

## WATER RATES

### An Ordinance Establishing Water Rates and Connection Charges for Water Districts of the Town of Kirkwood, New York

**Adopted April 6, 1965**

SECTION 1.

This Ordinance shall be known and cited as "AN ORDINANCE ESTABLISHING WATER RATES AND CONNECTION CHARGES FOR WATER DISTRICTS OF THE TOWN OF KIRKWOOD, NEW YORK."

SECTION 2.

Pursuant to the Town Law of the State of New York and other applicable statutes, the Town Board of the Town of Kirkwood does hereby establish that:

- a. The rates for water furnished by Consolidated Water District No. 1 to consumers for each one-third of a year shall be paid at the following rates on the first day of January, May and September hereafter:

First 2,000 Cu. ft. (or less)	\$25.00
Next 14,000 Cu. ft.	97¢ per 100 cu. ft.
Next 16,000 Cu. ft.	89¢ per 100 cu. ft.
Next 32,000 Cu. ft.	78¢ per 100 cu. ft.
Next 2,400,000 cu. ft.	70¢ per 100 Cu. ft.
All over 2,464,000 Cu. ft.	60¢ per 100 cu. ft.

(Latest Amendment: 12-27-12 by LL #9-2012 – effective 1-1-13)

- b. Deleted 9-4-12 by LL #3-2012.

- c. The rate to be paid by the property owners to Consolidated Water District No. 1 for fire line connections consumers for each one-third of a year shall be paid at the following rates on the first day of January, May and September except for a transitional billing which shall be computed and billed on May 1, 2009 in order to bring future billings into a proper cycle:

\$ 17.00 for each 4" connection
\$ 30.00 for each 6" connection
\$ 47.00 for each 8" connection
\$ 67.00 for each 10" connection
\$ 97.00 for each 12" Connection

(Latest Amendment: 2-3-09 by LL #2-09 – effective 3-1-09)

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d. No water shall be removed from any fire hydrant within Town Water Districts other than as provided in Section 2, paragraph c of this ordinance, without first obtaining a permit from the Commissioner of Public Works as provided in Section 7 of “An Ordinance Establishing and Setting Forth Rules and Regulations Governing Installation of Water Mains, etc.” The permittee obtaining water from a hydrant shall pay as a charge thereof to said district at the following rates on a semi-annual basis on the first day of March and September:

First 3,000 Cu. ft. (or less)	\$34.00
Next 21,000 Cu. ft.	97¢ per 100 Cu. ft.
Next 24,000 Cu. ft.	88¢ per 100 Cu. ft.
Next 48,000 Cu. ft.	76¢ per 100 cu. ft.
Next 3,600,000 Cu. ft.	64¢ per 100 Cu. ft.
All over 3,696,000 cu. ft.	48¢ per 190 Cu. ft.

(Latest Amendment: Dec. 4, 1984 by LL No. 4-1984)

e. The charge to each consumer for providing a water meter and such piping as may be necessary to connect the water main to the curb box for such consumer shall be in the following amounts, payable at the time application is made for service pursuant to “An Ordinance Establishing and Setting Forth Rules and Regulations Governing Installation of Water Mains, Together with Specifications Therefor and other Matters in All Water Districts and Within Any Extensions Thereof in the Town of Kirkwood, Broome County, New York”, duly enacted December 1st, 1964 and as thereafter amended:

For ¾ inch service—\$160.00
For 1 inch service — \$250.00
For service larger than 1 inch — \$250.00, with applicant to pay for all materials and labor.

(Latest Amendment: 3-1-11 by LL #3-2011- effective 4-1-11)

f. Any consumer desiring to discontinue the use of water to premises within the district, must notify the District at least five (5) days prior to the desired date of discontinuance of service. At the time of said notification, the consumer shall pay a charge of twenty-five dollars (\$25.00) to assist in defraying the cost of disconnecting the service and removing the meter previously installed. There is also a twenty-five dollar (\$25.00) charge for a final water bill reading, plus usage on the water meter to be paid prior to the desired date of discontinued service. There shall be no charge for restoration of service to the subject premises within one year of said discontinuance. A request for restoration of service to the said premises made more than one year after discontinuance of service shall be treated as an initial application for service and the charge prescribed in Section 2, Subdivision e of this ordinance shall be due and payable. (Amended December 6, 2016 by LL No. 7-2016)

Any consumer impacted by flooding during 2006 by reason of which water has not been consumed since such flooding may request the discontinuance of the use of water to said premises within the district. In such event the consumer will not be charged for the use of water relating to the October 2006 or March 2007 water bills. The consumer will not be required to pay the customary charge of twenty-five-dollars (\$25.00) to assist in defraying the cost of disconnecting the service and removing the meter previously installed. Nor shall there be any charge for restoration of service to the subject premises when requested to do so by the consumer.

(Latest Amendment: May 1, 2007 by LL No. 5-2007)

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### SECTION 3.

That should any section, paragraph, sentence, clause or phrase be declared unconstitutional or unjust for any reason by a Court of competent jurisdiction the remainder of said Ordinance shall not be affected thereby.

