

TOWN OF CHAMPLAIN, NY
LOCAL LAW No. 2 of 2024

AMENDMENT TO CHAPTER 124, WATER,
ARTICLE I, § 124-1 thru § 124-23 AND ARTICLE III, § 124-39 thru § 124-51.

SECTION 1: TITLE.

This local law, No. 2 of 2024, shall be known and cited as an amendment to “Water Code Chapter 124” Article I, adopted under Local Law No. 1 of 1995, and Article III, adopted under Local Law No. 1 of 2016.

SECTION 2: AUTHORITY.

This local law is adopted pursuant to the authority and power granted by Articles 2 and 3 of the New York State Municipal Home Rule Law, and by Article 2 of the New York State Statute of Local Governments.

SECTION 3: ARTICLE I, WATER SERVICE, § 124-1 thru § 124-23.

Chapter 124 of the Town of Champlain, entitled “Water” is hereby amended to add language to provide standardization of definitions, penalties of violations, and permits and fees to § 124-1 thru § 124-23 as follows:

§124-1: Definitions.

SUPERINTENDENT OF THE CONSOLIDATED WATER DISTRICT: Throughout this Chapter, the language of “Superintendent of the Consolidated Water District” and “Town Water Operator” are to be used interchangeably and are equivalent and are intended to have the same meaning.

§124-2: General Regulations (C).

(C) Permission of the Town must be secured before any Town supplied water connection can be turned on, off or tampered with. No person other than a Town representative (except for fire-protection purposes) shall open or close or interfere or draw water from any hydrant or curb stop without permission. Hydrants may be opened by, or on the order of, any member of a Fire Department for the purpose of attaching thereto a fire hose and equipment in case of fire or for training purposes. No person shall molest, tamper with or damage any Town and/or Town water district facility, including but not limited to hydrants, mains, valves, curb boxes, meters, meter seals, service pipes, etc. Any person violating this subsection shall be dealt with according to §124-23. Notification of violation; hearing; penalties for offenses; falsifying information.

SECTION 3. ARTICLE I, WATER SERVICE, § 124-1 thru § 124-23 (CONTINUED)

§124-9: Meter Tampering Prohibited.

Meters, remote-reading devices, and seals shall not be tampered with or disturbed by any unauthorized person. Tampering with meters, remote-reading devices or seals shall be a violation. Reference § 124-23. Notification of violation; hearing; penalties for offenses; falsifying information.,

§124-15: Connecting Service Lines to Mains (A).

A. No person, corporation or business shall make or cause to be made a tap or connection to use water for any purpose without having first obtained permission from the Town. All applications for permission for the introduction of water to any premises or for the extension of any pipe for the conveyance of that water shall be made on forms furnished by the Town for that purpose along with a notarized signature of the owner of the property. The application shall include a statement of all uses for which the water is desired. Payment of the fees as applicable shall be made at the time of filing the application. If required by the Town, the application for the permit shall be supplemented by plans, specifications and other such information deemed pertinent by the Town. At least 24 hours' notice shall be given to the Superintendent or employee, of the Town prior to the proposed date of such connection or tap.

§124-18: New Connections or Extensions (A, E).

(A) A curb valve shall not be opened or closed except by the Town. The Town will have all new connections inspected after notification that the work has been completed. Pipes and connections between the main and meter shall not be covered until so inspected and approved by the Superintendent or employee of the Town. If found satisfactory, a meter will be installed (if required) and water service will be turned on at the curb valve. This subsection shall not apply if the work consists of a simple extension of facilities or additional attachments on the customer's side of the meter and water is currently in use.

(E) No new tap shall be made to a water main to connect with a service line which is intended to replace an existing service line unless the existing service line is properly disconnected at its tap to the main. The expense of such disconnection shall be borne by the property owner or applicant. The curb box must be kept in view. In the case where service fixtures are not kept in repair, the Superintendent or employee of the Town may make necessary repairs and charge the cost of such repairs to the owner of the property.

