

# Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County  City  Town  Village  
(Select one:)

of Lyme

Local Law No. 2 of the year 2016

A local law to make comprehensive amendments to the rules and regulations of the Water Distribution  
(Insert Title)  
System to address certain issues that have arising over time and to ease administration.

Be it enacted by the Town Board of the  
(Name of Legislative Body)

County  City  Town  Village  
(Select one:)

of Lyme

as follows:

Article 1. - Authority. The Town Board of the Town of Lyme, pursuant to the authority granted it under Articles 12 and 12a of the Town Law and Sections 10 and 20 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Article 2. - Statement of Purpose and Finding. The Town Board of the Town of Lyme acts as Commissioners for all of its Water Districts. As such, the Town Board has the ability and authority to enact rules and regulations governing the operations of those Districts. The Town Board has previously enacted such rules and regulations, but has sought to make comprehensive amendments to those regulations to provide for easier administration and to address certain issues that have arisen over time. It is the purpose of this local law to do so.

Article 3. - Enactment. The Town Board of the Town of Lyme hereby adopts a local law to be known as the Town of Lyme Water Distribution System Law as follows:

All prior rules and regulations of the Town of Lyme regarding the regulations of its Water Distribution Systems are hereby amended and as amended restated as follows:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

# **Town of Lyme**

## **Water Distribution System Law**

**Regulates the Use of Public Water Facilities  
and the Furnishing of Water to Consumers  
of Any Water District in the Town of Lyme,  
County of Jefferson, State of New York**

**Town of Lyme  
Water Distribution System Law  
Amended March 2016**

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**TOWN OF LYME  
WATER DISTRIBUTION SYSTEM LAW**

A local law regulating the use of public water facilities and the furnishing of water to the consumers of any Water District in the Town of Lyme, County of Jefferson, State of New York.

Be it enacted by the Town Board of the Town of Lyme as follows:

**ARTICLE 1 PURPOSE AND SCOPE**

**1.1 REGULATIONS**

- A. The following law as established by the Town Board of Lyme (hereinafter called the Town Board), or as hereinafter amended or modified, hereby regulates each consumer, taker, or user of water furnished directly, or indirectly, from the mains of any Lyme Water District.
- B. Comply with the Federal Pure Water Act (1976) and New York State Health Department.

**1.2 ADMINISTRATION OF THE SYSTEM.**

- A. The Municipal Water Board shall be responsible for the administration of all affairs concerning the operation of all water districts and general management of the districts.
- B. The Municipal Water Board consists of five (5) members, with one (1) appointed Chairman by the Town Board. Town Board will make appointments to the Water Board to serve five (5) year staggered terms, preferably each member from a different Water District.
- C. The Municipal Water Board will act in an advisory capacity to the Town Board on all water issues in the Town and perform certain independent functions as may be assigned by the Town Board. Those functions include, but are not limited to:
  - 1. Review of capital projects and operation and maintenance of facilities.
  - 2. Review existing Districts.
  - 3. Audit engineering reports
  - 4. Audit vouchers
  - 5. Recommend rates, fees, surcharges and fines.

6. Review equipment purchases
  7. Act as liaison with the NYS Dept. of Health, the NYS Dept. of Environmental Conservation and any other government agencies.
  8. Review all complaints and problems and recommend solutions to the Town Board
  9. Act as lead agency for all future water expansion, consolidation And citizen's concerns.
- C. The Municipal Water Board will meet on a monthly basis in advance of regular Town Board Meeting. At each meeting, the Municipal Water Board shall review and make whatever recommendations it deems necessary for the Town Board to act on as to all the designated functions.
- D. The Town Board shall be responsible for the establishment of laws, rules and regulations, water rates, charges and appointment of all necessary personnel.
- E. The Town Board shall have control of the installation, operation, maintenance, repair and adjustment of taps, mains, curb boxes, valves, hydrants, laterals and meters. The Town Board shall not be responsible for breaks, obstructions, or interruption of service arising from any cause. The Town Board may take such steps as are reasonable upon proper notification to make such repairs as may be necessary to restore service from the main to the curb stop.

