



**EFFECTIVE AS OF APRIL 18, 2018**

**WATER USE ORDINANCE  
TOWN OF CLAYTON BARTLETT POINT WATER DISTRICT**

**Article I: Title.**

This Ordinance shall be known and may be cited as “Water Use Ordinance for the Town of Clayton Bartlett Point 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 Clayton 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 portion of debt retirement, together with costs associated with the construction and operation and maintenance of the Village of Clayton Distribution System and infrastructure as reasonably attributed to the transmission of water through the Water District to service the Bartlett Point Water District.

District or Water District: The Town of Clayton Bartlett Point 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 Clayton.

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 "A", as the same may be amended by the Town Board from time to time.

Intermunicipal Agreement (IMA). That certain Intermunicipal Agreement dated December 19, 2016, between the Town and Village.

Operation and Maintenance Expense/Reserve. The amount fixed by the Village of Clayton Board of Trustees 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 Clayton, Jefferson County, New York.

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

Village: The Village of Clayton, Jefferson County, New York.

Village Water Law: The Village of Clayton Water Law, Chapter 28 of the Code of the Village of Clayton as the same may be amended from time to time.

### **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 Clayton Bartlett Point Water District.

### **Article IV: Effective Date.**

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

### **Article V: Intermunicipal Agreement.**

This Ordinance is adopted pursuant to and shall be interpreted such as to be consistent with the Intermunicipal Agreement.

### **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 Village Board of Trustees and pay a connection fee as prescribed in the Village Water law as the same may be amended from time to time, payable at the time the application is submitted, together with any applicable charges for meter installation.

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 Clayton Highway Department) and submit a copy of the road opening permit with the application. The proposed connection drawing must be approved by the Administrator and the Village Superintendent of Public Works.

4. All connections to the water distribution system must be performed by a Village Approved Contractor. All connections to the District water lines are to be performed only under the physical observation of the Village Superintendent of Public Works. Prior to back filling, the Village Superintendent of Public Works 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 and the Village 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 or the Village 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 Village. 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 prior to water service being established. Only water meters approved by the Village shall be installed within the District.

2. It is the responsibility of the property Owner to promptly notify the Administrator and the Village of any leakage of the water meter or the connections. The Administrator, in conjunction with the Village, 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.

#### **Article XI: Water Rate.**

Water rates shall be fixed and established by the Board of Trustees of the Village of Clayton at least annually during the Village's annual budget process. Until a new rate is fixed and established by the Board of Trustees, 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 attached as Exhibit "A" 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 pursuant to the Village Water Law. The amount of water used, if any, shall be based upon the reading of the parcel's water meter, as provided in Article XII.

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

1. Billing. The Village shall be responsible to bill all users within the District for water use based upon the metered readings pursuant to the provisions of the Village Water Use Law then in effect. The Village agrees that the water use charged to the users in the District shall be at the same rate as charged to users within the Village.
2. Meter Reading and Billing. Water Bills will be mailed on or about the first week of March, July and November of each year by the Village, and are due by the end of the month issued (The "Due Date").
3. Payment of Bills. All water bills are due and payable when prepared. All bills are payable without penalty up to and including the 30<sup>th</sup> day of the billing month. Payment must be received at the Village Treasurer's office, 425 Mary Street, Clayton Bay, NY 13624. Any payment received after the 30<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 30<sup>th</sup> day of the

month falls on a weekend or legal holiday and the Village Treasurer'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.

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 as prescribed in the Village Water Law.
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 Village Treasurer 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. Upon collection, the Town shall remit the payment to the Village Treasurer.

### **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 as prescribed in the Village Water Law will be imposed for termination of service.
2. Owners may request that service be terminated, and a fee as established through the Village Water Law shall be paid prescribed in the Village Water Law. All requests for termination shall be submitted to the Village not less than forty eight (48) hours prior to the termination date.

### **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 any additional fee as prescribed in the Village Water Law for service restoration.
2. When service has been terminated at the request of the Owner, the Owner may request that service be restored. A service fee, as established through the Village Water Law, shall be paid by the property Owner to the Village 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 as prescribed in the Village Water Law paid to the Village 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 Village Treasurer 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 fee prescribed in the Village Water Law for a special reading.

2. The Village Treasurer'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 Village Treasurer's office within ten (10) days. Upon receipt of payment, water records will be changed to reflect the new Owner.

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

1. The Village through an Intermunicipal Agreement with the Town 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 Village 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 Village Board for consideration. The Village 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 **than** 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 and/or the Village Water Department 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 or the Village Board.

