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Local Law

STAR LAKE WATER DISTRICT LAW

Local Law Filing
NYS Department of State
Division of Corporations, State Records and Uniform Commercial Code
One Commerce Plaza, 99 Washington Avenue
Albany, NY 12231

Town of Fine
County of St. Lawrence

Local Law No. 1 of the year 2017

A local law to establish Star Lake Water District Law

Be it enacted by the Town Board of the Town of Fine, in the County of St. Lawrence, as follows:



SECTION 1:

LEGISLATIVE INTENT

Establishing Laws for the Town of Fine Star Lake Water District. This Local Law amends previously enacted Local Law No. 3 of the year 2016.

SECTION 2:

JURISDICTION

The Star Lake Water District is a Special Improvement District created by the Town of Fine. The Town Board, Water Superintendent, Water Operators, and other employees manage and operate the Star Lake Water District.

1. The Town Board, Water Superintendent, Water Operators, and Water District employees are responsible for the enforcement of the provisions of these laws, rules and regulations and have the jurisdiction and power to take such steps as necessary to carry out the provisions hereof as well as any other orders and regulations of the district pertaining to water works, water supply, drainage area, water shed, or water used in the district.
2. The Town Supervisor, Town Attorney, Water Superintendent, or any Water District employee may enter the premises of any consumer for the purpose of inspection of consumer's water system and its use. Failure to allow inspection will result in water service discontinuance.
3. The above listed employees of the Water District are authorized to refuse to supply water or furnish water service to any consumer or water user who has violated any of the provisions of this law or any other Town Board adopted rules and regulations.

SECTION 3:

BILLING

1. The Town of Fine, for the Star Lake Water District, hereby establishes the following billing procedures:
 - a. Usage and EDU rates will be established by Town Board resolution per section 4.
 - b. User fees will be submitted to St. Lawrence County and included with Town and County annual real property tax bills.



SECTION 4:

USER FEES

USER FEES SHALL BE ESTABLISHED BY RESOLUTION OF THE FINE TOWN BOARD. SUCH USER FEES MAY THEREAFTER BE AMENDED FROM TIME TO TIME BY LIKE RESOLUTION.

The Water District is supported solely by the real property taxpayers whose properties are located within the boundaries of the Water District. The Water District is responsible for the water supply and mainline water distribution systems. The revenue for the Water District is collected from User Fees.

1. Equivalent Dwelling Units (“EDUs”) shall be used to determine user fees.
 - a. EDUs shall mean the standardized unit for user fee calculations, providing consistency for equal user fee distribution amongst customers.
2. For EDU calculation purposes, it is estimated that the average single family residence uses 60,000 gallons of water per year. Parcels are classified by the Town Assessor. The property classification code listed on the St. Lawrence County Real Property Assessment Roll (“Assessment Roll”) at the beginning of each calendar year will be used to determine the EDU calculation.
 - a. Single family dwellings are assigned one (1) EDU.
 - b. Two family dwellings are assigned two (2) EDUs.
 - c. Multiple family dwellings, multiple dwellings, or apartment complexes are assigned one (1) EDU per unit.
 - d. For yearly residential billing calculations, usage over 60,000 gallons per EDU will be billed for usage at a rate per 1,000 gallons, established by town board resolution.
 - e. Commercial, institutional, industrial, or other non-residential users are assigned one (1) EDU per 60,000 gallons per year usage or any part thereof. (*i.e.*, 1 EDU up to 60,000 gpy, 2 EDUs from 60,000 to 120,000 gpy, etc.) EDUs for commercial, institutional, industrial, or other non-residential customers will be determined annually based on the prior twelve months of usage.
 - f. Vacant lots are assigned 0.5 EDUs. Vacant lots are defined as a parcel that is within the water district boundaries, is classified in the Assessment Roll as other than residential (*i.e.*, not Category 200 – Residential), and is not connected to the water system. Unoccupied dwellings with a main line tap to the water system are not considered to be vacant lots and will be assigned an EDU assessment as specified above. Water service is an available infrastructure improvement that increases property value. A vacant lot that is not a buildable lot as defined by the laws, rules, and regulations of any agency or regulatory body with appropriate jurisdiction (*e.g.*, the Town of Fine, the County of St. Lawrence, the Adirondack Park Agency, or the State of New York), shall not be assessed an EDU or portion thereof unless the lot is connected to the water system.
 - g. Partial EDUs for customers who only utilize water service for a portion of any given calendar year are not recognized. Temporary discontinuance or resumption of water service is accomplished by timely (*i.e.*, 3 business days) written notice to the water department.
 - h. Hydrant water usage (*e.g.*, filling swimming pools, contractor use, etc.) will be billed at a rate per gallon established by Town Board resolution.
 - i. There will be no *ad valorem* property taxes imposed upon Water District property tax payers. *Ad valorem* taxes are based on the value of real property (assessment) being taxed.