## ARTICLE II. DEFINITIONS

As used in this law and these regulations, the word or phrases listed below shall be deemed to have the following meaning:

- 2.1 **“Active Service”**- any service which includes water usage through a curb stop.
- 2.2 **“Applicant”** – any person making a request in writing for “active service” to be rendered or furnished by the District.
- 2.3 **“Basic Service”** – any premises on which a curb stop has been installed. Basic service does not include water usage through a curb stop or any other means.
- 2.4 **“Builder”, “Contractor”, or “Real Estate Developer”** – any person owning or having an interest in a parcel or tract of land who applies for a supply of water to such premises which are intended to be sold, conveyed or leased by said person to an owner or occupant.
- 2.5 **“Customer”** – the property owner who is responsible for payment of charges for water or other facilities and services furnished by the district.
- 2.6 **“Commercial” or “Commercial Service”** – premises on which activities of industry or commerce are routinely conducted. Such activities of commerce shall include manufacture, buying or selling of any commodity or service or the conduction of any business related activities on a routine yet intermittent basis.
- 2.7 **“Curb Box Shut-off”** – the in-ground enclosure containing the curb stop.
- 2.8 **“Curb Stop”** – the in-ground housing and valve that controls water between the main and the premises served
- 2.9 **“DANC”** Development Authority of the North Country.
- 2.10 **“Development”** Construction requiring installation of a Water Main for multiple EDU’s shall constitute a development.
- 2.11 **“District” or “The District”** – any Town of Lyme Water District.
- 2.12 **“EDU”** – Equivalent Dwelling Unit.
- 2.13 **“Health Department”** – the New York State Department of Health, Bureau of Public Water Supply Protection.
- 2.14 **“Institutional” or Institutional Service”** – any premises on or in which the following services are provided: education in any organized form, medical treatment of any type; governmental services of any type, and other uses as determined by the Town Board.
- 2.15 **“Lateral”** – the pipe installed between the curb stop and the premises.
- 2.16 **“MXU”** – Meter Transceiver Unit. Signal device that reads via radio signals.
- 2.17 **“Occupant”** – the person actually in possession or control of any premises or part thereof who is a consumer.
- 2.18 **“Owner”** – the person who has legal or equitable title to the premises.
- 2.19 **“Person”** –an individual, family, firm, association, institution or corporation.
- 2.20 **“Premises”** – any building, vacant or unimproved parcel of land contained wholly or partially within the District.
- 2.21 **“Private Fire Protection System”** – water mains, pipes, hydrants, sprinklers, or other facilities installed on private premises or on a public or private street for the purpose of providing private fire protection.



- 2.22 **“Private Street”** – any street, road or way that is not for any highway purpose under the jurisdiction of any village, town, city, county or the State of New York.
- 2.23 **“Public Fire Protection System”** – distribution and storage facilities, water mains, pipes, hydrants and other facilities installed or owned by the District and used for the public protection of premises.
- 2.24 **“Public Street”** – any street, avenue, road or way that is for any highway purpose under the jurisdiction of any village, town, city, county or the State of New York.
- 2.25 **“Service Connection”** – the facilities and equipment used to supply water to any premises and which are installed within the limits of the street between the main and curb box shutoff to the premises to be served.
- 2.26 **“The Town” or “Town”** – the Town of Lyme Board, consisting of the Town Supervisor and Town Councilmen.
- 2.27 **“The Municipal Water Board”** – members appointed by the Town Board for the purpose of administering the Water District.

### **ARTICLE III. DISTRICT LIMITS**

- 3.1 This water use law shall apply to all premises served and to be served by the water facilities of the Districts. District Limits shall be those geographical limits Established by the District creation documents for each of the individual Water Districts.
- 3.2.1 Each and every user, or taker of water from the water system shall be in all respects bound by, and shall be considered to have agreed to the rules, Regulations, requirements of this law, and schedules of water rates and other charges as hereinafter set forth, or amended or modified by the Town Board as a condition precedent to the rights of service from said water systems.

### **ARTICLE IV. APPLICATION FOR SERVICE**

#### **4.1 APPLICATIONS FOR ACTIVE SERVICE-GENERAL.**

All applications for “active service” shall be made in writing on forms provided by the Municipal Water Board or the Town Clerk. Upon acceptance by the Town Board, the application shall constitute a contract between the Town and the applicant, obligating the applicant to pay the Town the established rates and to comply with the law.

#### **4.2 PRE-EXISTING MAIN REQUIRED**

Application shall be accepted subject to the existence of a main in a street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the Town to extend its main to service the premises excepting as hereinafter provided.