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"**

<u>Tax Parcel</u>	<u>Address</u>	<u>Desc./EDU</u>	
20.13-1-35	38898 NYS ROUTE 12E	House	1
20.13-1-34	38784 CLOVER RISE LN	House	1
20.13-1-33.42	38674 CLOVER RISE LN	House	1
20.13-1-33.41	38674 CLOVER RISE LN	House	1
20.13-1-36	38888 NYS ROUTE 12E	House	1
20.13-1-37	38880 NYS ROUTE 12E	House	1
20.13-1-39	38876 NYS ROUTE 12E	House	1
20.13-1-41	38846 NYS ROUTE 12E	House	1
20.13-1-44.51	38836 NYS ROUTE 12E	House	1
20.13-1-42	38820 NYS ROUTE 12E	House	1
20.13-1-44.52	38814 NYS ROUTE 12E	House	1
20.13-1-43	38746 NYS ROUTE 12E	House	1
20.13-1-29	38889 NYS ROUTE 12E	House	1
20.13-1-28	38883 NYS ROUTE 12E	House	1
20.13-1-27	38857 NYS ROUTE 12E	House	1
20.13-1-26	38835 NYS ROUTE 12E	House	1
20.13-1-25	38827 NYS ROUTE 12E	House	1
20.13-1-23	38807 NYS ROUTE 12E	House	1
20.13-1-22	38803 NYS ROUTE 12E	House	1
20.13-1-19	38856 BARTLETT PT RD	House	1
20.13-1-18	38864 BARTLETT PT RD	House	1
20.13-1-17	38876 BARTLETT PT RD	House	1
20.13-1-16	38888 BARTLETT PT RD	House	1
20.13-1-15	38896 BARTLETT PT RD	House	1
20.13-1-14	38908 BARTLETT PT RD	House	1
20.13-1-12.52	39099 BARTLETT PT RD (LEWIS BARN)	Storage	0.25
20.13-1-11	39447 BARTLETT PT RD	House	1
20.13-1-12.8	BARTLETT PT RD	Storage	0.25
20.13-1-12.2	BARTLETT PT RD	House	1
20.13-1-8	BARTLETT PT RD	House	1
20.13-1-46	38612 NYS ROUTE 12E	House	1
20.13-1-44.6	38708 NYS ROUTE 12E	House	1
20.13-1-12.71	BARTLETT PT RD (CREAMERY)	Farm	1
20.13-1-12.71	BARTLETT PT RD (ZENDA GARAGE)	Farm	1
20.13-1-24	38819 NYS ROUTE 12E	House	1
20.13-1-44.4	38780 NYS ROUTE 12E	House	1



<u>Tax Parcel</u>	<u>Address</u>	<u>Desc./EDU</u>	
20.13-1-45	38626 NYS ROUTE 12E	House	1
20.13-1-47	38572 NYS ROUTE 12E	House	1
20.13-1-21	38844 BARTLETT POINT RD	Church	1
		Exist. EDU's	37.5

### **New Parcels in District Currently Unserved**

20.13-1-44.3	38632 NYS ROUTE 12E	House	1
20.13-1-44.8	38662 NYS ROUTE 12E	Metal Fabrication Shop	1
20.13-1-44.1	38668 NYS ROUTE 12E	Retail Store	1
20.13-1-44.2	38680 NYS ROUTE 12E	House	1
20.13-1-44.91	38688 NYS ROUTE 12E	House	1
20.13-1-44.92	38700 NYS ROUTE 12E	House	1
20.13-1-44.7	38714 NYS ROUTE 12E	House	1
20.13-1-12.11	39215 BIRCHES LN	House	1
20.13-1-9	39228 BIRCHES LN	House	1
20.13-1-12.132	39320 BIRCHES LN	Vacant	0.25
20.13-1-12.131	39335 FARM RD	Vacant	0.25
20.13-1-12.3	39317 FARM RD	House	1
20.13-1-10	39425 FARM RD	Vacant	0.25
20.13-1-12.12	39313 FARM RD	House	1
20.13-1-12.6	BARTLETT POINT RD	Storage	0.25
20.13-1-12.51	BARTLETT POINT RD	Storage	0.25
20.13-1-12.4	BARTLETT POINT RD	Public Service	1
20.13-1-12.9	BARTLETT POINT RD	Vacant	0.25
20.13-1-12.16	39125 FARM RD	Vacant	0.25
20.13-1-12.15	FARM RD	Vacant	0.25
20.13-1-12.14	FARM RD	Vacant	0.25
		New EDU's	14.25
		Total EDU's	51.75