

TOWN OF STERLING
REGULAR MEETING/PUBLIC HEARING
APRIL 20, 2015

LOCAL LAW #1 THE MANAGEMENT, CONTROL AND OPERATION OF WATER SYSTEMS
IN THE TOWN OF STERLING

On motion made by Councilperson Keeling, seconded by Councilperson Taft, the following resolution was

ADOPTED	SUPERVISOR LAWRENCE	AYE
	COUNCILPERSON SHORTSLEF	AYE
	COUNCILPERSON TAFT	AYE
	COUNCILPERSON KEELING	AYE

RESOLVED, that this Board adopt the following Local Law for the Management, Control and Operation of Water Systems in the Town of Sterling:

SECTION 1-TITLE

This Local Law shall be known as a Local Law for the Management, Control and Operation of Water Systems in the Town of Sterling.

SECTION 2 – PURPOSE:

Within the Town of Sterling is located Sterling Water District No. 1 and the Town is exploring the possibility of future additional Water Districts. The Town Board, given the Water District and the possibility of additional future districts, believes it is in the best interest of the residents of the Town of Sterling that Rules and Regulations for the Management, Control and Operation of said districts be uniform throughout the Township which will preserve the orderly development of the Town of Sterling.

SECTION 3 – LOCAL LAW:

Local Law No. 1 of 2015 of the Town of Sterling shall read as follows:

ARTICLE 1: DEFINITIONS

“Authorized Town Representative” shall mean DPW Superintendent or his designee.

“Curb Stop” shall mean the valve normally located at the edge of the Water District’s Right-of-Way at the customer’s property line on an individual water service.

“Customer” shall mean any family, property owner, business or other entity which is provided with water from the Town of Sterling Water System.

“Engineer” shall mean the duly appointed engineer for the Town of Sterling, or a consulting professional engineer retained by the Water District.

“Family” shall mean a single distinct household, consisting of one (1) or more persons who live in a single residence or who live apart from the other occupants of the same building.

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“Hydrant” shall mean the valve standpipe connected to the main, for supplying water for fire protection.

“Owner(s)” shall mean the person(s) having title to real property.

“Person” shall mean any individual, firm, company, association, society, corporation or group.

“Property line” shall mean the boundary line between a public highway, street, alley or easement and the property line.

“Supply line” shall mean a waterline on the building side of the meter used for distribution of water to the building.

“Town” shall mean the Town of Sterling, New York.

“Town Board” shall mean the Town Board of the Town of Sterling, County of Cayuga and State of New York.

“Water District”, as used in this Local Law, shall mean any water district or water service area in the Town of Sterling, County of Cayuga and State of New York.

“Water Supplier of the Water District” shall mean the organization authorized by the Town Board to provide Operation and Maintenance of the Water Districts. They will include, but are not limited to, the Onondaga County Water Authority (“OCWA”) and the Town of Sterling.

ARTICLE 2: AUTHORIZATION, RESPONSIBILITY AND INSTALLATION

- 2.1 No one except someone properly authorized by the Water Supplier 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 Local Law or of any of the rules and regulations of the Water District and/or Water Suppliers and shall be subject to the penalties set forth in Article 8.
- 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 Water Supplier.
- 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 the dwelling exists, unless otherwise approved by the Authorized Town Representative or the Water Supplier.

ARTICLE 3: NEW WATER SERVICES

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- 3.1 Application for a water service must be obtained from the Water Supplier and filled out by the homeowner. Completed form shall be returned two (2) weeks prior to the date of service. A tapping fee shall accompany the service application. The Water Supplier shall establish the tapping fee. This fee includes the meter, remote reader and wire for the remote, if applicable.
- 3.2 The Water Supplier shall install all supply pipes between the main and the property line. The applicant shall install the service line between the property line and the meter location and shall abide by the regulations established by the Water Supplier. The cost for the tap and service line will be as established by the Water Supplier.

Lines installed by the applicant shall conform to the regulations established by the Water Supplier.

- 1) The service line installation must be inspected and approved by the water supplier or Authorized Town Representative before being covered and after inspection fee is paid, said fee set by Town Board Resolution.
 - 2) Water service lines shall not be laid in the same trench as other pipes or utilities.
 - 3) 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, or HDPE, SDR-9 pipe where it goes through a foundation wall.
 - 4) A shut off valve must be placed between interior wall and meter.
 - 5) Persons having their own well water source shall disconnect the well source prior to the Water Supplier turning on the water.
 - 6) A meter pit may be installed only when approved by the Water Supplier for reasons such as multiple users (mobile home parks), larger service lines, and very long distances between curb box and building where a larger line is needed, or as required by Water Supplier. If the house or business is over 150' from the road right of way, has no basement, is seasonal or is a manufactured home, a meter pit will be required and located near the water service shut off.
 - 7) The Water Supplier, or appointed representative, 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.
 - 8) Homeowner is responsible for the water meter. It should be protected from damage or frost. If the meter should break, the homeowner shall be responsible for the cost of replacement or repair.
 - 9) All water bills are due and payable when rendered and interest will be charged after thirty days.
 - 10)
- 3.3 Any properties on public water shall be required to install a RPZ or backflow preventer if required by the County Health Department.