### **4.3 APPLICATION FOR SERVICE – DEVELOPMENT**

#### **Development Section**

**Multiple Water User's on one parcel that is being sub-divided into two or more lots shall be considered a development. The developer shall bear all costs of construction, in addition to any costs the town incurs, such as Attorney fees, Town Engineer fees, Legal notices or anything else that is a reasonable and necessary cost for the development.**

**The process will start with the developer submitting the application "Application for water service to a potential development." A retainer in the amount of \$5,000 will be submitted with the application. This will be used to cover any costs the Town incurs for the development. A copy of the paid invoices will be forwarded to the developer, with an up to date statement showing remaining balance of retainer. Any costs over the retainer will be the responsibility of the developer. If the costs are less than the \$5,000, the balance will be returned to the developer once the project is complete.**

**An Easement will be prepared by the Town Attorney and must be signed by the Developer. The filing fee will be charged to the escrow account.**

#### **Development within an Established Water District:**

- 1. Application for Water Service to a Potential Development will be submitted to the Municipal Water Board, along with the \$5,000 retainer, which will be deposited in an escrow account. If the costs should exceed the escrowed amount, an additional deposit could be required by the Town at that time.**
- 2. Property owner will submit four copies of an Engineer's plan, map and report to the Municipal Water Board.**
- 3. Municipal Water Board will send two sets of Engineer's plan, map and report to the Town Engineer for review.**
- 4. After approval by the Town Engineer, the Water Board will send a letter to DANC and the Village of Cape Vincent for their approval.**
- 5. Town Engineer will submit plans to Department of Health for their approval.**
- 6. Project must comply with all regulations of the current Water Use Law. After all approvals are received, the Municipal Water Board will submit the project to the Town Board.**
- 7. The Town Board will vote whether to allow the project or not.**
- 8. If approved, construction can begin. All stages of construction will be monitored by the Town of Lyme and the Town's Engineers.**

9. Once the project is complete, the Water System will be the property of the Town of Lyme.
10. Any fees over the \$5,000 retainer will be payable by the Developer to the Town of Lyme at this time. Any excess money out of the retainer that has not been used will be returned to the Developer.
11. When the first lot is sold and a meter has been installed, the new owner of the lot will be charged 1 EDU.
12. When water is flowing in the main to the first lot, the owner of the Development will be charged ½ EDU to cover maintenance costs.
13. After 5 lots are sold, the ½ EDU charged to the development will cease.
14. When water is flowing in the main, any lots that are sold and have a curb stop will be charged ½ EDU.
15. The new owner will be required to comply with the current procedure in the Water Use Law for a new application for service. This will include the application fee, purchase of a new meter and MXU from the Town and filing fees for the User Agreement in the County Clerk's Office.
16. Each new lot owner will be assuming all costs for customer in that Water District, which include the Debt, DANC and O&M, charges, along with the cost of the water.

**Development outside an Established Water District:**

1. The Developer must submit a petition to the Municipal Water Board to extend an existing Water District to include their property.
2. The property must border the Water District.
3. The Water Board would submit all paperwork to the Town Board.
4. The Town Board will schedule a public hearing.
5. The Town Attorney will prepare the public hearing notice.
6. All requirements for the Development will be the same as for a Development within an Established Water District as stated above.

**4.4 APPLICATIONS FOR ACTIVE SERVICE- MULTIPLE PREMISES.**

A separate application must be submitted for each premise.

**4.5 OUTSTANDING CHARGES.**

No agreement will be entered into by the Town with any applicant for service until all charges due from the applicant for water or service at any premise now or heretofore owned by the applicant are in arrears shall have been PAID.

**4.6 RESALE OF WATER**

Sub-metering or re-sale of water will not be permitted without written permission of the Town Board.

**4.7 CRITERIA FOR ACCEPTANCE OF APPLICATIONS.**

Acceptance of an application made by a person, private or municipal corporation or Special Improvement District shall be at the sole discretion of the Town Board. Service must be economically feasible and within the capacity of the Town to render without prejudice to the demands imposed upon its system by its other customers.

**4.8 SITE PLAN.**

Whenever the owner or operator of a land parcel containing more than one commercial or residential premises unit applies for the service of water to said premises, there shall be furnished to the Municipal Water Board a map or plan thereof showing its location, the estimated number of residential or commercial units and other structures to be served, and the arrangement of laterals, roads, driveways and lanes affording access to and within the limits of said premises.

**ARTICLE V. INSTALLATION OF SERVICES.**

**5.1 SERVICE CONNECTION CHARGES – GENERAL.**

Upon written application for “active service” by an owner of any property abutting on any public or private street containing a district main of sufficient size and capacity, and upon payment of the applicable charge for the size service to be installed, as prescribed herein, the District will supply, install, operate, maintain and when necessary, replace at its own cost and expense, the service connection between the main and the curb box shut off on both public and private streets. Easements acceptable to the Town Board must be furnished at the applicant’s expense where necessary for all water service installations. All service lines installed by the Water Board shall remain the property of the Town.

When a building with an existing service is demolished and replaced with a new structure, or is substantially remodeled, the Water Board will assess the same connection fee as for a new building, excepting however that the Town Board may waive the fee in the event no additional expense is incurred by the District.

