

EFFECTIVE AS OF OCTOBER 29, 2015

**WATER USE ORDINANCE  
TOWN OF ALEXANDRIA ROUTE 12 WATER DISTRICT**

**Article I: Title.**

This Ordinance shall be known and may be cited as "Water Use Ordinance for the Town of Alexandria Route 12 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, together with costs associated with the construction and operation and maintenance of the Otter Street Water District infrastructure as reasonably attributed to the transmission of water through the Otter Street Water District to service the Route 12 Water District.

District or Water District: The Town of Alexandria Route 12 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.

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

Equivalent Dwelling Unit (EDU) Table. The table of Equivalent Dwelling Units for the properties within the District attached to this Ordinance as Exhibit "B", as the same may be amended by the Town Board from time to time.

Operation and Maintenance Expense/Reserve. The amount fixed by the Town Board from time to time to pay for the actual operation and maintenance expenses of the District and to establish a reserve fund for future operation and maintenance expenses.

Owner: The legal owner, a tenant, occupant, under-tenant or assignee of any real property within the District 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 within the District regardless of whether the same is supplied with water.

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

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

### **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 Route 12 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 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.

## **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 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.

#### **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.

All property within the District shall be billed based upon its designated EDU count as established on the Table at Exhibit "B" as the same may be amended from time to time by action of the Town Board, plus water actually used. The water rates for a parcel shall be calculated by multiplying the parcel's EDU count from the Table of Equivalent Dwelling Units by the EDU Factor plus the cost to purchase water used at the parcel from the Village of Alexandria Bay. The amount of water used, if any, shall be based upon the reading of the parcel's water meter, as provided in Article XII.

The initial EDU Factor for the District which has been established by the Town Board and which shall remain in effect until amended by the Town Board is attached hereto and made a part hereof as Exhibit "A".

**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 of the following month being the months of February, May, August and November (The "Due Date").

2. Payment of Bills. All water bills are due and payable when prepared. All bills are payable without penalty up to and including the 20<sup>th</sup> day of the billing month. Payment must be received at the Town Clerk's office, 46372 County Route 1, Alexandria Bay, NY 13607. Any payment received after the 20<sup>th</sup> day of the month in which it is due shall be assessed a penalty of 10% of the payment amount. The date of a check or envelope post mark does not enter into the criteria of determination of penalty for late payment. If the 20<sup>th</sup> day of the month 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 within the billing month shall be cause for termination of water service.

3. Estimated Bills. In the event the meter reader is unable to gain access to read a meter, he will leave a postcard for the property Owner to record the meter reading and mail to the Town Clerk's office. The meter reading postcard must reach the Town Clerk's office within the next seven calendar days for billing. If the card is not received at the Town Clerk's office within the next seven calendar days, an estimated bill will be prepared based on the highest bill of the preceding 12 months for the Premises.

4. Additional Meter Readings and Billings. Any requests or requirement for additional readings separate from the regular scheduled readings will be performed only upon the payment of a fee in the amount of \$25.00.

5. Delinquent Payments. In the event that any water bills or other charges as established in this Ordinance shall have been delinquent for a period of at least 60 calendar days as of October 15<sup>th</sup> of any year, the Administrator shall report the names of the delinquent Owners to the Town Board, the Town Clerk and the Town Assessor on or before October 25<sup>th</sup> of the year. The Town is hereby directed to add the entire amount of the water bill, and other charges which shall be in default, and penalties and interest as provided for in this Ordinance to the real property taxes due and owing on the subject Parcel to the Town in the next succeeding year, and the Town is directed to collect the same in the same manner as real property taxes due and owing to the Town are collected.

### **Article XIII: Termination of Service.**

1. Water service shall be terminated for non payment of water bills or for violation of this Ordinance. A service charge of \$25.00 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.

### **Article XIV: Restoration of Service.**

1. When service has been terminated for non payment of water bills or violations 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 \$10.00 for service restoration. In addition, if termination was for 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 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 \$10.00 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 \$50.00 paid to the District at the time of such request for termination or for restoration.

### **Article XV: Transfer of Property Ownership.**

1. It is the responsibility of the current property Owner to notify the Town Clerk of the impending date of transfer of property and to request a meter reading for a final billing. The request shall be accompanied by the payment of the \$10.00 fee for a special reading.

2. The Town Clerk's office shall, upon notice of the impending property transfer, and payment of the required fee, make arrangements for reading of the meter. Upon meter reading, a final bill will be prepared and mailed to the Owner. Final bills are due and payable at the Town Clerk's office within five days. Upon receipt of payment, water records will be changed to reflect the new Owner.

### **Article XVI: Maintenance responsibilities.**

1. The District has the responsibility of maintenance of all facilities located in the highway right-of-way together with all meters and pressure reducing valves.

2. The property Owner has the responsibility for maintenance of all facilities located within the boundaries of the Premises except the meters and pressure reducing valves.

#### **Article XVII: Hydrants.**

The hydrants within the District 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 District maintenance personnel for maintenance, flushing, repair or testing.

