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Village of Evans Mills  
Local Law 1 of the Year 2021  
Village of Evans Mills Water Law

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**Section 1. Authority**

This Local Law is enacted pursuant to the provisions of the New York Municipal Home Rule Law.

**Section 2. Purpose**

In order to establish certain procedures and rules governing the use and maintenance of the water supply furnished by the Village of Evans Mills and all appurtenant equipment, to provide for equitable charges for the use of said water supply and equipment, to provide for penalties for violations of established procedures, and to protect and preserve the health, safety and well-being of the citizens of the Village of Evans Mills, the Village Board of the Village of Evans Mills hereby adopts the Village of Evans Mills Water Law.

**Section 3. Definitions.**

As used in this chapter, the following terms shall have the meanings indicated:

**MUNICIPAL WATER SYSTEM (ALSO REFERRED TO HEREIN AS "WATER SYSTEM")** — The water system owned and operated by the Village of Evans Mills and shall include all reservoirs, pipes and all other appurtenances which are used or useful in whole or in part for the collection, impounding or distribution of water.

**SUPERINTENDENT** – The Village of Evans Mills Superintendent of the Department of Public Works.

**VILLAGE BOARD** – The Village Board of the Village of Evans Mills, New York.

**VILLAGE** – The Village of Evans Mills, New York.

**WATER RENT** — The rent, rate or charge imposed or levied by the Village of Evans Mills, New York, for the use of water through the municipal water system.

**Section 4. Provisions incorporated into contracts.**

The following provisions of this chapter shall be considered a part of the contract of any person, firm or corporation who or which obtains water from the Village of Evans Mills on or after the effective date of this chapter, and every such person, firm, or corporation shall be considered as having expressed his, her or its consent to be bound thereby.

**Section 5. General Restrictions.**

- A. All expenses attending the introduction of water service from the water main to any premises must be paid by the applicant.

- B. The plumber employed and designated by the owner of the premises must be considered as the agent of said owner while employed in the prosecution of the work of introducing water in said premises and will not be recognized in any sense as the agent of the Village of Evans Mills, nor will said Village hold itself responsible for the acts of said plumber.
- C. The work of inserting the taps, tees and connections in any water main shall be done only by persons employed by the Village under the direct supervision of the Superintendent. All such connections and taps shall be made at the side of the main and all such connections now or hereafter existing are, shall be, and will remain the property of the Village of Evans Mills.
- D. The owner receiving the permit for the introduction of the water service into his or her premises and the plumber doing the work will be required to cause said service to be placed not less than four and one-half feet below the surface of the earth. Under all streets and roads all such service shall be placed not less than five feet below the surface.
- E. All owners, whether for new service or existing service, are required to maintain in perfect order and repair at their own expense, the service pipe from the main shut off at the street on into the building, including all fixtures therein provided for delivering or supplying water for any purpose. Notwithstanding the foregoing, maintenance and replacement, if necessary, of the meter, shall be the responsibility of the Village of Evans Mills as set forth in Section 9 of this chapter. In case said service and fixtures are not so kept in perfect repair, the Superintendent or other Village employees may shut off the supply of water therefrom without notice and/or make necessary repairs, and the expense incurred thereby shall be levied with the next water rent.
- F. The Village of Evans Mills undertakes to use reasonable care and diligence to provide a constant supply of pure, wholesome water through its mains to consumers but reserves the right at any time, without notice, to shut off the water in its mains for purpose of repairs and extensions or for any other purpose, and the Village shall not be liable for the deficiency or failure in the supply of water for any cause whatsoever or for any damage caused thereby or by the bursting of any mains or service pipes or any accident to the water works, but it is the intention of the Village, when practicable, to give notice of such shutting off to the consumer. No deduction from water bills will be made in consequence thereof.
- G. Whenever two or more consumers are supplied by the same service pipe and water meter, the failure of the owner of the premises to pay all water and sewer rents when due or to comply with any provision of this chapter shall authorize the Village to turn the water off from said pipe unless and until all rents are paid and this chapter has been complied with.
- H. In case of fraudulent representation on the part of any consumer or unnecessary waste of water all payments made will be forfeited and the water supply shut off.