The cost of water connections shall be that incurred by the water district in providing said services unless waived or modified by the Town Board.

In the formation of new water districts, a curb stop will be installed on any buildable vacant lot (as defined by the current zoning law). If the lot is

unbuildable, no charge will be placed on the property.

## **5.2 SERVICE CONNECTION CHARGES- Private Fire Protection Service**

Private fire protection service will only be provided under a written agreement between the applicant and the Water Board. Added expense will be done at no cost to the Town.

## **5.3 SERVICES.**

The Town Water District, at its expense, will maintain, and when necessary, replace any existing service connections from the main to the curb stop shutoff on all water service connections. The owner shall be responsible to maintain the pipe installed between the curb stop and any premises in leak-proof condition and to the full satisfaction of the Town.

Service connections shall not be trespassed upon nor interfered with in any respect. The curb stop may not be used by the customer for turning on or shutting off the water supply, but is for the exclusive use of the Town Water District.

In all cases, the Town will only be responsible for repairs to the curb stop. The owner will be responsible for all costs from the curb stop to the premises. The Town will not be liable for any damage or loss that may arise due to a fluctuation in water pressure.

## **5.4 SERVICE ON APPLICANT'S PROPERTY.**

At his own expense, the applicant shall install the lateral from the curb box shut off to the premises in accordance with the specifications herein. In addition, he shall install one meter and two valves, to be located inside the building at the terminus of the lateral. One valve is to be on the supply side of the meter and the other on the downstream side of the meter, thus permitting control of the water supply by the customer. The valves shall be of a make and type approved by the town. The supply side valve will be officially sealed by the town after installation. The supply side valve may not be used by the customer for turning

on or shutting off the water supply, but is for the exclusive use of the town. Finally, the town requires the customer to install, at his own expense, suitable NYSDOH approved equipment properly located to prevent backflow of water which may cause damage to the meter, or contamination to the system.

The meter shall be so located as to be conveniently accessible for reading and changing. It must also have sufficient flexibility in the piping for proper protection and clearances as required. The meter must be placed in a meter pit. The Mueller Meter Pit must be purchased from the Town. At the expense of the customer, this property shall be maintained and when necessary, replaced. For

this installation and maintenance thereof, the customer shall utilize a competent plumber and all work shall be performed in a manner satisfactory to the town.

Any existing water service within the residence must be disconnected prior to connection of the new service.

All laterals and equipment shall be subject to the inspection and testing by the town. The minimum size, materials, depth of cover and method of construction shall be the same as specified for a lateral installed by the town or as otherwise specified or permitted. The entire service line shall be inspected by the town's representative prior to backfilling or enclosure. If any defects in workmanship or materials are noted, or if the customer's lateral has not been installed in accordance with such specifications, or with the town's requirements, water service will either not be turned on, or will be discontinued if such defects are not remedied. No service will be activated by the town until the lateral and service connection from the premises to the street have been installed, tested and approved in a manner satisfactory to the town.

Upon receipt of an application for a new service or for the reinstatement of an existing service, the town may assume that the piping and fixtures which the service will supply are in proper order to receive service. The town will not be liable in any event for any accident, breaks, or leakage arising in any connection with the supply of water or failure to supply same. The town reserves the right to require pressure testing of any and all buried or enclosed pipes.

The town reserves the right to require pressure testing of any and all buried or enclosed laterals at any time for reasonable cause.

## **5.5 LATERAL SPECIFICATIONS.**

All laterals shall have a minimum earthen cover of five (5) feet in non-plowed areas and six (6) feet in areas customarily plowed. No lateral shall be less in size than three-quarters inch ( $\frac{3}{4}$ " ) inside diameter. U.S. Government Specification Type K soft tempered copper tubing (ASTM B-88) or polyethylene tubing meeting ASTM D- 2737, PE 3408, and AWWA C-800, minimum pressure rating 200 psi, shall be used in all services up to and including three inches (3") in diameter.

All services 4" pipe or greater in diameter shall be ductile iron pipe of quality equal to AWWA standard specifications (class 50 minimum) and of weight suitable for service under a pressure of 200 psi. All connections of laterals to a main with a ground covering of less than six (6) feet shall be made on the side of the main so that such laterals shall in no case have less covering than the main. The town reserves the right in all cases to stipulate the size and type of service connection to be used.

The Town may allow a lateral of 2" diameter to be installed under the road to service two residences. The 2" lateral would be split into two 1" laterals, each with its own meter and shut off.

Applications for new services may require review by the Town Engineer.

**5.6 WINTER PROVISIONS.**

The town shall not be required to install any service lines or service connections between November 1<sup>st</sup> and April 15<sup>th</sup>.

