

TOWN OF NEW HARTFORD, NEW YORK
Local Law Introductory “E” of 2008

A LOCAL LAW TO AMEND THE CODE OF THE TOWN OF NEW HARTFORD, BY ADDING A NEW CHAPTER 117 ENTITLED “WATER SERVICE LOCAL LAW”.

BE IT ENACTED by the Town Board of the Town of New Hartford as follows:

Sec. 117-1. PURPOSE; LIMITATIONS OF SERVICE

- A. The Town Board recognizes that the future health, safety, and prosperity of its residents and businesses depend upon an adequate supply of clean, potable water and the establishment and ongoing maintenance of an effective water system owned by the Town and maintained by the Mohawk Valley Water Authority (“MVWA”). Such can be assured through careful, vigilant management and a local law which provides the mechanisms and safeguards to prudently manage, conserve and distribute this valuable but limited resource and assures the funding necessary to achieve these goals.

- B. While it is the desire of the Town to provide such water to all who have reasonable need for the same and are willing to abide by the conditions of service and pay the necessary administrative and other charges therefor, as described hereinafter, all users of the system, present and future, should be aware of the following limitations, which the Town Board deems to be reasonable and necessary.
 1. The first priority is to assure a fair and equitable distribution of water with adequate pressure to all residents and businesses of the Town, with due regard to the fact that, at all times, there must be a sufficient reserve within the Town water system to provide for growth and development within the Town, adequate fire protection, other emergencies, droughts and the unexpected.

 2. All of the users of the system must recognize that the MVWA may, in its discretion, interrupt and/or withhold services to everyone using the system, from time to time, for emergency purposes and/or that the water supply or pressure may be discontinued, delayed, diminished, and/or interrupted due to water shortages for whatever reason and that in such an eventuality, neither the Town, the water district, or the MVWA shall be held responsible for damages.

 3. Any and all current or future users accept continued or future service subject to the above basic purposes and limitations and the terms hereinafter described, as their use of the Town water supply constitutes a contractual relationship whereby the user, in return for a supply of water, agrees to the policy, purposes, regulations and penalties set forth herein, agrees to pay the

rates established hereinafter and also agrees to allow the Town or MVWA employees access to the user's property for the purposes hereinafter described.

Sec. 117-2. CONDITIONS OF SERVICE

- A. When any person, firm, business, entity or corporation, hereinafter called the "user" who owns or otherwise uses property situate within the Town and desires to in any way connect into the Town water system or otherwise use water, for any purpose, such user shall, prior to any such use or consumption of water, be required to first prepare and file a written application with the MVWA and/or Town which shall be accompanied by whatever application fee the Town and/or MVWA shall prescribe pursuant to this local law and/or the other valid requirements.
- B. Any user applying for service and accepting service from the Town accepts such service upon the express condition, agreement and/or understanding that such user shall not permit any other user to connect or use water from said tap and also that such water shall be used solely and exclusively for the use of the building and/or the purposes defined in said application.

Sec. 117-3. CONNECTIONS

- A. Notwithstanding any provisions of this local law to the contrary, it shall be a violation of this local law to make any connection to the water supply system or any private main serviced by Town water outside the corporate limits of the Town without obtaining written consent of the MVWA and/or the Town.
- B. The connection of any pumps or heat pumps or similar devices, which extract heat or cold from water, to the water supply system is expressly prohibited.

Sec. 117-4 PERMIT REQUIRED FOR ADDITIONAL OR OTHER USE OF WATER

Permits shall be those required by the MVWA Rules, Regulations and Charges at the time of proposed uses or addition.

Sec. 117-5 CHARGES FOR ALTERNATION OF SERVICE AND FILLING OF SWIMMING POOL

Charges shall be those imposed by the MVWA Rules, Regulations and Charges at the time service is provided.

Sec. 117-6. INSPECTIONS; REPAIR OF CONDITIONS CAUSING WASTE OF WATER REQUIRED

- A. Any authorized Town official or employee of the MVWA shall have the right of

entry into any building to which water is furnished, during reasonable hours for the purpose of making inspection of the plumbing system installed in such building or premises. The owner of such premises must, within the specified number of days (minimum 10) of such notice to him/her or to his/her tenant, repair or cause to be repaired any defective faucet, meter, appliance or any other condition which is causing the wasting of water. Upon failure to do so, the MVWA shall have the right to summarily and without further notice discontinue the furnishing of the water to said premises, in addition to the other penalties described hereinafter. In the event of an emergency as determined by the Town and/or the MVWA, the notice period may be extended, and in such event, the Town and/or the MVWA shall have the right to impose reasonable requirements upon the owner and/or user and also to discontinue the furnishing of water to such owner and/or user if he/she fails to comply therewith.

