

# Village of Avoca Water Department Policy

Policy: <b>Water Department Policy / Water Rates</b>						Policy <b>#6</b>	
Effective: <b>January 1, 2024</b>				Author: <b>Eric R. Tyner</b>			
Approved by Board:	Mayor:	Trustee:	Trustee:	Trustee:	Trustee:	Filed:	Clerk:
	<i>ERT</i>	<i>DJR</i>	<i>LOT</i>	<i>AJH</i>		<i>12-15-23</i>	<i>CAH</i>

## I. Purpose:

To establish a standardized policy for the function and operation of the Village of Avoca Water Department which shall include, but not be limited to, the following definitions, rules and, regulations. The Village Board of Trustees reserves the right, with proper motion and approval, to make such additions, deletions and changes as may be necessary to maintain proper and efficient operation of the Water Department. This policy shall be applied to all metered water customers being served by the Village of Avoca Water System.

## II. Policy:

It shall be the policy that the provisions of this policy are applied to all metered water customers being served by the Village of Avoca Water System.

## III. Definitions:

### A. Consumer

1. Any owner or occupant of any property, including a private dwelling where a business is operated, who causes water to be used in any amount for any period of time.

### B. Billing Year

1. Billings shall be conducted four times each year according to the Village fiscal year beginning June 1st each year.

### C. Due Date

1. Where the term due date is used in this Policy the following shall apply:
  - a. Should the due date fall on a Saturday, Sunday, holiday or a non-scheduled working day for the Village Clerk, the due date shall be the first scheduled business day for the Village Clerk after the due date.

#### D. Private Dwelling

1. For billing purposes, a private dwelling shall include, but not be limited to, all of the following:
  - a. A structure housing one family
  - b. A trailer housing one family
  - c. Each apartment within a single structure
  - d. Each boarding house
  - e. Each nursing home
  - f. Any use not a public or business use.

#### E. Public Use

1. Public use shall include, but not limited to, school, libraries, churches.

### IV. General Responsibilities and Ownership of All Service Lines and Attachments

- A. The Village of Avoca retains ownership and responsibility for the following equipment:

- a. Water Main
- b. Water Line connecting Water Main to Curb Stop
- c. Curb Stop
- d. Water Meter
- e. Water Meter Frost Plate
- f. Pressure Reducer
- g. Meter Pits and their Contents
- h. Remote Touch Pads

- B. The property owner retains ownership and responsibility for the following equipment:

- a. Water line, from curb stop into the home, including any portion inside the home.
- b. Water line, from curb stop to meter pit and from meter pit into the home and including any portion inside the home.

- C. If it can be reasonably determined that the replacement of any Village owned equipment is due to negligence on the part of the property owner, the following cost of parts will be added to the property owners quarterly billing.

Meters - 5/8 X 3/4 Bronze PD Meter with 5' Nicor Conn	\$175.00
Meters - 3/4 Short Bronze PD Meter with 5' Nicor Conn	\$175.00
Meters - 3/4 Bronze PD Meter with 5' Nicor Conn	\$250.00
2-way Communication Radio with 5' NIC	\$135.00
5/8 x 3/4 Bronze PD Meter Frost Plate	\$ 15.00
Pressure Reducer	\$143.00
Meter Pits with Cover	\$856.00
Touch Pads - ECR	\$ 28.00

- D. Replacement parts can only be installed by Village Water Department Employees. There is no labor charge for this service.
- E. All service lines must be at least 3/4 " copper with no inline couplings.
- F. The Village Board reserves the right to adjust the above parts prices to reflect suppliers price adjustments.

#### V. Service Policy

##### A. Water Meters and Meter Pits

- 1. Only water meters, meter pits, and pressure reducers provided by the Village of Avoca will be used.

##### B. Meter Location

- 1. Meters will be installed in a readily accessible location within the building,
- 2. Where a readily accessible location within the building does not exist, a meter pit will be installed. Meter pits are to be located within the public right of way,
- 3. Where it is not possible to install the meter pit within the right of way due to traffic conditions the meter pit will be installed as near as possible to the right of way line. The Village shall obtain a release providing for the operation and maintenance of the pit during regular working hours.