- I. In case of making repairs or new construction work the Village Board reserves the right to shut off the water from any consumer without notice and keep it shut off as long as it may be necessary.
- J. The Village Board reserves the right to limit the amount of water furnished to any consumer when circumstances warrant such action, although no limit is stated in the application or permit for such use, or said Board may entirely cut off the use for any manufacturing purposes or any use for supplying power at any time by giving reasonable notice to the consumer of such intended action.
- K. The owner of the premises to which water is supplied shall be chargeable for all water taken from the Village main, and if leaks occur in the service line for which the owner is responsible as provided in Subsection E of this section, the Village Clerk, with the aid of the Superintendent, may estimate the amount of water lost by said leaks and charge the same to the owner of the premises.

### **Section 6. Water Rent Fund.**

All revenues imposed hereunder, together with all interest and penalties thereon, shall be kept in a separate fund to be known as the "Water Rent Fund" and are to be used for the service rendered by the municipal water system and for the construction, operation, maintenance and repair of said system.

### **Section 7. Payment of bills; penalty for late payment.**

- A. All charges for water rents shall be due and payable at the office of the Village Clerk or at such other place as may be designated from time to time by the Village Board on the date specified in the payment notice. Charges for water rents or water services shall be net charges and shall be due and payable in the amounts as set forth in Section 17 herein, Water rates. In addition to the water rental charge provided in this section, according to the rate specified herein, a further charge of 10% of the amount so determined shall be added thereto in each case of failure to make payment on or before the date on which the water rent for such period is due, and the total thus obtained shall be the water rental in each such case.
- B. The Village Clerk or other person authorized by the Village Board shall keep a record of all owners of real property within the Village of Evans Mills, and bills shall be mailed to the owners of such property at the same address to which Village tax bills are mailed, unless the owner of the property shall direct the Village, in writing, on forms which can be obtained from the Village Clerk's office, to mail such bills to him/her or to his/her agent at any other address. The failure of any owner or other user to receive a bill shall not excuse nonpayment thereof nor shall it operate as a waiver of the penalty herein prescribed. Notwithstanding any other provision in this chapter, all water rents or other charges relating to water service shall be a charge against the owner of the premises connected with the municipal water system, and such owner shall be liable for the payment of all such rents and charges, including penalties and interest.
- C. If rents or charges are not paid within 30 days from the date on which they are due, the Village Board may cause a notice to be delivered or mailed to the owner or to any other

person designated by the owner, addressed to the address to which bills are to be sent, and to the occupant of the premises, addressed at the premises, stating the amount due and demanding payment thereof within a period of at least 10 days of the date of the notice and stating that if such payment is not made, the water service shall be discontinued without further notice, and, at the expiration of such period, the Village Board or the duly designated employees or officers of the Village may enter on said premises and cause the water service to be disconnected and discontinued. A charge of \$25 will be made for discontinuing and \$25 for reconnecting each of such services on account of nonpayment of water rents or other charges, the collection of which charge or charges shall be made and shall be enforceable in the same manner as water rents.

- D. A separate charge shall be made and a separate bill shall be rendered for each water meter when there is more than one such meter on any one property or structure. Each location for which there is a separate water meter shall be deemed to be a separate service account and will be billed separately even if there is but one water connection with the structure in which said meter is located.

### **Section 8. Liens.**

All rents, water rents and other charges for water service hereunder, together with the amount of any penalties described, which shall remain unpaid for a period of more than 60 days from the due date shall be a lien on the real property upon which or in connection with which the water is used. The priority of such lien and the enforcement of such lien and the collection of such water rents or other charges for water services shall be in accordance with the statutes pertaining to such collection and enforcement.

### **Section 9. Installation and maintenance of meters.**

The use of the water system shall be based on readings of water meters.

- A. All water meters shall be of a kind and size to be specified by the Village. The Village shall furnish, install and own the water meter for all size services. The Village of Evans Mills will maintain and repair meters, at no expense to the consumer, unless otherwise stated herein.
- B. Notwithstanding any other provision of this chapter, it shall be the responsibility of the owner of the property to protect meters from damage due to vandalism, freezing or other cause. The owner of the property shall be liable for the cost incurred by the Village in repairing any meters damaged as aforesaid.
- C. Meters shall generally be installed at such points as approved by the Village. Where meters are installed at a point other than in a building, the owner will be required to construct at his expense a suitable meter pit in accordance with the rules and regulations which may be adopted by the Village Board. Meters in trailers shall be installed only in enclosures as shall be directed by the Village Board.
- D. All defects or claims of defects in water meters shall be immediately reported to the Mayor or to the Village Clerk. If the owner questions the accuracy of the water meter, the meter shall be tested by the Village. If the meter registers between 98% and 102% of accuracy, or

if the meter is registering slow, the expense of the testing shall be paid by the owner and collected with the next water bill. If the meter registers fast, outside the above limits, the expense of testing shall be paid by the Village and the water bill will be adjusted accordingly. Adjustments for improper registering or failure to register shall be made by the Superintendent, limited to one quarter's water bill, and when based upon reasonable facts and estimates shall be binding and conclusive on the owner and on the Village.