Sec. 117-7. LIABILITY OF OWNER

The liabilities of an owner under this local law shall include those imposed by the MVWA Rules, Regulations and Charges and additional liabilities imposed by resolution of the New Hartford Town Board.

Sec. 117-8. INTERRUPTIONS OF SERVICE

The Town of New Hartford and the MVWA, its agents and employees shall have the right at any time, without notice, to ration water and/or shut off the water in the mains, or any of them, in cases of conflagration, for making repairs or extensions, or for other purposes. All users having boilers within their premises, which depend upon the pressure in the pipes to keep them supplied, operate the same at their own risk. Risk of loss or damage in all cases shall be exclusively by the user.

Sec. 117-9. LIABILITY OF TOWN

The Town of New Hartford undertakes only to use reasonable care and diligence to provide a constant supply of water through its mains to consumers. In any case, the Town shall not be responsible for any problems that occur from the point where the user connects to the water main line to the user's structure or within the structure itself. Although it is manifestly in the interest of the Town that no break, failure or accident should occur, it is provided, however, that in the event of such occurrence, the Town of New Hartford shall not be liable to any user or property owner for any damages resulting from the public enemy, the elements or any accident, misfortune, failure and break in the reservoir or mains of the Town and/or the MVWA. Anyone who applied for and/or uses Town/MVWA water accepts the same with that understanding.

Sec. 117-10. MAINTENANCE TO BE RESPONSIBILITY OF OWNER

It shall be the duty of each property owner and/or user to maintain all faucets, valves and private water pipes in a state of good repair and ensure that there shall be no unnecessary

waste of water. All owners shall maintain access to curb stops to enable MVWA employees to control flow to the building served. Owners or their tenants shall not re-grade the ground over the water mains or any related easements without first obtaining permission from the Town and/or MVWA.

Sec. 117-11 TRANSFER OF PROPERTY; CHANGE OF USE

All transfers of property or changes of use shall comply with the MVWA Rules, Regulations, and Charges at the time of proposed change or transfer.

Sec. 117-12 TAMPERING WITH HYDRANTS; PENALTIES FOR OFFENSES

- A. No person, except employees of the MVWA or member of a duly organized fire company, fire district or fire protection district shall take water from any fire hydrant, or shall operate, use or disturb any hydrant. No person shall obstruct any fire hydrant in any manner, such as, but not limited to the placing of vehicles, debris or snow anywhere near a hydrant. Hydrants shall be kept accessible from all directions. Fire company/district members shall not open a hydrant without notification and consent of the MVWA, except in an emergency.
- B. Any such offenses shall be subject to rule and fines of the MVWA Rules, Regulations, and Charges as in effect at the time of the offense.
- C. Any unauthorized person tampering with Town/MVWA hydrants shall also be subject to all of the provisions of the Penal Law of the State of New York and shall also be subject to a fine or five hundred dollars (\$500.00) for each such violation.

Sec. 117-13 RIGHT TO CHANGE RULES AND REGULATIONS

The Town Board reserves the right to add, delete, and modify its rules, regulations and rates from time to time, by resolution of the Town Board. The right is also reserved to make such additional rules and regulations, by resolution of the Town Board, as the Town Board sees appropriate, to promote the health, safety, morals and welfare of the inhabitants of the Town of New Hartford.

Sec. 117-14 USE AT CONSTRUCTION SITES

These uses shall comply with the MVWA Rules, Regulations and Charges.

Sec. 117-15 PAYMENT DATES: PENALTY FOR LATE PAYMENT

- A. Water payments for Debt Service and/or Capital Reserve for any water district located within the boundaries of the Town will be billed and are payable in conjunction with the Town/County annual property tax bill on January 1 of each year and are subject to all the laws of New York State as related to tax collection

and late payment. It shall be the duty of the water customer unconnected or connected, in the event he/she shall not receive a bill, to contact the Town Office concerning payment within the time period allowed for payment without penalty.