#### **Article XVIII: Multiple dwelling units.**

All requests for water service to multi dwelling units (including trailer parks) shall be brought to the Town Board for consideration. The Town Board shall determine whether a single meter for the Parcel, or separate meter for each dwelling unit will be required. In no event will the Owner of a multiple dwelling unit purchase water from the District and make a profit on the resale of water.

#### **Article XIX: Restrictions On Use.**

Should lower the normal pressure or other emergency situations occur in the water distribution system, or in the event a serious fire hazard exists, restrictions may be imposed by the Town Board on water usage above basic health and sanitation requirements. If water restrictions are imposed, compliance is mandatory. Failure to comply may result in involuntary termination of water service for violation of the provisions of this Ordinance.

#### **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 INITIAL EQUIVALENT DWELLING UNIT FACTOR FOR THE ROUTE 12 WATER DISTRICT WILL BE BASED UPON THE FOLLOWING ELEMENTS:**

Annual Debt Retirement per Equivalent Dwelling Unit (EDU)	\$	311.82
Operation and Maintenance Expense and Reserve per EDU	\$	50.00
Short-lived Assets per EDU	\$	20.00
Share of Otter Street Debt Retirement	\$	48.00
Total EDU Factor per EDU	\$	429.82

**EXHIBIT "B"**

**TABLE OF EQUIVALENT DWELLING UNITS**

<b>Parcel No.</b>	<b>Land Use</b>	<b>Name</b>	<b>EDU Count For Usage</b>
6.00-3-28.1	Agriculture/Residential	Hudon, Glenn	1.0
6.00-3-29	Agriculture/Vacant	Daily, K John	0.5
6.16-2-4.1	Agriculture/Vacant	Garlock Properties	0
13.00-3-8	Agricultural District	Russell, Alden	0
13.00-3-9	Agriculture/Residential	Garlock Properties Corp	0
13.00-3-10.1	Agriculture/Vacant	Caprara Realty	0.5
13.00-3-84	Agricultural District	Wills, Randy	0.5
6.00-3-3.1	Commercial	Rock Ledge Motel	8
6.00-3-2	Commercial	New York State People of	0.5
6.00-3-3.2	Commercial	Thousand Is. Fitness Center LLC	1
6.16-2-2.4	Commercial	Kring, Tad J.	1
6.16-2-23	Commercial	Beefers One LLC	6
6.16-2-24	Commercial	Williams, Robert J.	1
6.16-2-25	Commercial	Sanquist EM LP	7
6.16-2-26	Commercial	T I Country Club Inc.	1
6.19-1-64.2	Commercial	<del>DAC Alex Bay LLC</del> <i>Russell Schroth</i>	1
6.19-1-67.1	Commercial	Pinehurst Motel	7
6.19-1-70.2	Commercial	Roberts, David A.	2
6.19-1-71.2	Commercial	Sargent on Swan Bay Inc.	2
13.00-3-1	Commercial	T I Bridge Authority	4
13.00-3-3	Commercial	Cerow Properties LLC (Minimart)	1
13.00-3-4.2	Commercial	DEC Properties Inc	10
13.00-3-6.1	Commercial	B&L Enterprises Outdoor Sport	3
13.00-3-6.2.1	Commercial	Gouverneur S&L Assoc	1
13.00-3-6.2.2	Commercial	Thousand Islands Cheese LLC	1
13.00-3-10.2	Commercial	W & C LLC	3
13.00-3-2.2	Public Service	WWTF	1
13.00-3-2.1	Commercial	Redstone (Plaza)	40
6.19-1-69.1	Commercial	Cosman A. Bradford (Mazeland)	1
6.16-2-2.1	Commercial	Kring, Timothy J. (Nursery)	1
6.00-3-28.2	Residential	Hudon, Brian D.	1

**EXHIBIT "B" (con't.)**

## TABLE OF EQUIVALENT DWELLING UNITS

Parcel No.	Land Use	Name	EDU Count For Usage
6.16-2-1	Residential	Little, James P.	1
6.16-2-2.3	Residential	Kring, Tad J.	1
6.19-1-64.1	Residential	Davis, Brian	1
6.19-1-66	Residential	Scharbach Ent Ltd Ptrship	1
6.19-1-70.1	Residential	Kring, John	1
6.19-1-84	Residential	Russell, Jay M.	1
13.00-3-63	Residential	Weisberg, Theodore	1
13.00-3-7	Residential	Brown, Edna	1
6.16-2-22.1	Residential	Randall, Ronald D.	1
6.19-1-70.3.	Vacant	Barton & Healy Realty LLC	0.5
13.00-3-4.1	Vacant	DEC Properties Inc.	0.5
13.00-3-5.1	Vacant	I-Site Realty LLC	0.5
13.00-3-5.2	Vacant	DEC Properties Inc.	0.5
13.00-3-82.1	Vacant	DEC Properties, Inc.	0.5
13.00-3-82.2	Vacant	DEC Properties, Inc.	0.5
13.00-3-85	Vacant	New York State People of	0.5
13.00-3-86	Vacant	DEC Properties, Inc.	0.5
6.16-2-22.3	Vacant	Johal, Jyoti	0.5
13.00-3-2.1	Commercial	Reddick, Robert J (RV Park)	31.5
		Total	152