

LOCAL LAW 2023-4 ROUTE 56 WATER DISTRICT

ADOPTED: 5/14/203

SECTION 1:

This Local Law shall be known as Local Law No. 4 of the year 2023. The title of this law shall be: Management, Control and Operation of Route 56 Water District.

SECTION 2 PURPOSE:

The Town, believes it is in the best interest of the Town of Potsdam, and the residents of the Town of Potsdam, to establish rules and regulations for the uniform management, control, and operation of said district and water service area in order to preserve the orderly development of the Town and such water district and water service areas.

SECTION 3 -LOCAL LAW:

This Local Law No.4 of 2023 of the Town of Potsdam shall be as follows:

ARTICLE 1: DEFINITIONS

- 1.1 Water District - shall mean the Route 56 water district in the Town of Potsdam, County of St. Lawrence, and State of New York.
- 1.2 Town of Potsdam shall mean the Town of Potsdam, County of St. Lawrence, and State of New York.
- 1.3 Town Board- shall mean the Town Board of the Town of Potsdam.
- 1.4 Town Clerk - shall mean the Town Clerk of the Town of Potsdam.
- 1.5 Town Assessor- shall mean the Town Assessor of the Town of Potsdam.
- 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 appointee of the Town Board, or his/her representative, 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 Law 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, or their representative.
- 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 aforesaid appointee of the Town Board, or his/her representative, as set forth in 2.1 hereof and completed by the applicant. 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, remote reader and wire for the remote and processing fee.
 - 3.1.1 When a tap has been installed on a property, it may not be removed, regardless of the number of taps on the property or the owner's intent to not use said tap. Taps that have been installed on vacant parcels may likewise not be removed. If a parcel is merged with another parcel, the newly formed parcel shall be charged the combined EDUs from the parent parcels. Parcels merged prior to the enactment of this local law shall be grandfathered.
- 3.2 After the initial Water District construction, the Water District shall install all supply lines between the main and the property line, but 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, High Density Polyethylene Pipe or Type "K" copper pipe, in accordance with the criteria set forth in Section 3.3, for a structure up to 150 feet from the street.

1 Tubing:

a. Polyethylene Tubing- The polyethylene compound from which the tubing is made shall be an ethylene-hexane copolymer and shall comply with applicable requirements as specified in ASTM D3350 providing for inner and outer layers of UV protection for five years in direct sunlight and shall be manufactured from PE3408 high-density polyethylene resin. Polyethylene shall comply with the following:

i. Tubing shall have a working pressure of 200PSI at 73.4 degrees F and be in conformance with ANSI/NSF Standard 61.

ii. All tubing furnished under these specifications shall conform to the following standards. AWWA C-901, ASTM D2239, ASTM D2737, ASTM D3350, ASTM D1248, ASTM F1248, ASTM D 1693,ASTMD2837 andASTMD3140.

iii. Tubing dimensions and tolerances shall conform to the following requirements: Polyethylene tubing surfaces shall be mirror smooth, and shall be free from bumps and irregularities. Materials must be completely homogenous and uniform in appearance.

iv. Tubing dimensions and tolerances shall correspond with the values listed in AWWA C901 with standard dimension ration (SDR) of 9.

v. Tubing shall be fully labeled at intervals of not more than 5 feet with brand name and manufacturer, the nominal size, PE 3408, the word TUBING and SDR9, PC 200, AWWA C901-88, and the sale, or mark of the testing agency.

b. Copper Tubing- Copper Tubing shall be type "K" and shall conform to AWWA Standard C 800 Section A.2. ASTM Specification B 88 and ASNI/NSF Standard 61.

2. Joints:

a. Joints for polyethylene or copper tubing shall be of the compression type utilizing a totally confined grip seal and coupling nut. Stainless steel tube stiffener insert shall also be used for tubing services.

b. Other type joints may be considered for specific installations upon submission of specifications and approved by the engineer.

3) Structures beyond the 150 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) A 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 Potsdam 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, or their representative, 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 top 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 Town Building Inspector, before it is backfilled.
- 14) The Superintendent of the Water District, or their representative, shall be notified when the meter is installed.
- 15) The Superintendent of the Water District, or their 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 law 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 a 10% penalty for non-payment of bills, or up to 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.
- 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 preceding 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, or their representative, 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 aforesaid appointee of the Town Board, or his/her representative, and the County Health Department. All new mains and extensions shall be no less than eight inches in diameter, unless otherwise accepted by the Town Board's appointee, or his/her representative, 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 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.
- 5.3 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/EDU CALCULATION

6.1 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 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. Two family residences on one parcel	2 EDUs
3. Three family residences on one parcel	3 EDUs
4. Each additional single-family residence on one parcel	1 EDU for each residence
5. Vacant land without tap	½ EDU
6. Vacant land with tap	1 EDU
7. Additional tap(s) on parcel	1 EDU for each additional tap
8. Commercial Vacant with structure	1 EDU
9. Fraternal Organizations	2 EDU
10. Manufactured Home/Mobile Home Park, not including park owner's residence, which is	1 EDU per site

calculated separately according to the terms of this local law, with 1-3 Manufactured Home/Mobile Home sites, with one tap, regardless of whether site occupied or rented

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| 11. Manufactured Home/Mobile Home Park, not including park owner's residence, which is calculated separately according to the terms of this local law, with four or more Manufactured Home/Mobile Home sites, with one tap, regardless of whether site occupied or rented | 1 EDU for each of first three sites, then ½ EDU for each additional site |
| 12. Structure with 1-3 apartments | 1 EDU for each apartment |
| 13. Structure with four or more apartments | 1 EDU for each of the first three apartments and ½ EDU for each additional apartment |
| 14. Campgrounds, not including campground owner's residence, which is calculated separately according to the terms of this local law | 1 EDU per 5 sites or fraction thereof |
| 15. School/Daycare facilities (each student, staff member and faculty member as of assessment date shall count as one person) | 1 EDU for each group of 10 persons or fraction thereof |
| 16. Auto Dealerships and Maintenance (less than 10 employees), | 1 EDU |
| Auto Dealerships and Maintenance (10 employees or more) | 1 EDU for each group of 10 person or fraction thereof |
| 17. 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 10 persons or fraction thereof |
| 18. Hotels/Motels | 1 EDU for first 10 rooms or fewer, 1/4 EDU for each additional room over 10 rooms, rounded up to nearest ½ unit |
| 19. Cemeteries, as long as usage limited to cemetery | 0 EDU |

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20. 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 Town Board's appointee, or his/her representative, 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 Town Board's appointee, or his/her representative.
- 7.3 Whenever in the judgment of the Town Board's appointee, or his/her representative, 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 Town Board's appointee, or his/her representative.
- 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 Town Board's appointee, or his/her representative, shall notify the customer 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 Law, or omitting or failing to do or perform any act or thing, required by this 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 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 Law.

SECTION 9: 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.