- B. Payment for Operation and Maintenance (O & M) will be made to the MVWA and is based on metered water usage. Water usage and O & M charges will be paid directly to the MVWA subject to MVWA Rules, Regulations and Charges, Latest Edition.
- C. Benefited properties in a newly created water district may be billed for interest charges only, on any debt service principal or bond anticipation notes incurred as result of the water district during the transitional (first) year prior to the establishment of a special district budget. The interest-only payment on the water district debt will be billed directly by the Town to the benefited property owners in the water district. Refer to Section 117-21 "Equivalent Dwelling Unit Schedule" for the payment rate per benefited property.

Sec. 117-16 COLLECTION OF PAST-DUE PAYMENTS

- A. Water District Debt Service – Refer to legislation governing rules and procedures for real property taxation collection – State of New York and Oneida County Department of Taxation and Finance.
- B. Water usage and Operation and Maintenance shall comply with the MVWA Rules, Regulations and Charges as in effect at the time of such collection.

Sec. 117-17 MISREPRESENTATIONS; ABUSES OF SERVICE

Any and all cases of fraudulent misrepresentation by an applicant or user related to waste or improper use of water, including but not limited to the following reasons, shall be subject to any penalties and actions described in the MVWA Rules, Regulations and Charges, Latest Edition, or such further penalties and actions as the Town Board may prescribe:

1. For use of water other than as represented in a customer's/user's application or through a branch connection on the street side of the meter or place reserved therefore.
2. For willful waste by the use of water through improper and imperfect pipes or by any other means.
3. For molesting any service pipe, seal, meter or any other appliance owned by the water district.
4. For non-payment of bills for water or services rendered.

5. For cross-connecting pipes carrying water supplied by the water district with any other source of supply.
6. For refusal of reasonable access to the property for the purpose of reading, repairing, testing or removing meters, or inspecting water piping and other fixtures.
7. For violation of this local law.

Sec. 117-18 PENALTIES FOR OFFENSES – DUE PROCESS

- A. In addition to any penalties herein provided and those penalties provided by the Penal Law of the State of New York, any public water user and/or applicant who violates any of the provisions of this local law, the rules and regulations of the MVWA or emergency declarations shall be subject to the following penalties and/or fines:
 1. The discontinuance of water supply.
 2. A fine of up to five hundred dollars (\$500.00) for each violation.
 3. Any and all court costs and the reasonable legal fees and disbursements of the Town Attorney and/or the prosecuting attorney.
 4. Other fines, penalties and/or conditions as may be imposed by the Court.
- B. When a violation of any of these provisions is continuous, each day thereof shall constitute a separate and distinct violation, subjecting the offender to additional penalties.

Sec. 117-19 SEVERABILITY

All ordinances , statutes, or local laws of said Town of New Hartford, or parts thereof, which in any manner conflict with the terms and provisions of this local law are hereby repealed.

Sec. 117-20 SERVICE CONNECTION FEE

These fees shall be in accordance with the MVWA Rules, Regulations and Charges.

Sec. 117-21 EQUIVALENT DWELLING UNIT SCHEDULE

The number of benefited units (Equivalent Dwelling Units) allocated to a given property type within the district shall be determined or modified by Resolution of the Town Board of the Town of New Hartford from time to time enacted and therefore filed with the Town Clerk.

No.	Classification	# of Benefited User Units Per Classification
1.	One-Family Residence with or without attached vacant parcels	1 Unit
2.	Two-Family Residence with or without attached vacant parcels	2 Units
3.	For each additional Family or Apartment over listing described	1 Unit
4.	Office (Per 5 employees and/or minimum charge)	1 Unit
5.	Commercial Use without living quarters (eg. Store)	1 Unit
6.	Commercial Use with living quarter for one family	2 Units
7.	Commercial Use with living quarters for two families	3 Units
8.	Gas Stations and Garages	1 Unit
9.	Churches	1 Unit
10.	Restaurant without living quarters	2 Units
11.	Restaurant with living quarters for one family	3 Units
12.	Bar with Bar Menu	2 Units
13.	Bar with Restaurant (Full Menu)	3 Units
14.	Bar only living quarters for one family	3 Units
15.	Beauty Shops or Barber Shops	1 Unit
16.	Laundromat (per washer)	¼ Unit
17.	Post Office	1 Unit
18.	Tourist Home (per rented bedroom)	1 Unit plus ½ Unit per bedroom
19.	Car Wash (per wash bay)	3 Units
20.	Vacant lots (standing alone or with another vacant lot)	½ Unit
21.	Hotel and Motel	1 Unit plus ½ Unit per bedroom

Sec. 117-22 EFFECTIVE DATE

This local law shall take effect immediately upon filing in the Office of the Secretary of State in accordance with the Municipal Home Rule Law.