Parcel or Building to which water is supplied.

Town: The Town of Alexandria, Jefferson County, New York.

Town Board: The Town Board of the Town of Alexandria, Jefferson County, New York.

Transmission Line: That area within the Water District commencing at its boundary with the Village of Alexandria Bay, and extending along New York State Route 26 and Jefferson County Route 192 easterly toward the Hamlet of Redwood to Town of Alexandria tax parcel #8.18-1-1.

Article III: Purpose.

The purpose of this Ordinance is to establish clear and concise rules and regulations for the proper administration of the Town of Alexandria Redwood Water District.

Article IV: Effective Date.

This Ordinance shall become effective upon adoption by the Town Board of the Town of Alexandria and completion of the publication requirements of the Town Law.

Article V: Annual Public Hearing.

The Town Board shall schedule a public hearing of all District property Owners at least once annually to review the administration, finances and rate structure for the District. This public hearing may take place as part of the public hearing on the Town Budget.

Article VI: Records Administration.

All correspondence, records, funds, payments, receipts, bank checking accounts, investments and debt service management shall be maintained as a separate and distinct entity for the District. The Town Clerk as the records officer shall be responsible for maintenance of all District records.

Article VII: District Membership.

All property located within the Redwood Water District shall be subject to the provisions of this Ordinance. Any property Owner who owns property within the legally defined boundaries of the District as the same may be amended from time to time, is a member of the District. A member may request connection to the water distribution system of the District upon submitting a complete application and payment of the prescribed fees. Notwithstanding the foregoing and as provided in Article IX hereof, all property located within the Hamlet of Redwood that is improved by a structure containing plumbing facilities shall be required to be connected to the District Water Distribution System *

Article VIII: Leased Property.

The responsibility for all charges, fees or other financial obligations to the District rest with the Owner of property as last recorded in the book of Deeds at the office of the Jefferson County Clerk.

Article IX: Application and procedure for connection to the water distribution system.

1. In order to connect to the water distribution system of the Redwood Water District a property Owner must complete an application form as prescribed by the Town Board and pay a connection fee in the amount of \$100.00 for residential properties, and the amount of \$150.00 for commercial property, payable at the time the application is submitted, together with any applicable charges for meter installation. The District Administrator shall have the right to refuse any application, if in his judgment, the same is in the best interest of the District. An Owner whose application is refused by the Administrator may appeal the decision to the Town Board. The determination of a majority of the Town Board shall be final and conclusive.
2. The Owner is responsible for all costs of the connection to the water distribution system.
3. As part of the application, the Owner must submit a scale drawing showing the proposed point of connection to the water distribution system and a point of connection to the Building or Buildings on the Premises to be served. If street or road excavation is required, the applicant must secure a road opening permit from the appropriate jurisdictional government, (i.e., the New York State Department of Transportation, the Jefferson County Highway Department, the Town of Alexandria Highway Department) and submit a copy of the road opening permit with the application. The proposed connection drawing must be approved by the Administrator.
4. All connections to the water distribution system must be performed by a person qualified to make a connection to a public water supply. The applicant must submit the name of the qualified person he has retained to make the connection. All

connections to the District water lines are to be performed only under the physical observation of the Administrator or his designee. Prior to back filling, the Administrator or his designee must inspect and approve the connection, pipe bedding and back filling.

5. A curb stop is required for each connection and must be located outside of the highway right-of-way.

6. The Town shall have access to all property within the District to which water is supplied for the purpose of inspecting, repairing and maintaining the water lines, meters and appurtenances of the District water distribution system. Denial of access of an agent or employee of the Town to any Premises shall be grounds for termination of service pursuant to Article XIII(1) of this Ordinance, and shall constitute a violation of the Ordinance punishable pursuant to Article XX of this Ordinance.