**5.7 SERVICE METER SIZE.**

Where the lateral is larger than three-fourths (3/4) inch in diameter, a meter of smaller size than that of the lateral may be used, provided the consumer satisfies the Water Board that flow through the meter only rarely extends the amount specified by the following table:

Size of Meter	Maximum Allowable Flow In Gallons Per Minute
5/8 inch	20
¾ inch	34
1 inch	53
1-¼ inch	72
1-½ inch	100
2 inch	160
3 inch	315
4 inch	500

## **ARTICLE VI. INSTALLATION OF METERS.**

### **6.1 INDIVIDUAL METERS REQUIRED.**

An individual meter shall be required for each "active service" connection to a premise.

### **6.2 PURCHASE OF METER AND MXU.**

The applicant shall purchase a new meter and MXU through the town and shall be responsible for its proper installation. The meter must be compatible to the reading system used by the Water Department at the time of purchase.

### **6.3 LOCATION OF METER.**

Whenever possible, meter four inches (4") in size and under shall be set in the basement. The meter shall be located at a convenient point approved by the town so as to protect the meter and to measure the entire supply of water through the connection. When a meter cannot be set in the basement, it will be set near and inside the property line or in a location designated by the town and all expenses incurred by the town in connection with its proper housing shall be paid by the applicant.

Meters larger than four inches (4") shall be set near and inside the property line or in a place designated by the town, and all expenses incurred in connection with its proper housing, including by-pass for testing, if required, shall be paid by the applicant. All meters two inches (2") or larger shall have a by-pass for testing.

In all cases, irrespective of meter size, where the distance from the curb stop shut off to the front wall of the building is greater than one hundred and fifty (150) feet, the town may require that the meter be set near and inside the property line.

All meters shall have external readout devices acceptable to the town.

When, due to special circumstances, it is necessary to set any meter within the limits of a public street, all expenses incurred by the connection with its proper housing shall be paid by the applicant. The meter will be furnished and connected as prescribed herein. Meter housings located in public streets will be maintained by the town, and when necessary, replaced all at the expense of the applicant.

### **6.4 METERS MAY NOT BE ALTERED.**



All meters and meter connections shall at all times remain under the direct control of the town, and shall not be interfered with in any respect. All meters will be maintained by and at the expense of the town, so far as ordinary wear and tear are concerned, but the customer will be held responsible for damages due to freezing, hot water, or other external causes. In cases of damage the town will repair the meter, if necessary replacing it with another meter and the costs shall be paid by the customer. Meters shall not be interfered with or removed by any person except an authorized employee of the town. Seals placed on meters, valves or other fittings shall not be tampered with or broken. If a seal is broken the meter will be removed, tested, calibrated and replaced, if necessary, at the expense of the customer.

#### **6.5 TESTING OF METERS.**

The town reserves the right to remove and test any meter at any time and to substitute another meter. In case of a disputed account involving the accuracy of the meter, such meter will be tested. When the test is requested by the customer, the fee for testing such meters shall be \$25.00 for meters two inches (2") and smaller, and \$50.00 for larger meters, payable in advance of the test. In the event that the meter so tested is found to have an error in registration in excess of four percent (4%) at any rate of flow within the normal test flow limits, the fee advanced for testing will be refunded and the bill for the previous period be adjusted for over-registration.

### **ARTICLE VII. EXTENSION OF MAINS.**

#### **7.1 APPLICATION FOR EXTENSION OF WATER SERVICE.**

Upon application for water service in areas not served by a town owned main or where existing flows or pressures are deemed inadequate, the town will or may extend its mains or install necessary mains in accordance with the terms of the water main extension requirements.

#### **7.2 EXTENSION REQUIREMENTS.**

Request must be submitted to the Municipal Water Board. The request must be accompanied with an engineers drawing showing the area to be included in the extension.

The Water Board will consider their request and make recommendation to the Town Board. Permission must be approved by DANC, The Board of Health and the Village of Cape Vincent for the extension. Once approved, the application fee must be paid to the Town Clerk. The Water Operator will oversee the project and ensure that all requirements of the extension are complied with. A copy of the water main extension policy is included in the Water Board policy book.

**7.3 SIZE AND TYPE.**

The town reserves the right to determine and specify the diameter and type of pipe required to provide the service requested, and its location within or outside the limits of a street. The town further reserves the right to install a main larger in diameter than the main required to render the service requested, in cases where the Town Board feels the larger main is justified.

**7.4 TITLE.**

Title to all main extensions shall be vested in the town and shall carry the right to further extend any main installed pursuant to the terms of any Main Extension Contract, in and to other streets or premises without repayment or refund to the applicant. The town reserves the right to consider extensions made at the applicant's expense. The town will require a meter to be installed, in accordance with this law, at the beginning of the extension to measure all water used, and title to the line beyond the meter in such case will be vested in the customer, who will be responsible for operation, maintenance and replacement, when necessary.