#### **Section 10. Valves and mains.**

No person or persons, except the Superintendent or those persons acting under the direction of the Village Board, shall open or close any valve or gauge in the street mains or molest or interfere with the same in any manner whatsoever.

#### **Section 11. Collection of rent in arrears.**

The Village Board may bring an action as upon a contract to collect water rents in arrears, including any penalties and interest which may from time to time be adopted, from any owner or occupant served by the water system or from any other user of said system.

#### **Section 12. Other costs and expenses.**

Any costs and expenses or other charges incurred by the Village because of any repair or other work to the water system or otherwise for which the owner of any property served by or connected with the water system is obligated under this chapter or any other ordinance, statute or provision of law shall be collected in the manner provided for the collection of water rents in this chapter and shall be a lien upon the property and enforceable in accordance with the provisions of this chapter or any other applicable provision of law.

#### **Section 13. Right of entry.**

Any duly authorized officer, employee, contractor or agent of the Village or other person duly authorized by the Village shall be permitted to enter on any property at reasonable hours for the purpose of reading meters, inspecting, disconnecting, upgrading, repairing or for any other purposes reasonably necessary to carry out the provisions or purposes of this chapter.

#### **Section 14. Effective date of rates.**

The rates established by this chapter shall be effective for water consumed for the period beginning as of the date this law becomes effective.

#### **Section 15. Permit to connect required; fee.**

- A. No person, association, corporation or any other groups of persons shall connect with or use the Village water system without applying for and obtaining a permit from the Village Clerk or other person designated by the Village Board or Superintendent. Any tampering with or removal of any water meter or other appurtenance owned by the Village without a permit obtained from the Village Clerk or other person designated by the Village Board or Superintendent is prohibited.

- B. The Village Board shall, from time to time, set a fee to be collected upon application for a permit to connect to the water system; provided, however, that if, in the case of a particular connection, the Village Board or Superintendent shall determine that such standardized fee shall not be sufficient to cover the actual costs to the Village of making or permitting such connection to the water system, the permit fee for such particular connection may be determined based upon actual costs to the Village relating to such connection.

**Section 16. Repair of frozen services.**

- A. Repair of frozen services shall be made at the expense of the owner of the property.
- B. Where service lines now installed or which may hereafter be installed are not a sufficient depth to prevent freezing, the Village Board or the Superintendent may require the customer to lower the service at his own cost and expense a sufficient depth to prevent freezing and not less than four and one-half feet and not less than five feet under streets and roads, and upon failure or neglect so to do the Village may discontinue said service.

**Section 17. Water rates.**

- A. Water rates shall be based on a unit system. The minimum base rate (the “Base Rate”) for one (1) unit shall be \$30.00 per quarter. Each unit shall be entitled to the use of 8,000 gallons per quarter. Thereafter, charges shall be imposed at an amount of \$0.00375/gallon (the “Usage Rate”). The minimum charge for water rent established by this Section 17 (the Base Rate) shall be charged even if the property is unoccupied and no consumption of water is shown on the water meter.
- B. A schedule of the number of units based on property type are set forth below:

Property Type	Unit Amount
One Family Residence	One Unit
Two Family Residence	1 ¾ Units
Three Family Residence	2 ½ Units
Four Family Residence	3 ¼ Units
Commercial Use Without Living Quarters	1 ¾ Units
Commercial Use with Living Quarters for One Family	2 ¼ Units
Commercial Use with Living Quarters for Two Families	3 Units
Commercial Use with Living Quarters for Three Families	3 ¾ Units
Municipal & Public Buildings	3 Units

Churches	One Unit
Hotel with Less Than 10 Rooms Including Bar and Restaurant	3 Units
Tavern with Bar & Restaurant	3 Units
Funeral Parlor	2 Units
Public School Building	31 Units
Ordinary Commercial Use Unless Otherwise Listed	1 ½ Units
For each additional family over listing described	¾ Units
Laundromat (Per Washer)	½ Unit
Motels (Per Unit)	¼ Unit