ARTICLE 4: WATER RATES AND BILLS

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- 4.1 The water rates shall be fixed from time to time by appropriate Water Supplier. Water bills shall be rendered quarterly and shall be payable at such times and places as may be designated by the Water Supplier. The Water Supplier may provide appropriate penalties for non-payment of bills, including a shut-off of the water supply.
- 4.2 If a bill remains unpaid beyond a thirty day period, the water supplier or Town Clerk shall send to the customer a notification that, unless the bill is paid within ten (10) days of mailing the notice, the water at the premises will be shut off at the curb, and will remain off until the delinquent and all related charges have been paid.
- 4.3 Notwithstanding the foregoing, collection of delinquent water rents shall be enforced pursuant to Town Law, as enacted and amended now and hereafter. All attorneys' fees and cost incurred by the Town in collecting water rent delinquent more than forty-five (45) days shall be charged against, and added to the amount of the unpaid bill and shall be a part of any lien therefore.
- 4.4 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 proceeding billing period, or the corresponding period of the preceding year, or upon a corrected water bill as shown by meter test, as the Water Supplier may determine.
- 4.5 Operation and Maintenance cost for the Water District will be billed based on primary water flow through individual meters at each user's structure by the Water Supplier.

ARTICLE 5: NEW WATER MAINS

- 5.1 All new mains or extensions shall have engineered plans reviewed and accepted by the Town Water Supplier and the County Health Department. All new mains and extensions shall be no less than eight inches in diameter, unless otherwise accepted by the Water Supplier and the County Health Department. The pipe shall be laid no less than five feet below the established grade or the highway grade and shall 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) as required by the Water Supplier. A curb stop with extension curb box and rod shall be installed at the property line (the road right-of-way).
- 5.2 Any extension of new water district must include properties on both sides of the road. Installation must include lateral and curb stops before being approved by the Town Board and Water Supplier.
- 5.3 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.

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ARTICLE 6: DEBT CALCULATION

6.1 Debt calculation: The following table has been established to determine debt calculation based on a benefit basis. The number of units of property connected shall be determined or modified by Resolution of the Town Board of the Town of Sterling from time to time enacted and thereafter filed with the Town Clerk.

User units (EDU's, Equivalent Dwelling Unit) will be established annually by the Town Board for payment of all debt incurred by a specific Water District. Debt payments will be billed in January of each year.

Description	Assigned EDUs ¹
1. Single family home	1
2. Vacant parcel, with tap	1
3. Vacant parcel, without tap	½
4. Vacant parcel in designated agricultural district, with tap	1
5. Vacant parcel in designated agricultural district, without tap	0
6. Multiple Mobile Homes on 1 parcel, less than 5 sites	1 per home
7. Mobile Home Park, 5 sites or more	4, plus ½ for each site over 4
8. Multi-family structures, less than 5 apartments	1 per apartment
9. Multi-family structures, 5 apartments or more	4, plus ½ for each apartment over 4
10. Multiple homes on 1 parcel, tapped or not	1 per home
11. Church	1
12. Volunteer Fire Station	1
13. Car Wash	1 per bay

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14.	Small Motel	1/8 per room (round to nearest 1/2 unit)
15.	Bed and Breakfast	1 EDU plus 1/8 per room
15.	RV Park and/or campground	1 per 15 sites (rounded up to nearest 1/2 unit)
16.	School	1 per 15 faculty, staff and students (rounded up to nearest 1/2 unit)
17.	Seasonal residence	1 per home
18.	Other	To be determined by Town Board

¹Parcels with more than one distinct use (i.e. business plus apartment) will receive a separate EDU assignment for each use.

- 6.1 To be considered as an agricultural parcel of property, the property must meet the following criteria:
- a) 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 and is located in a County Agricultural District.
- 6.2 In order for a mobile home site to be considered out of use and not charged an assigned EDU, all electrical and plumbing fixtures must be removed from the site.

ARTICLE 7: WATER SERVICE MATERIALS

7.1 Water service materials must comply with the requirements of the water supplier.

7.2 Polyethylene Tubing-Polyethylene shall comply with the following:

- Tubing shall have working pressure of 200 PSI at 73.4 degrees F and be in conformance with ANSI/NSF Standard 61.
- Tubing dimensions and tolerances shall correspond with the values listed in AWWA C901 with standard dimension ratio (SDR) of 9.
- Tubing shall be fully labeled at intervals of not more than 5 feet with brand name and manufacturer, the nominal size, PE 3408, the work TUBING and SDR9, PC 200, AWWA C901-88, and the seal, or mark of the testing agency.