**7.5 MAINTENANCE AND REPLACEMENT.**

The town, at its expense, will maintain and when necessary, replace town-owned mains located within public or private streets used to supply water to its customers; and if, in the opinion of the Town Board adequate service requires the reconstruction or replacement of such mains, said mains will be reconstructed or replaced by the town at its expense.

**7.6 LEAK**

It is the homeowner's responsibility to repair any leak after the curb stop. The Town reserves the right to shut off water service until leak is repaired.

**ARTICLE VIII. PAYMENT FOR SERVICE.**

**8.1 RESPONSIBILITY FOR PAYMENT.**

All persons owning land within the Water District, or receiving any service from said District, including basic service, shall pay to the receiver of water charges, at the times provided by the Town Board, rents and/or charges as may be fixed by the Town Board, from time to time, and based on the criteria set forth herein.

**8.2 COMPONENTS OF THE WATER BILL.**

The source of the revenues for retiring debt service, capital expenditures, operation and maintenance costs of the water system, shall be water service charges. Charges may be a combination of Basic Service Charges and Water Use Charges assigned to owners of all property located within the Water District or formal or informal extensions thereto. Nothing herein contained, however, shall require uniformity of method or basis of charges among any other Water Districts within the Town of Lyme and the Town Board is empowered hereby to establish different methods or basis of charges within each respective Water District.

The charges for water service shall consist of the water service charge as outlined in the preceding paragraph plus the base charge and the per thousand gallon charge as stipulated in the current Water Contract between the Town of Lyme and DANC.

All customers, including 1 EDU, ½ EDU and ¼ EDU's will be charged the current DANC Capital Charge, O&M, and Debt Service. 1 EDU will also have the added cost of the water.

### **8.3 UNPAID WATER BILLS BECOME LIENS ON THE PREMISES.**

All charges and fees owed to the establishment of the water district, as well as any subsequent water rent and/or service charges levied pursuant to this Local Law are hereby made liens on the premises to which it relates and if the same is not paid within 30 days after it shall be due and payable, it shall be certified to the fiscal officer of the Town of Lyme, who shall place the same on the real property tax bill for that parcel and for that year with interest and penalties allowed by law and thereafter collected as other Town taxes are collected. Any delinquent bills are re-levied on October 1<sup>st</sup> of each year.

### **8.4 TERMS OF PAYMENT.**

All bills are payable in accordance with the terms of the applicable service classification. New Services installed at any time during the billing period will be subject to the full charges for the period.

### **8.5 CORRECT BILLING ERRORS.**

If a customer is charged incorrectly or over-charged, reimbursement will be made by a credit to the customer, if the account is still open. If the account is closed, a refund will be made to the customer.

### **8.6 BILLING PERIODS.**

Meters will be read at the discretion of the Town Board pursuant to the provisions of the current Water Contract. Customers will be billed annually, semi-annually, quarterly, bi-monthly, monthly, or at any regular interval, at the town's option and as authorized by resolution of the Town Board.

**8.7 DETERMINATION OF THE QUANTITY OF WATER USED.**

The quantity recorded by the meter shall be considered the amount of water passed through the meter. That amount shall be conclusive on both the customer and the town, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, the quantity may be determined by the average registration of the meter during the most recent corresponding past period when the meter was in order, or by the average registration of the new meter, whichever method is representative, in the Town Board's opinion, of the conditions existing during the period in question.

**8.8 CHANGE IN OWNERSHIP.**

The customer shall notify the Town Board in writing of any change in ownership. No adjustment of the bills will be made by the town between owners without ten day's notice in writing prior to change of ownership. No consideration will be given for unoccupied premises.

**8.9 TIME FRAME FOR PAYMENT OF WATER BILL.**

All bills are due and payable net cash when rendered. In case any water bill or charge is not paid within thirty days following rendering of the bill, such bill shall be delinquent. All unpaid bills shall bear a penalty (18% APR) beginning the thirty-first day following the date of billing. If not paid within forty-five days after such a bill has become delinquent, the town, or its agents, may discontinue water service to the customer and service will not be re-established until such unpaid charges, together with charges for restoration of service are fully paid.

**8.10 DISCONTINUATION OF ACTIVE SERVICE BY THE CUSTOMER.**

Any customer may discontinue "active service" by giving the town written notice, not less than thirty (30) days prior to the discontinuance of service. Liability for usage charges, excluding basic service charges, for service rendered after the discontinuance of service as herein provided for, shall cease.