- C. Units for any establishments not listed above shall be determined by the Village Board.
- D. If the Village, for whatever reason, is unable to obtain a meter reading for billing for any quarter, the Village reserves the right to render an estimated bill, based on account history or such other basis reasonably determined by the Superintendent to fairly estimate the amount of the quarterly water usage by customers.
- E. Meters are read quarterly. The quarters are as follows: June/July/August; September/October/November; December/January/February; March/April/May.
- F. Each service line shall be served by only one water meter. In the event that more than one family uses water at a particular property, it shall be the responsibility of the owner of the property to allocate each person's or family's proportionate cost of the total water bill. Such allocation may be done by the installation of individual meters at the owner's expense, in sequence after the single meter required by this chapter. The Village shall have no responsibilities with respect to these individual meters.
- G. The Village Board reserves the right to adjust the unit chart as set forth above and the water rent per unit from time to time by resolution. Any amendment to the unit chart and unit rate adopted by the Village Board shall be filed with the Village Clerk, together with notification of the effective date of the new schedule.
- H. The rate for consumers outside the Village shall be equal to two times the rates established for consumers inside the Village for both the Base Rate and the Usage Rate as set forth in Section 17A of this law.

**Section 18. Discontinuance of water use.**

- A. Any consumer wishing to discontinue the use of water supply from the water system must give written notice thereof at the Village Clerk's office, and he or she will be charged with the use until such notice is given.
- B. Whenever water has been turned off by the officers or agents of the Village for nonpayment of water rents or for the purpose of repair or construction or for any other necessary or proper reasons, no person will be permitted to turn the same on again who is not duly authorized so to do by the Village Board, and when water is turned off for the nonpayment of rents or for violation of any rule, regulation or ordinance, it shall not be turned on again until the party in default shall pay all water rents due and the amount of all penalties which may be imposed by this chapter or by resolution of the Village Board.
- C. The Village will not turn off water to a property which is occupied unless 30 days' written notice of the shutoff date has been given to the occupant by the owner of the property or his authorized agent and proof of service of the notice has been given to the Village Clerk.

**Section 19. Penalties for offenses.**

- A. Property owners shall be held responsible for any violations of this chapter, whether such violation is committed by the owner, his employees, agents or tenants.
- B. Upon any violation of any provision of this chapter, other than for nonpayment of water rents or other charges owed under this law, the Village Clerk shall send a written notice to the owner specifically stating the nature of the violation and the section(s) of this chapter with which the owner is not in compliance. If within 10 calendar days the violation is not corrected, service may be disconnected and shall be restored only upon payment to the Village of a service fee of \$100.
- C. Any water bill or other charge assessed under this chapter which is not paid by April 1 each year shall be certified as unpaid by the Village Clerk to the Village Treasurer and shall be levied with the next Village tax billing, together with such other penalties or charges which may be assessed by the County of Jefferson.

**Section 20. Procedure for contesting accuracy of water bill or notice of termination of water supply.**

- A. Any aggrieved customer who wishes to contest the accuracy of any bill for water rent or any notice of termination of water supply shall request an informal hearing before the Village Board. Such request shall be made in writing and shall be mailed or delivered to the Village Clerk within 15 days of the delivery of the bill or notice.
- B. The hearing shall be held at the next regular meeting of the Village Board after delivery of the request to the Village Clerk, or at another regular meeting as agreed upon by the customer and the Board. The decision of the Village Board shall be made within 10 days of the hearing, and a written summary thereof shall be delivered or mailed to the customer within three days of the decision.

- C. The customer seeking relief shall personally appear at the hearing and shall present whatever evidence he or she has in support of the claim for relief. The customer should be prepared to answer all questions posed by the Village Board or appropriate Village employee.
- D. No relief may be granted to a customer unless the customer has shown to the satisfaction of a majority of the Village Board that the water bill is erroneous either by reason of measurement or in mathematical calculation.
- E. Among the factors which may be considered by the Board in making its decision are:
  - i. History of water usage by the customer.
  - ii. The presence of any repairs made to the plumbing system of the premises of the customer, including service line and indoor fixtures.
  - iii. The presence or absence of the customer in the premises during the period of water usage in question.
- F. If a majority of the Village Board finds that a customer is entitled to relief, the Board may forgive the outstanding bill in whole or in part, including penalties for late payment, may allow the unpaid bill to be paid in installments, or may fashion any other remedy which the Board believes to be fair under the circumstances.

### **Section 21. State Environmental Quality Review Act (SEQRA)**

The Village Board has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds this Local Law to be a Type II Action as defined therein. Therefore, no further review is required under SEQRA.

### **Section 22. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, 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 23. Effective Date**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.