SECTION 3: ARTICLE I, WATER SERVICE, § 124-1 thru § 124-23 (CONTINUED).

§124-20. Joints (A, B)

(A) No service line may be installed without facilities which may be used for another connection between the water main and the water meter.

(B) No tee or other fitting shall be permitted on the service pipe between the main and the meter.

§124-23 Notification of Violations; hearings; penalties for offenses; falsifying information; (C)

(C) Civil penalties. Any person, household, firm, or corporation who is found to have violated an order of the Town Board or willfully and negligently failed to comply with any of the provisions of this section, regulations, permits issued, and ordinances hereby enacted shall, upon conviction, be fined \$250 for a first-time offense. Each subsequent offense will be fined a minimum of \$500 to a maximum of \$1000. Each day on which such violation continues shall constitute a separate offense. In addition to the penalties provided herein, the Town may recover reasonable attorney's fees, court costs, court reporter's fees and other expenses of litigation by appropriate suit at law against the person found to have violated this chapter or the orders, rules, regulations, and permits issued hereunder.

SECTION 4: ARTICLE III, WATER SERVICE, § 124-39 thru § 124-51.

Chapter 124 of the Town of Champlain, entitled "Water" is hereby amended to add language to provide standardization of definitions, penalties of violations, and permits and fees to § 124-39 thru § 124-51 as follows:

§124-39 Permits; request for service.

(A) At the time of the passage of this article, the Town of Champlain is allowing additional water service within the Town of Champlain Consolidated Water District on the following terms and conditions:

(1) Application. An application and permit must be completed and filed with the Town Water Operator. All applications must be approved and a deposit of 10% of estimated charges for services paid before any installation can begin.

SECTION 4: ARTICLE III, WATER SERVICE, § 124-39 thru § 124-51 (CONTINUED).

§124-39 Permits; request for service (Continued)

(2) Taps. A separate tap is to be required for each lot supplied with water. However, the tap is the responsibility of the consumer and all costs will be borne by the consumer. The Superintendent of the Consolidated Water District will only oversee and inspect the tap process. Tapping can only be done by a contractor approved in writing by the Superintendent of the Consolidated Water District.

(3) Cost of installation. All subsequent hook-ups to the Town water system inside or outside the Consolidated Water District from the main to the consumer property line/curb stop will be according to the Schedule of Estimated Charges for Services Rendered policy.

(4) Pipe specifications: service laterals. Unless otherwise approved in writing by the Town, the pipe from the curb stop to the consumer meter will be high-density polyethylene (HDPE) with a pressure rating of 200 PSI. The Superintendent of the Consolidated Water District or the Town Board of the Town of Champlain may revise such pipe specifications.

(5) Laying of service pipes and notification to the Superintendent of Consolidated Water District. Service pipes will be required to be laid not less than 72 inches below the surface of the earth or provide adequate insulation that is an amount equal to required buried depth. This applies to the established grade where it has been fixed. No trench will be backfilled in any manner before a representative of the Superintendent of the Consolidated Water District makes inspection for leaks and clearances.

(6) Trench openings and backfilling. The trench opening by the owner or contractor for tapping on to the service shutoff for the installation of the water line shall be of sufficient size and have the proper safety precaution to accommodate the work to be accomplished. The owner or contractor will make alterations to the opening as instructed by the Superintendent of the Consolidated Water District or his duly appointed representative. The backfilling of the trench will be made by the owner or the contractor. The material used will be sand six inches above and below the pipe. The remainder of the trench will be suitable on-site material, tamped every 12 inches until the trench is backfilled to original grade. Under roadways, sidewalks, and driveways, backfill will be crusher run and compaction will be tamped every six inches.

SECTION 4: ARTICLE III, WATER SERVICE, § 124-39 thru § 124-51 (CONTINUED).

§124-42 Backflow Preventors and Pressure Reducing Valves (PRV's).

- B.** Where required by the Town within the Water District, PRVs will be installed and maintained at the expense of the Town.
- C.** District # 6 will be owned and maintained by the Town throughout the term of the Environmental Facilities Corporation Drinking Water State Revolving Fund loan.