SECTION 4. That all Resolutions or Ordinances of the Town of Kirkwood inconsistent with this Ordinance in whole or in part be repealed.

SECTION 5. That this Ordinance shall take effect ten (10) days after the publication thereof and posting thereof by the Town Clerk pursuant to applicable provisions of the Town Law.

SECTION 6. Permits for Outside Users  
(Added 12-27-77 by LL No. 10-1977)  
(Amended 6-30-15 by LL No. 4-2015)

A. The Town Board may in its sole discretion permit any person or corporation owning real estate outside of a town water district which real estate is adjacent to and within 250 feet of one boundary of said district to connect at his own cost and expense and to use water from a district system for a rental, subject to the restrictions to be prescribed by said Board. However, no such use shall be permitted outside of the town in which such district is located if such territory is served by another water district, a water supply company, city, village, or joint water works system unless any required approval of any state commission is first obtained. The Town Board shall not sell nor permit the use of water under this section outside of the district if such use will reduce the supply of water so that it will not be sufficient for the district affected or its inhabitants. The holder of any permit so issued shall comply with all other requirements of the ordinance and also "An Ordinance Establishing and Setting Specifications Thereof in the Town of Kirkwood, Broome County, New York", and shall pay to the districts furnishing its water one and one-half (1 1/2) times the rates for water purchases and water connection charges as may from time to time be established in this ordinance.

B. Where owners of real estate request that water be extended beyond 250 feet outside of a water district, and where the Town Board in its sole discretion determines that selling or permitting the use of water outside of the district will not reduce the supply of water to a level that would be insufficient for the district affected or its inhabitants, the Town Board may enter into individual or collective agreements with such owners of real estate allowing said owners of real estate to connect at their own cost and expense, and to use water from a district system for a rental, subject to the restrictions to be prescribed by said Board. The terms and conditions of said agreements shall be determined as between the Town Board and said owners of real estate. Said agreements will have no effect until memorialized in writing and filed at the offices of the Clerk of the Town of Kirkwood, and shall reference this section. Agreements made under this section shall be subject to the provisions of paragraph A of this section.

SECTION 7. Rules Governing Water and Repair Bills  
(Added December 4, 1984 by LL No. 5-1984)

A. Billing Procedures

1. All Domestic water bills are issued upon the first day of January, May and September. Bills are to be paid on or before the 30th day of the month in which the charge is made. An added charge of 10% must be collected when payment is made after the 30th day. Failure to receive bills shall be no reason for not paying the 10% added charge. Whenever bills for water are more than 30 days past due, a final notice will be issued and if the bill is not paid before the 30th day after date of final notice, the water will be shut off until the account is settled. A charge of \$10.00 will be made for turning the water on again, which amount must be paid in advance. (Amended 1-5-10 by LL #2-2010)

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2. There shall be filed annually with the town board a statement showing the unpaid water charges and penalties payable to the department, with a brief description of the property upon which the water was used, the names of the persons or corporations liable to pay for the same and the amount chargeable to each, for the purpose of having such sums levied as a tax against the property liable.

### B. Deposits

As security for payment of charges, the district may at any time require of any customer or applicant a deposit approximately equal to one and one-half (1 and ½) times the estimated average bill for the billing period plus other district charges, but in any case not less than forty-six and 50/100 dollars (\$46.50). No interest will be paid on such deposits. When service is disconnected and all charges due the district are paid, such deposits will be returned.

### C. Discontinuance of Service

Water furnished to any property for any purpose, stands charged against such property regardless of change of ownership, and the Water District reserves the right to discontinue the service from such property for any unpaid bill or bills, accumulated by former owner or owners, and refuses to turn same on again until all arrearages and penalties are paid. In case of transfer of a property the Water Superintendent shall be immediately notified so that proper adjustment may be made of any charges or repair bills against such property. For any extra, other than the tri-annual meter readings, a charge of twenty-five dollars (\$25.00) will be made. In case the water is turned off by an agent of the Water District for proper cause, no person shall turn water on again without permission from the Water District. (Amended December 6, 2016 by LL No. 7-2016)

### D. Disputed Water Bills

1. Water bills which appear excessive may be brought to the attention of the Town Board, which shall investigate the billing within ten (10) days after notice. The meter shall be reread and, if the billing reading was incorrect, a corrected bill shall be prepared.

2. If the bill is found to be correct, the Town Board shall, upon the request of the consumer, cause the consumer's pipes and fixtures to be inspected for leaks or defects resulting in waste and shall report the results of such inspection to the consumer.

3. Where it appears waste has resulted because of circumstances beyond the control of the consumer, the Town Board may allow an allowance on the consumer's bill; however, such allowance shall not exceed fifty percent (50%) of that amount of the bill which exceeds the average bill for the billing period involved. No allowance shall be made where the consumer has been negligent in the installation and care of his pipes and fixtures, nor where water has been used for any purpose not disclosed in the consumers complaint to the Town Board.

4. Allowance on disputed bills shall be at the sole discretion of the Town Board, except that each consumer shall be entitled to no more than one (1) such allowance every five (5) years.