7. All property located within the Hamlet of Redwood which is improved by a structure or structures, one or more of which contains plumbing fixtures shall be connected to the district Water Distribution System. In the event a property owner whose property is required to be connected to the District Water Distribution System fails to make such connection within thirty (30) days after receiving notice from the Town to connect, or having been connected, disconnects from the system and fails to reconnect within thirty (30) days from receipt of notice from the Town, the Town may cause its employees, agents and/or contractors to enter upon such property and lay such pipelines, meters and other appurtenances as may be necessary to provide water service to such property, and the cost thereof shall be a charge against such property and shall be paid by such property owner. Upon failure to pay such charges the same may be added to the Real Property Taxes due and owing for such parcel as provided in Article XI Section 5 for delinquent payments.

Article X: Water meters.

1. Water meters shall be installed and maintained by the District. The cost for installation and for any maintenance, repair or replacement shall be the responsibility of the property owner. An approved water meter must be installed and sealed prior to water service being established. Only water meters approved by the Administrator shall be installed within the District.

2. Prior to establishing water service to the Premises, the Administrator shall have the water meter double sealed. It is the property Owner's responsibility to notify the Administrator immediately if a seal is broken.

3. It is the responsibility of the property Owner to promptly notify the Administrator of any leakage of the water meter or the connections. The Administrator shall cause the leakage to be repaired as soon as practicable and the cost of such repair shall be the responsibility of the property owner.

4. A fee of \$5.00 shall be charged for the replacement of a seal.

Article XI: Water Rate.

Water rates shall be fixed and established by the Town Board at least annually during the annual budget process, or any time it is deemed necessary or appropriate by the Town Board. Until a new rate is fixed and established by the Town Board, the existing rate shall continue in effect. The water rates shall be calculated based upon the cost to purchase the water from the Village of Alexandria Bay plus an adequate amount for the annual retirement of the District debt service plus an amount sufficient to provide for the operation and maintenance of the system.

Property owners along the Transmission Line whose property has no lateral to provide for connection to the District Water System shall be charged a benefit assessment which shall be established annually at the time the water rate is fixed. The benefit assessment shall remain in affect until a new assessment is established.

The initial water rate and benefit assessment for the District which shall be effective upon the adoption of this Ordinance is attached hereto and made a part hereof as Exhibit "A"

New
11/10

**FIRST AMENDMENT TO THE
TOWN OF ALEXANDRIA WATER USE ORDINANCE
REDWOOD WATER DISTRICT**

The Town of Alexandria Water Use Ordinance for the Redwood Water District is hereby amended as follows:

SECTION 1. Article XII is hereby amended to read as follows:

Article XII: Meter Reading; Billing; Payment; Late Payments and Penalties; and Delinquent Accounts.

1. Meter Reading and Billing. Meters will be read on or about the last day of December, March, June, and September of each year by the Administrator's designee. Water bills will be mailed on or about the first week of January, April, July and October of each year, and are due on the 10th day of the following month, being the months of February, May, August and November (the "Due Date").
2. Payment of Bills. All bills are payable without penalty on or before the Due Date. To avoid penalty, payment must be actually received at the Town Clerk's Office, 46372 County Route 1, P O Box 130, Alexandria Bay, NY 13607 on or before the Due Date. Any payment received after the Due Date shall be assessed a penalty of 10% of the payment amount. If the Due Date falls on a weekend or legal holiday and the Town Clerk's office is closed, payment without penalty shall be extended to the next business day. Failure to pay a water bill by the Due Date shall be cause for termination of water service.

SECTION 2. Article XIII is hereby amended to read as follows:

Article XIII: Termination of Service.

1. Water service shall be terminated for a non payment of water bills or for any violation of this Ordinance. A service charge of \$50.00 will be imposed for termination of service.
2. Owners may request that service be terminated, and a fee of \$25.00 shall be paid at the time of the request. Upon payment of the fee and all other sums that may be due service shall be terminated as of the next business day.

SECTION 3. Article XIV is hereby amended to read as follows:

Article XIV: Restoration of Service.