§124-45 Operation of fire hydrants.

- A.** No fire hydrant will be operated by anyone except a representative of the Water District or Fire Department for the purpose of fighting a fire or a planned firefighter training exercise. No person shall open, interfere with, or draw water from any fire hydrant in the Town Water District without a permit from the Water Operator or authorized employee of the Town. Hydrants may be opened by or on the order of any member of a Fire Department for the purpose of attaching thereto a fire hose and equipment in case of fire or for training purposes.
- B.** Whenever a hydrant has been opened and used by the Fire Department, notification of such fact shall be promptly given to the Water Operator or authorized employee of the Town.
- C.** The prohibition in Subsection A above shall not apply to employees or officials of the Town of Champlain or the Village of Champlain when it is necessary, in the course of their work, to open a hydrant.
- D.** No person shall deposit any building materials or other articles or create any obstruction as to obstruct free access to any fire hydrant at any time. The Town reserves the right to remove and dispose of the obstruction at the expense of the property owner without warning. The Town and its agents and members of the Fire Department accept no liability for damages caused to private property obstructing a fire hydrant at any time.
- E.** No person shall, in any manner, willfully injure the curb stop boxes or fire hydrants.

SECTION 4: ARTICLE III, WATER SERVICE, § 124-39 thru § 124-51 (CONTINUED).

§124-51 Schedule of Charges.

Note: Table revised to correct spelling and addition of solar farms and storage units.

In addition to any and all other fees and charges provided by law, every person who shall be supplied or whose property shall be supplied water by Champlain Water District and all other properties in the district shall pay water rent for the water supplied and be charged on the basis of equivalent dwelling units (EDUs) as set forth in the Addendum annexed hereto^{III} and as follows:

A. Inside Champlain Consolidated Water District rates shall be as follows:

- (1) Metered services:
 - (a) Water cost/kg of metered water; and
 - (b) An annual flat rate per equivalent dwelling unit, billed quarterly, will be set by the Town Board resolution, and can be adjusted from time to time as needed; with equivalent dwelling units (EDUs) calculated as set forth on the table of equivalent dwelling units as follows:

Table of Equivalent Dwelling Units (EDUs) Town of Champlain Consolidated Water District	
Description	EDU Assessment
Agriculture - noncommercial	Based on gallons used per quarter
Apartments, per unit	1.0
Bowling alley, per lane	0.5
Campground/RV park, per site	0.25
Car wash (all types), per bay	2.0
Cemetery (no water)	0.1
Church	1.0
Day care, kitchen facility, annex	0.25 per property usage
Commercial *see note	2.0
Commercial - agricultural (wineries, nurseries, livestock, other) *see note	2.0
Fire station *see note	2.0
Food service, restaurants, taverns, mini-marts, deli's, convenience store *see note	2.0
Hairdresser/barber, per station, no sink, home business	0.5
Hairdresser/barber, stand-alone *see note	2.0
Hotel/motel, bed-and-breakfast, per unit	0.5

SECTION 4: ARTICLE III, WATER SERVICE, § 124-39 thru § 124-51 (CONTINUED).

§124-51 Schedule of Charges (Continued)

Table of Equivalent Dwelling Units (EDUs) Town of Champlain Consolidated Water District	
Description	EDU Assessment
Laundromats, per machine	1.5
Nursing home, living facility, per unit	0.5
School *see note	25
Single-family residence	1.0
Shopping center *see note	2.0
Solar Farm – Medium Scale (level 2)	Level 2 – 2.0
Large Scale (level 3)	Level 3 – 5.0
Storage Unit Buildings – 1-5 buildings on property	2.0
Storage Unit Buildings – over 5 buildings on property	0.25 per building
Unbuildable, landlocked, right away parcels, per unit	0.1
U.S. Border station (contractual)	70
U.S. Government facilities, state facilities *see note	2.0
Vacation rentals (i.e. Airbnb, etc.) *see note	3.0
Vacant parcels, per unit (no water)	0.5
Vacant parcels, per unit (with water)	0.75
Warehouses and storage *see note	2.0