## SECTION 8. Removal of water from fire hydrants. (Added 2-3-09 by LL 2-09 – effective 3-1-09)

The Town Board may in its discretion allow water to be withdrawn from fire hydrants of Consolidated Water District No. 1 under the following terms and conditions:

a. A permit may be issued by the Commissioner of Public Works after receiving authorization from the Town Board. The Permittee must agree to comply with all permit terms and conditions. The permit shall be valid only for the time shown on the permit from the date of issuance.

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b. The Permittee shall be solely and completely responsible for the safety of all persons and property surrounding the hydrant area, and shall take all necessary precautions to prevent damage to public or private facilities within or adjacent to the hydrant and work area. If any property is damaged by Permittee's operation, they shall be repaired or replaced at Permittee's expense to a condition at least as good as they were in prior to the start of Permittee's operations. In addition thereto, Permittee shall be responsible for any settlement damage for a period of one (1) year after completion and acceptance of such repaired or replaced facilities. In the event that Permittee refuses or neglects to make good any loss or damage for which it is responsible under this permit, the Town may itself, or through the employment of others, make such repairs or replacement, the cost and expense of which, including reasonable engineering, legal or consultant fees, and any costs for administrative and managerial services, shall be charged to the Permittee.

c. The Permittee shall adopt all practical means to minimize traffic interference and public inconvenience during its operations under the Permit.

d. The Permittee shall operate the hydrant main valve and other valves used to control the flow of water with a wrench approved by the Commissioner of Public Works. Permanent attachments to the hydrant(s) are not permitted. Attachments to hydrants must be removed at the end of each work day for fire safety purposes.

e. The Town reserves the right to and may, with or without notice, temporarily or permanently limit, suspend or terminate providing water for any reason in the discretion of the Commissioner of Public Works without being subject to any liability or damages, and the Permittee agrees to release and hold the Town harmless therefrom.

f. The Permittee shall pay the Town, in advance, the estimated cost of installing and removing all facilities necessary to furnish water services and for the water estimated to be removed on a monthly basis. Such deposit shall be replenished as requested by the Town. The Permittee will be billed on a monthly basis. Any advance deposit shall be refunded promptly by the Town upon expiration of the permit.

g. A hydrant meter and backflow device and related equipment shall be installed by the Town at the expense of the Permittee, and must be used in the proper configuration at all times when obtaining water from any hydrant.

h. The Permittee shall agree to protect, hold harmless, defend and indemnify the Town, its officers, employees and agents, from any and all liability, including reasonable attorney's fees, arising out of or in any way connected with the Permittee's, its employees, representatives, contractor's or subcontractor's activities resulting in liability arising out of its activities under the Permit.

i. The Permittee shall present to the Town certificates of insurance evidencing the acquisition of liability insurance coverage naming the Town as an additional insured on a non-contributory basis with the minimum limits of coverage for bodily injury equal to \$1,000,000.00 for each person injured, \$2,000,000.00 for aggregate bodily injury resulting from each occurrence, and \$500,000.00 property damage. Said insurance shall be maintained throughout the term of the permit and the aforementioned certificates shall provide for thirty (30) days' notice to the Town prior to cancellation of coverage.

j. All persons performing work under the Permit are to be covered by Workmen's Compensation Insurance and Disability Benefits insurances as required by New York law.

k. The Permittee shall present to the Town a maintenance bond in the amount of \$250,000.00 and a bank letter of credit in the amount of \$10,000.00 in favor of the Town guaranteeing compliance with the provisions of the permit. At such time, if ever, that said letter of credit is expended, the Permittee shall replace the same within five (5) days written notice to the Town, failing which the permit shall be subject to revocation.

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l. The Commissioner of Public Works shall have the right and authority to issue stop work orders to those operating in violation of the terms of this permit, or contrary to the Permittee's application or conditions upon which its permit was issued.

m. Upon the violation of any provisions of this permit, the Commissioner of Public Works may suspend any permit issued hereunder for no more than thirty (30) days, and following a public hearing at which the Permittee shall have the right to appear and be heard, may revoke any permit on notice to the Permittee.

n. The permit shall not be assigned or transferred without the written consent of the Commissioner of Public Works.

o. The Commissioner of Public Works shall be given one day's notice by said Permittee of the date when it intends to begin the activity authorized by the permit, and prompt notice of its completion.

p. The rates for water furnished to Permittees hereunder calculated on a monthly basis shall be as follows:

First 500 cu. ft. (or less)	\$42.00
Next 3,500 cu. ft.	\$1.76 per 100 cu. ft.
Next 4,000 cu. ft.	\$1.60 per 100 cu. ft.
Next 8,000 cu. ft.	\$1.38 per 100 cu. ft.
Next 600,000 cu. ft.	\$1.16 per 100 cu. ft.
All over 616,000 cu. ft.	88¢ per 100 cu. ft.

### SECTION 9. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

### SECTION 10. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed.

### SECTION 11. Effective Date

This Local Law shall become effectively immediately.