Upon discontinuation of "active service", the meter will be read and the customer will be billed for not less than the Basic Service charges and any gallonage charges for water used during the period, plus the termination fee.

**ARTICLE IX. GENERAL RULES.**

## **9.1 DISCONTINUATION OF SERVICE BY THE DISTRICT.**

“Active service” may be discontinued for any of the following reasons:

- A. For use of water other than as represented in the application, or through branch connections on the street side of the meter or place reserved therefore.
- B. For willful waste by use of water through improper and imperfect pipes, or by any other means or any other purposes.
- C. For damaging any service pipe, seal, meter, or other appliance owned by the District, or unauthorized operation of a curb stop valve.
- D. For non-payment of bills for water or services rendered.
- E. Cross connecting water supplied by the town with any other source of supply, or with any apparatus which may endanger the quality of the
- F. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or replacing water meters or inspecting water piping and other fixtures.
- G. For any violation of the water use law.
- H. Constructing, or causing to construct any pipe or fitting in the town’s service line or the private service line located between the curb stop and The meter without written authorization from the Town.

## **9.2 PROCEDURE OF DELINQUENT BILLS.**

Any water bills that are 45 days overdue are considered delinquent. A certified letter is sent to the customer requesting payment be made within 15 days or service will be discontinued. The letter will include a shut-off date. The day before the shut-off day, the Water Operator will place a letter on their door informing them that the water will be turned off the next day unless they make payment.

## **9.3 JOINT SERVICE LINES.**

In general, each premise shall be served by a separate lateral and a curb stop shall be installed for each premise. The Town Board, may, in cases of extreme hardship, allow the use of a joint lateral.

Where two or more premises are supplied with water through one lateral, if any of the parties so supplied shall violate any of the provisions of this law, the town reserves the right to shut-off the service.

**9.4 RESTORATION OF SERVICE.**

When "active service" to any premises has been turned off upon order of the customer or violation of this law, a charge will be made for the restoration of service. If by the willful acts of the customer or other circumstances it becomes necessary to shut off or disconnect the lateral at the curb stop, the charge to the customer for restoration of service will be the actual cost incurred by the town incidental to the disconnection and reconnection of the service.

**9.5 USE OF FIRE HYDRANTS.**

No person, except as specifically authorized by the Town Board, shall take water from a fire hydrant for any use whatsoever. If water is used from a fire hydrant without specific authorization, the quantity so used will be estimated by the town and the user will be billed at the rates set forth in the rate schedule, as well as face additional costs and fines as allowed by law or these regulations.

**9.6 CROSS CONNECTIONS.**

As mandated by the Public Health Law, and in the interest of public health, the District mains or services shall not be connected on any premises with any lateral or piping which is connected to any other source of water supply. The mains or lateral will not be connected in any way to any well, piping, tank, boiler, vat pressure cleaner, apparatus which contains liquids, chemicals, or any other matter which may flow back into the lateral or mains and consequently endanger the water supply.

**9.7 CONTINUITY OF SERVICE.**

The town will use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to customers. The town may, without notice, shut off the water in its mains for the purpose of making repairs or extensions, or for other purposes deemed necessary.

The town shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever.

**9.8 EASEMENTS.**

Applicants for service or main extensions will provide, without cost, to the town, permanent easements or rights-of-way when necessary for the installation, operation and maintenance of the service lines and service connections.

**9.9 FORMS OF AGREEMENT.**

All applicants will use forms provided by the Town Board. Copies of such forms shall be filed at the office of the Town Clerk.

**9.10 FROZEN SERVICES.**

In cases where a service is frozen, the customer is responsible for all thawing and repairs.

**9.11 SERVICE RESTRICTIONS.**

The town reserves the right, in periods of drought or emergency or when deemed essential to the protection of the public health, safety or welfare, to restrict, curtail, or prohibit the use of water including, but not limited to lawn watering, car washing, or filling swimming pools, and shall have the right to fix the hours and periods when water may be used for any specific purpose.

**9.12 MANDATORY SERVICE- RESIDENTIAL PREMISES.**

Any new construction, or “substantially modified construction” as defined by the New York State Building Code on a residential structure and located within the Water District, shall be required to connect the water system and remove any other source of water from production prior to the issuance of a certificate of occupancy by the code enforcement official. This provision shall not be subject to waiver by the Town Board.

**9.13 MANDATORY SERVICE-COMMERCIAL.**

All commercial, institutional, industrial and rental property, including residential structures which are leased or rented and any premises containing a “Public Water Supply” as defined by the New York State Department of Health, and located within the Water District, shall be connected to the water system within two (2)

years of the operation of the system or extension of the district to include such premises, whichever occurs first.