NOTE*

- All commercial properties, regardless of use, will be assessed a minimum of two equivalent dwelling units (EDUs). Additional EDUs will be based on the following criteria:
- Number of bathrooms, sinks, showers, washing stations and/or any other receptacle.
- Number of employees.
- Number of units on property, including rentals.
- Property usage and potential property usage (any business entity or number of businesses on property).
- Increase or decrease of units on property.
- Number of occupant load or potential occupant load (i.e. seating capacity).
- Contractual agreements.

SECTION 4: ARTICLE III, WATER SERVICE, § 124-39 thru § 124-51 (CONTINUED).

§124-51 Schedule of Charges (Continued)

(c) Commercial/governmental contractual agreements.

[1] The following properties have been designated as unique EDU contractual agreements to be reviewed annually:

[a] US Border Station (3.-1-11) - every 10 years.

[b] Deneault triplex (19.- 1-50.2) - indefinite until property is further developed.

[c] North Country Golf Club Inc. (20.-1-6.1) - every year.

[d] Maquam Holdings LLC (33.-1-16.3) - indefinite until property is further developed.

B. The Champlain Consolidated Water District rates, the Table of Equivalent Dwelling Units, and assigned EDUs may be changed by the Town Board by resolution at any time with or without public hearing. For uses needed but not listed in the table, the closest, most relevant existing EDU assessment will be used to calculate equivalent dwelling units (EDUs).

C. Water bills which remain unpaid 30 days after the billing date shall have an additional interest charge of 2% assessed each month thereafter on the balance due. Similarly, quarterly equivalent dwelling unit charges which remain unpaid 30 days after the payment due date shall be assessed a 10% late charge based on the balance due. Bills of any kind that remain unpaid as of October 31 of each year will be charged by the Town as special assessments and collected the same.

D. Any property owner requesting water services be either turned on or off at the curb stop shall pay a non-negotiable service fee according to the Schedule of Estimated Charges for Services Rendered Policy.

E. The Town Board is hereby authorized to terminate water service to any user of said service who has not paid all lawful charges within 60 days from the date due.

(1) Notices. Water users who have failed or neglected to pay for charges incurred in the provision of water shall be served with a notice prior to termination of the service containing the following:

(a) Address of the premises;

(b) A statement of the amount due for water service provided;

(c) A statement that service may be terminated on a specified date;

SECTION 4: ARTICLE III, WATER SERVICE, § 124-39 thru § 124-51 (CONTINUED).

§124-51 Schedule of Charges (Continued)

(d) A statement that the costs of provision of water will be assessed against the land or improvements on the particular tax parcel which has benefited from the water service.

F. Service of notice of termination. The above notice shall be served by mailing said notice by first class mail to the owner of the property, at his or her address. Service shall be deemed complete upon such mailing.

G. Reconnection charge. If water service is restored to a parcel after being disconnected pursuant to the terms of this article, all unpaid charges, together with any interest and penalties, must be paid before service is restored. In addition, thereto, a reconnection charge according to the Schedule of Estimated Charges for Services Rendered Policy.

H. Users within the Champlain Consolidated Water District can grieve calculated equivalent dwelling units assigned to said property. The grievance process created by the Town Board must be followed to have any grievance reviewed and settled. The process includes completing an EDU dispute form and submitting completed paperwork to the EDU Assessor for initial review. Once reviewed by the EDU Assessor, a hearing will be scheduled to include the EDU Assessor, Town Board, and the property owner. After the hearing has concluded, a final decision will be made and the property owner will be notified of the outcome prior to the next billing period.

SECTION 5: SEVERABILITY.

Each separate provision of this Local Law shall be deemed independent of all other provisions herein, and if provisions shall be deemed or declared invalid, all other provision hereof shall remain valid and enforceable.

SECTION 6: EFFECTIVE DATE.

This Local Law shall take effect immediately upon filing with the New York State Secretary of State.