##### C. Multi-Family Dwellings

- 1. One water service will be provided to the structure of sufficient size to serve all units.
- 2. Owner's modifying internal plumbing to individually plumb each unit may request individual meters for each unit.

Following the request for individual meters:

- a. The designated Village inspection agent shall verify the adequacy of internal plumbing.
- b. The Village will provide, at no cost to the Owner, a meter and remote read out device for each unit. Meter pits shall be provided by the Village where required.
- c. The owner's plumber shall install such meters and meter pits to the approval of the designated Village inspection agent.
- d. The Owner shall return any previously installed meter(s) to the Village Office within 3 days of installation of the individual meters in good working order. Unreturned meter(s) and damaged meter(s) will be charged against the Owner's account.

#### D. Multi-Use Structures

1. One water service will be provided to the structure of sufficient size to serve all units.
2. Owner's modifying internal plumbing to individually serve separate uses may request individual meters for each use.

Following the request for individual meters:

- a. The designated Village inspection agent shall verify the adequacy of internal plumbing
- b. The Village will provide, at no cost to the Owner, a meter and remote read out device for each unit. Meter pits shall be provided by the Village where required.
- c. The Owner's plumber shall install such meters and meter pits to the approval of the designated Village inspection agent.
- d. The Owner shall return any previously installed meter(s) to the Village Office within three (3) days of installation of the individual meters in good working order. Unreturned meter(s) and damaged meter(s) will be charged against the Owner's account.

#### E. Mobile Home Parks

1. This policy considers the transportable nature of such structures and the requirements to install meter pits.
2. Owner's modifying external plumbing to individually serve each unit from a central point within the public right of way may request individual meters for each unit.

Following the request for individual meters:

- a. The designated Village inspection agent shall verify the adequacy of external plumbing.
- b. The Village will provide, at no cost to the Owner, a meter, remote readout device and meter pit for each unit.
- c. The Owner's plumber shall install such meters and meter pits to approval of the designated Village inspection agent.
- d. The Owner shall return any previously installed meter(s) to the Village Office within three (3) days of installation of the individual meters in good working order. Unreturned meter(s) and damaged meter(s) will be charged against the Owner's account.

#### F. Single Family Residential

1. One meter service will be provided to the structure of size to serve the unit.

#### G. Operation and Maintenance

1. All meters, meter pits, and pressure reducers shall be owned, operated, and maintained by the Village Water Department

## H. Modification

1. This policy may change from time to time, without notice, by order of the Village Board as conditions and circumstances necessitate.

- a. Seasonal and Part-time Use

There will be no charge for one turn-on and turn-off of water service to any customer in a one-year cycle (June 1 thru May 31 of the following year)

- b. Sale of Home or Business

In the event a tenant moves or a property is sold, the owner/seller is responsible for any outstanding water bill. The owner/seller is also responsible for notifying the Village Clerk in writing of any billing changes or property transfers and filing a "Real Property Transfer Report" (RP - 5217) with the Clerk.

### Property Owner - Tenant Policy

When this situation exists, the property owner retains full responsibility for all water billing, chargeable to the property concerned. A tenant/user name will be added to the account and a bill sent directly to the tenant/user only by written request of the owner.

The water to the property will only be turned on or off by the Village Water Department with written consent of the owner. The Water Department will only shut off the water without consent during an emergency situation.

Should the owner sell the property, they must notify the Village Clerk immediately, and file a "Real Property Transfer Report" (RP - 5217) at the same time.

2. Abuse of Water Use Rights

- a. For conservation purposes, as well as protecting the public interest any apparent misuse or wastefulness of the Village water supply shall be contrary to this Policy. This type of abuse shall include, but not be limited to,
    - i. Prolonged watering of lawns and gardens.
    - ii. Permitting fresh water to run inside or outside of the home for no proper reason or by neglect of the occupant.