**9.14 AUTHORIZED USE OF THE CURB STOP.**

Service shall be controlled at the curb stop. The water shall be turned off and on only by employees of the Town or their designated representatives, Violations of this rule shall result in a penalty of fifty (\$50) for each offense.

**ARTICLE X. RATE SCHEDULE.**

**10.1 ESTABLISHMENT OF RATES.**

The Town Board shall have the exclusive authority, by resolution, to establish and modify, as appropriate, rates for all types of water service provided by the Districts.

The Town Board shall review and modify the rate schedule as necessary.

**10.2 RATE SCHEDULE- RESIDENTIAL SERVICE.**

**A. AVAILABILITY.**

**Service will be made available to all property owners in the Water District. The property owner will bear all expense for new services.**

**B. APPLICABILITY.**

Any regular metered purpose, or any unused service connection.

**C. MINIMUM BILL.**

The minimum bi-monthly bill for services hereunder shall be computed as follows:

SERVICE TYPE	MINIMUM BI-MONTHLY BILL
Active Service	Basic + # EDU's * Water Use.
Basic Service	# EDU's * (Debt Service + DANC line Charge + O&M)

An EDU is an Equivalent Dwelling Unit. (See Definitions)



**10.3 RATE SCHEDULE- COMMERCIAL SERVICE.**

A. AVAILABILITY.

Active service is mandatory under this rate structure for any commercial, institutional, industrial or rental premise (other than single-family residential use), Including all sources of "Public Water Supply" as defined by the New York State Department of Health.

B. APPLICABILITY.

Any commercial, institutional, or industrial service.

C. MINIMUM BILL.

The minimum bi-monthly bill for services shall be based on the rate formula for water district users as described in Article X, paragraph 11.2 C herein.

**10.4 RATE SCHEDULE- OTHER SERVICE.**

A. AVAILABILITY.

Service under this rate schedule shall be available only upon authorization, via resolution, by the Town Board.

B. APPLICABILITY.

Any authorized and legal purpose, including temporary service.

C. MINIMUM BILL.

The minimum bill for service under this rate schedule shall be determined by Town Board Resolution and established prior to the start of service. Said rate shall be not less than the minimum bi-monthly bill for residential active service.

**ARTICLE XI. WAIVER OR VARIANCE REGULATIONS.**

In the event that the strict application of these regulations is not reasonably possible due to the existence of exceptional circumstances, the Town Board may, only upon a showing of exceptional circumstances by the applicant, grant a waiver or variance of these regulations. Such requests for a waiver or variance must state, in writing, the specific article and section for which a waiver or variance is sought, the reason that the applicant believes that exceptional circumstances exist, and the proposed course of action that the applicant would follow should the requested regulations be waived or varied. The Town Board reserves the right and has the responsibility to verify the existence of exceptional circumstances and to assert that granting the requested waiver or variance would not jeopardize the safe and effective operation of the district's water distribution system.

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Article XII. - Repealer. This Local Law shall supersede all prior Local Laws, Ordinances, Rules and Regulations relative to the Town of Lyme Water Distribution System, and they shall be upon the effectiveness of this Local Law, null and void.

Article XIII. - Severability. If any part of this Chapter shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Article XIV. - Effective Date. This local law shall take effect immediately upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2016 of the ~~(County)(City)(Town)(Village)~~ of Lyme was duly passed by the Town Board on April 13, 2013, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20\_\_\_\_, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_, and was (approved)(not approved) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20\_\_\_\_ in accordance with the applicable provisions of law.~~  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

\* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

**5. (City local law concerning Charter revision proposed by petition.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting hereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

**6. (County local law concerning adoption of Charter.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

**(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)**

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

*Kim Wallace Town Clerk*  
\_\_\_\_\_  
Clerk of the county legislative body/ City, Town or Village Clerk or officer designated by local legislative body

Date: June 10, 2016

(Seal)

*Seal*

**HRABCHAK & GEBO, P.C.**  
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MARK G. GEBO

ROBERT R. HRABCHAK  
(1957-1995)

May 24, 2016

Kim Wallace, Town Clerk  
Town of Lyme  
PO Box 66  
Chaumont, New York 13622

Re: Local Laws #1 & #2 of 2016

Dear Kim:

Enclosed please find local laws #1 & #2 of 2016 for your execution. Kindly sign and seal where indicated and forward to the Department of State along with the cover letter from this office, enclosed. Please contact me with any questions or comments you may have.

Thank you.

Very truly yours,

**HRABCHAK & GEBO, P.C.**



Diane E. Collette  
Legal Assistant

:dec

Enclosures