SECTION 5:

CONSUMER COSTS

1. The cost of installation, maintaining, repairing, and replacing any main to dwelling service (e.g., main taps, inspections, etc.) shall be borne by the consumer under the direction of the Water District. Any fees incurred, including yearly EDU Fees for new users or seasonal users, must be paid in full, to the Town Clerk, prior to water service being provided. EDUs will be assigned based on section 4. Commercial, institutional, industrial, or other non-residential users will be assigned EDUs based on estimated usage for the portion of the year and again for the first full year.
2. Consumers with leaky or defective lines between the curb stop and dwelling must repair any such problems immediately. The Water District may discontinue water service until repairs are made.
3. The cost to install new mains, services, and hydrants for the development of any private land or land sub-division shall be completely paid for by the Developer, Consumer, or Owner. This must first be approved by the Town Board in accordance with established connection procedures and work must be done under the direction of, inspected by, and approved by the Water Superintendent.
4. The Water District will be responsible for thawing frozen water lines between the curb stop and the dwelling once per winter season. The consumer is responsible for providing obstruction-free access (e.g., free of snow & ice) to the water service line on their property. The consumer will be charged a minimum \$100.00 fee or \$50.00 per hour fee, whichever is greater, for any additional thawing requested per winter season. The minimum fee must be paid in full, to the Town Clerk, prior to subsequent thawing. Any additional cost incurred by the Water District will also be charged to the consumer.

“Running water prevents line freezing. If your line has frozen in the past or if you leave your house for an extended period, run your water at a ¼” diameter stream (about the size of a pencil) to prevent freezing and not overtax the water treatment system.”

Any thawing of service lines shall be done under the supervision of the Water District.

5. The Water District will turn on a water service at no charge to the consumer one time per calendar year. The consumer will be charged \$50.00 plus water department costs incurred for each additional water service turn on. The \$50.00 fee must be paid in full, to the Town Clerk, prior to subsequent service being reinstated.
6. The Water District will charge a \$50.00 Service Termination Fee plus any additional water department costs incurred when a water service is terminated because of non-payment or any other violation of this local law. All past due fees, the service Termination Fee, and Restoration Fees must be paid in full, to the Town Clerk, before service will be reinstated.
7. Failure to remit any fees shall result in the costs being re-levied on the property owner's town tax bill.



SECTION 6:

PERMITS

1. Current NYS Building Code and NYS Department of Health (“NYS DOH”) Regulations must be adhered to and referenced for separation from other utility lines, such as sewer, electric, and drain lines. There shall be no physical cross-connection between the distribution system and any pipes, pumps, hydrants, or tanks which are not supplied or connected by the Water District.
2. No water service shall be installed, increased, or extended without the written permission of the Town Board. Applications for written permits shall be made on forms furnished by the Water District;
3. The water distribution piping shall not be altered in any manner without obtaining a written permit from the Water Superintendent or the Town Supervisor;
4. The Water Superintendent and the Town Supervisor shall not issue permits for water service expansion without special approval from the Town Board;
5. Water service outside the District shall not be granted without authorization of the Fine Town Board and only after full compliance with State, County, and Town laws, ordinances, rules, regulations, and requirements;
6. Water Service to dwelling shall be the same size and material as from the main to curb stop;
7. A permit shall be obtained, if required, from the proper Highway Department (Town, County, State) before any installation is initiated;
8. No water shall be furnished to, or drawn from a fire service until a permit has been secured from the Town Board. Application for such permit must be accompanied by plans showing the location of the premises to be supplied, together with the locations of all valves, pipes, hydrants, tanks, sprinkler heads, and any other appurtenances on the premises.
 - a. Such plans will become and remain the property of the Water District;
 - b. Each fire service shall conform to the approved plan upon which the permit is based and no deviations shall be made without written permission from the Town Board;
 - c. Fire service lines shall not exceed the size of the supplying water main line;
 - d. The cost of installation, maintaining, repairing, and replacing any main to fire service shall be borne by the consumer under the direction of the Water District;
 - e. No water shall be drawn from any fire service for any purpose other than that of extinguishing fires, except that reasonable use of water for fire drills, draining to prevent freezing, and other uses necessary for the preservation of a fire protection system is not prohibited.



SECTION 7:

WATER METERS

Meters for water services will be furnished and installed by the Water District at no cost to the consumer. The consumer or owner shall be responsible for the safe-guarding of the water meter. Damaged water meters shall be reported to the water department. The Water District will replace the meter at the consumer's or property owner's expense. The cost shall be paid in full, to the Town Clerk, or the cost will be added to the subsequent year's town tax bill, along with the user fees. Defective or worn meters will be replaced at the Water Districts expense.

Water meters are property of the Water District. Water meters shall not be interfered with or removed by any person except an authorized employee of the Water District. Seals placed on meters, valves, or other fittings shall not be tampered with or broken. If a seal is broken or the meter is tampered with, the meter will be removed, tested, and replaced at the consumer's or property owner's expense.

SECTION 8:

WATER OPERATOR CERTIFICATION

The Water Superintendent, Water Operators, and Assistant Operators shall obtain a certificate as prescribed by Subpart 5-4 of the NY State Sanitary Code, and administered by the NYS DOH. If a non-certified employee is hired as a Water Plant Operator, they must obtain the proper certification within 13 months of being hired.

SECTION 9:

WATER SYSTEM TAMPERING

Fire Hydrants, Water Valves, Curb Stops, or other Water District apparatus shall not be opened, closed, tampered with, or be obstructed in any manner by unauthorized persons. Water from fire hydrants or water services shall only be taken upon written consent of a Water Operator or the Town Supervisor, except for the purpose of extinguishing a fire or reasonable use of water for fire drills.

Permits for special uses shall be secured from the Water District and Fees shall be paid prior water being provided. Water shall only be taken through the use of an approved Backflow Prevention Device and Water Meter.

There shall be no physical cross connection between the distribution system and any pipes, pumps, hydrants, or tanks which are not supplied or connected by the Water District.

Unauthorized use of any Fire Hydrant, Water Service, or Tampering with any Water District apparatus shall result in a fine of up to \$1,000.00 per calendar day of tampering, plus any costs for damages incurred.



SECTION 10:

EMERGENCY PROCEDURES

AUTHORITY:

During periods of a drought, a major leak, a system failure, power outage, or excessive consumption beyond the capacity of the system, etc., a Water Operator or the Town Supervisor has the authority to conserve and restrict water use based upon this local law. During times of drought or other problems that limit the availability of water, public notice of water use restrictions will be issued by a Water Operator or the Town Supervisor.

1. PROHIBITED USES:

PROHIBITED USES during water conservation restrictions for nonessential uses, include the following:

- a. The use of hoses, sprinklers, or other means for watering;
- b. The use of water for washing automobiles, trucks, trailers, or other equipment;
- c. The washing of streets, driveways, homes, or other outdoor surfaces;
- d. The use of water to fill swimming pools, or wading pools;
- e. The use of water from fire hydrants;
- f. Any other restrictions imposed by a Water Operator or the Town Supervisor;
- g. Bathing should be kept to a minimum.