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- 7.3 Copper Tubing-Copper tubing shall be Type K with flared fittings and shall conform to AWWA Standard C800 Section A.2, ASTM Specification B 88 and ANSI/NSF Standard 61.
- 7.4 Joints-Joints shall comply with the following:
- 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.
 - Other type joints may be considered for specific installation upon submission of specifications and approval by the engineer.

ARTICLE 8: OPERATION AND REPAIRS

- 8.1 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 Water Supplier may cause the leak to be repaired and add the expense there to the next water bill of the customer.
- 8.2 No person shall turn on the water to any premises, whether an old or new supply, without the written permission of the Water Supplier. If water is turned off for non payment or other violations of this Local Law, the water shall not be turned on until all arrears are paid in full or the violation is rectified. Fee for turn on/turn off shall be set from time to time by the Water Supplier.
- 8.3 Except in case of fire, no person other than an employee of the Water Supplier shall turn on or off the water on any main or supply pipe, reservoir or hydrant.
- 8.4 When required for construction or repair work, the Water Supplier 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.
- 8.5 In the event that the Town Board, the New York State Department of Health, or other governmental agencies shall deem it advisable, the Town Board is herewith authorized to take such emergency measures as may be deemed necessary to protect the public water supply.

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- 8.6 The Water District shall not be liable for any damage or loss of any name or kind, to property, persons, or business, or loss of use of property, which may arise from, or be caused by any change in the water pressure or flow rate from any cause whatsoever.
- 8.7 The Town shall not be liable for any injury or damage which may occur to any person or premises as the result of shutting off the water from any main or service line for any purpose whatsoever, even in cases where no prior notice is given.
- 8.8 Use of fire hydrants:
- a. Fire hydrants are provided for fire protection only. It is recommended that property owners keep hydrants free of snow and other obstructions.
 - b. Tampering with or obstructing fire hydrants are specifically prohibited.
 - c. Fire hydrants will be periodically flushed and will be maintained by the Authorized Town Representative or water supplier.
 - d. No person shall operate a fire hydrant without the prior authorization of the Authorized Town Representative or water supplier. For the purpose of this local law, Fire Department personnel are authorized to operate fire hydrants in connection with their official fire fighting duties.
- 8.9 Conservation of Water Sources:
- a. Water is a natural resource and must be conserved.
 - b. Under no circumstances will a property owner be allowed to waste water, whether metered or unmetered.
 - c. Lawn sprinkling and car washing are permitted, but may be controlled as to time and amount if the Town Board or water supplier deems necessary due to drought, water emergency, or other need to conserve the resource.
- 8.10 Upon request, the Authorized Town Representative or water supplier will take a meter reading and calculate water use for the purpose of property transfer.
- 8.11 Water shall not be resold by any consumer to tenants or any other persons.

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8.12 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 Water Supplier shall notify the customer and the Public Protection Department of the New York Fire Insurance Rating Organization in writing and turn off the water until proper repairs are made by the customer.

ARTICLE 9: PENALTIES

- 9.1 Late payments – All billings which are not paid within thirty (30) day period shall be subject to a late fee as determined by the Town Board or the water supplier.
- 9.2 Shut off for Non Payment – All services which are shut off for nonpayment shall be subject to a fee for turning the service back on. All penalties and charges must be paid prior to restoration of service.
- 9.3 Theft of Service – No person, user, customer, or corporation, whether public or private, shall tamper with a Town or water supplier water meter, or install connections which result in unmetered water use. Such action constitutes theft of services. Theft of services shall be a misdemeanor, punishable by a sentence of imprisonment of not to exceed one year, and or a fine not to exceed \$1,000.00. Notwithstanding the foregoing, theft of services may be prosecuted to Section 165.15 of the Penal Law of New York State, entitled “Theft of Services”. All rules contained there under shall be a part of this Local Law.
- 9.4 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 Local Law, or omitting or failing to do or perform any act or thing required by this Local 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 Local 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 Local Law.
- 9.5 The Town shall be entitled to recover from any person found in violation and from the customer of their property on which the violation occurred, all attorneys’ fees and other costs which are incurred while enforcing the rights and penalties hereunder.

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The application of any and all penalties contained herein shall not prevent the Town from terminating water service.

SECTION 4 - SEPARABILITY

If any clause, paragraph, section, or part of this local law shall be adjusted by any court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined and apply in its operation only to the clause, sentence, paragraph, section or part thereof, directly involved in the controversy in which such judgment shall have been rendered.

SECTION 5 – SAVE HARMLESS CLAUSE

The Town of Sterling, its officials and employees shall not be held responsible for any claim, loss, damage, suit, or judgment that is the result of an unintentional nonperformance or misperformance of any of its corporate obligations or duties.

SECTION 6 - 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.