1. When service has been terminated for non payment or any other violation of this Ordinance, service will not be restored until all bills, penalties and service charges are paid in full. This includes an additional fee of \$25.00 for service restoration. In addition, if termination is due to nonpayment, a deposit equal to the highest bill of the past 12 months of service pertaining to the subject property is required to be paid prior to restoration of service. The User shall not be entitled to rely on the deposit to satisfy subsequent water bills, but must make payment therefor by each Due Date or be in violation of this Ordinance for non-payment. Notwithstanding the foregoing, the Town on behalf of the Redwood Water District shall be entitled to apply any or all of the deposit to any such unpaid water bills, without waiving its rights to pursue any remedies provided herein for nonpayment of water bills. The deposit will be refunded only after one year of satisfactory payment of water bills.
2. When service has been terminated at the request of the Owner, the Owner may request that service be restored. A service fee of \$25.00 shall be paid by the property Owner to the District prior to restoration of service.
3. Notwithstanding anything to the contrary contained herein in the event the property owner requests termination and/or restoration of service in connection with seasonal use or seasonal winterization there shall be a fee of \$25.00 paid to the District at the time of such request for termination and/or restoration. Winterization/Termination shall include Shut Off at Curb Stop, Meter Pulled, and Meter Shut Off inside Seasonal Premises.

SECTION 4. SAVINGS CLAUSE

Except as specifically amended herein, all other provisions of the Town of Alexandria Water Use Ordinance Redwood Water District shall remain in full force and effect.

Article XX: Penalties for Offenses.

1. The opening of a hydrant by unauthorized persons or evidence that attempts have been made to bypass the meter or in any manner obtain water from the District without proper payment will result in prosecution pursuant to the penal law of the State of New York.

2. Any violation of this Ordinance may result in the termination of water service by the Administrator.

3. Each violation of the provisions of the Ordinance shall for the purposes of jurisdiction be considered a misdemeanor, and shall be punishable by a fine not to exceed \$350.00 or imprisonment for a period not to exceed six (6) months, or by both such fine and imprisonment. Nothing contained herein shall prevent the Town Board from enforcing this Ordinance by injunctive relief before any court of competent jurisdiction, or any other legal manner.

Article XXI: Savings Clause.

The invalidity of any clause, sentence, paragraph or provisions of this Ordinance shall not invalidate any other clause, sentence, paragraph, provision or part thereof.

EXHIBIT "A"

THE WATER RATE FOR EACH USER SHALL BE ESTABLISHED BY ADDING THE CAPITAL COST PER EDU AS DEFINED BELOW TO THE CHARGE FOR WATER USED BASED UPON METER READING:

Capital Cost per EDU:

The capital cost per EDU shall be a figure established as of the date of each billing by the following formula:

Annual District debt reduction expenses plus annual operation and maintenance expense divided by number of EDUs within the District


Water Used Based on Meter Reading	\$2.75	/ 1000 gallons
Benefit Assessment (vacant parcels along transmission line with no lateral for connection)	\$0.25	per lineal foot of frontage along the public highway

EXHIBIT "A"

Capital Cost per EDU	<i>debt reduction plus o + m</i>	\$475.00	<i>divided by # of units in district</i>
Water Used Based on Meter Reading		\$2.75	/ 1000 gallons
Benefit Assessment		\$0.25	per lineal foot of frontage along the public highway

Town Justice
Louis H. Perry, Jr.
Sherry L. Pennington

Council Members
Alcid E. Beaudin
James R. Durand
Dale D. Hunneyman
Douglas G. Williams

 **OF THE 1000 ISLANDS**
TOWN OF ALEXANDRIA

COUNTY OF JEFFERSON

P.O. BOX 130

46372 CO. RT. 1

ALEXANDRIA BAY, NEW YORK 13607

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Supervisor
Martha M. Millett

Town Clerk
Ellen S. Peck

Supt. of Highways
David H. Bain

Attorney
Joseph W. Russell

The Town of Alexandria adopted the following amendment to the Redwood Water Ordinance at its May 14, 2008 regular board meeting: Motion by Councilman Douglas Williams and seconded by Councilman James Durand that the Benefit Assessment will be .25 cents per foot for the first 250 feet and .05 cents per foot over 250 feet. Motion carried.