2. PENALTIES:

Anyone violating this Order is guilty of a Class B misdemeanor and subject to a fine to be fixed by the Court not to exceed \$250.00 for the first offense and \$500.00 for any subsequent offenses; and further

Anyone violating this Order may have his or her water service terminated until the state of emergency is rescinded.

3. EMERGENCY SHUT OFFs:

The water supply for the Hospital, School, and Fire Department shall have priority with any emergency shut-off of water supply.

In every instance in which it becomes necessary for the Water District to discontinue service to any customer, whether with or without notice, no liability for damages resulting from such discontinuance shall be attributed to the Water District, or any of its officers or employees.



EMERGENCY WATER USE RESTRICTIONS

4. RESTRICTION STAGES:

Following are the levels or stages of restrictions that will be applied, the conditions that generally will trigger them and the types of restrictions that are applied. The conditions that trigger various restriction stages could be based upon critical source water levels or other conditions such as imminent loss of water or pressure.

| Stage Triggers | Restrictions | Action |
|---|--|---|
| LOW Risk for Imminent Failure Demand is greater than supply; System can keep up but is running more than normal. Filter runs are short. | Stage 1 Water Conservation Consider unnecessary usage (e.g., filling pools, watering lawns, washing cars, etc.) | Restrict Use at Golf Course grounds. |
| MEDIUM Risk for Imminent Failure Demand is greater than supply and system is not able to keep up; Power Outage. | Stage 2 Water Conservation Advisory issued to public, golf course, hospital, school, industries (in addition to Stage 1 restrictions industrial and commercial use may be limited depending on criticality of issue) | LOW Risk Actions Plus Notice in Bargain Hunter Post Notice at Critical Users Consider Media Notification |
| HIGH Risk for Imminent Failure or Imminent Failure has Occurred Demand is greater than supply; Prolonged Power Outage. | Stage 3 Water Conservation All use restricted except health care and other facilities as determined critical need by the NYSDOH | LOW & MEDIUM Risk Actions Plus Media Notification |



SECTION 11:

CONSOLIDATING PARCELS

Consolidating or merging one or more adjacent parcels in the Star Lake Water District is permitted. This may occur when a person or organization acquires, obtains, or has fee ownership in two or more adjoining parcels by purchase, sale gift, devise or otherwise. Mergers do not automatically occur because of common ownership. Parcels shall only be consolidated or merged per the requirements and criteria of the Town of Fine Assessors office.

SECTION 12:

SEVERABILITY

If any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance, shall be adjudicated by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this Local Law or in its application to the person, individual, firm or corporation, or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

SECTION 13:

REPEALER

This local law shall supersede all prior local laws, ordinances, rules, and regulations relative to the Star Lake Water District within the Town of Fine, and they shall be upon the effectiveness of this local law, null and void.

SECTION 14:

AUTHORITY

The authority for this Law is General Municipal Law, Section 452.

SECTION 15:

EFFECTIVE DATE

This local law shall take effect immediately upon filing with the Secretary of State.

The EDU billing standardization in accordance with this law will be implemented January 1, 2017.



Star Lake Water District Law

I hereby certify that the Local Law annexed hereto, designated as Local Law No. 1 of 2017, of the Town of Fine was duly passed by the Town Board on 3/8/17, in accordance with the applicable provisions of law.

Hope M. Dolan
Hope M. Dolan, Clerk
Town of Fine

(Seal)

Date: 3/8/17

STATE OF NEW YORK)
) ss.:
COUNTY OF ST. LAWRENCE)

I, the undersigned, hereby certify that the foregoing Local Law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Christopher E. Cooper
Christopher E. Cooper, Town Attorney
Town of Fine

Date: 8 March 2017