3. Action by the Mayor

- a. The owner shall be contacted immediately by the Mayor or his designate to discuss the alleged misuse. Should the Mayor determine that misuse actually exists he shall order such misuse to cease. If the misuse fails to end immediately, water service to the owner shall promptly terminate. Should

termination of water service to the property become necessary there is no provision for refund. The Mayor shall obtain all reasonable assurances from the owner, that the abuse/misuse shall not continue prior to reinstating water service to the property.

#### 4. Excessive Water Consumption

- a. Occasionally a private metered water consumer of water by the Village of Avoca Water Supply will experience an excessive water meter reading due to a leakage of water on their premises.
- b. When such leakage occurs due to a Village maintained line or due to the fault of the Village, the following procedure will be used to determined the charges:
- c. The average of the three quarterly billings for the premises prior to the billing for the excessive usage will be determined to be the replacement billing amount for the excessive quarterly usage.
- d. When such leakage occurs on the premises of the consumer due to malfunction, breakage, undetermined causes, or inadvertent use, and not within the Villages' responsibility, the following procedure will be used to determine the relief, if any, afforded to the consumer:

The following criteria must all first be met (according to a majority vote of the entire Village Board):

1. The applicant consumer must be in good faith (fully truthful and not deceptive in their application).
2. The occurrence of excessive use must be reasonably beyond the control of the consumer applicant or the occupants of the premises.
3. The occurrence of excessive use could not have been reasonably detected.
4. The applicant consumer acted expeditiously to correct the situation as soon as it was discovered.
5. The applicant consumer cannot apply for relief more than once each Village fiscal year.

If the above criteria are met to the reasonable satisfaction of the Village Board, the following method of computation of the replacement bill for the excessive quarterly use will be as follows:

The last three (3) quarterly billings for the premises prior to the excessive billing quarter will be added to the excessive billing quarter and divided by four resulting in a replacement billing for the excessive quarter.

#### e). Payment Due – 3 Month Billing

The actual due date will be indicated on the water bill itself. All water bills are due and payable in full as of date shown). This shall also include any penalty if applicable, no partial payments will be accepted.

## 5. Payment Method

- a. In as much as no receipted water bills will be returned to the customer through the US Mail, all customers are requested to pay by check or in person at the Village Clerk's Office. Your canceled check or stamped payment stub will constitute legal proof of payment. If you pay in person, you must submit your whole bill to receive a receipt at that time.

## 6. Penalty for Late Payment

- a. Any account not paid by the due date shown on the bill will be subject to a 10% penalty. this penalty, if applicable, is due and must be paid in full at the time the water bill is paid.

## 7. Disposition of Unpaid Water Charges ( 3month charge)

- a. No water charges or penalties will be received by the Village Clerk during the month of 2nd half of April and all of May each year.
- b. Any charges or penalties remaining as of April 10th of each year, will be relieved against the property on the following June Village Tax Bill.

## 8. Appeal Procedure

- a. Any owner has the right to appeal, to any extent they desire, any water charges or fees imposed on their property, but must do so at their own expenses.
- b. An appeal to the Village shall be subject to the following procedure:
  - i. All appeals must be in writing and addressed to the Village Mayor.
  - ii. The appeal shall state the name of the owner and the address of the property being appealed.
  - iii. The nature of the appeal.
  - iv. Signed by person making the appeal.
- c. The Mayor shall attempt to resolve all appeals to the satisfaction of all parties within ten days of receipt of the appeal. Should the Mayor not be able to resolve the appeal, an owner may request, in writing, a hearing before the Village Board. The hearing before the Village Board shall be held within 35 days of the date of the request, and the final Board decision rendered within 65 days after said request.
- d. The pending appeal does not relieve the owner of a timely payment of the charges being appealed. All water charges, including penalties, are due and payable within the guidelines stated in this policy. Any appeal found in favor of the owner which results in a reduction of water rent charges will be satisfied by a refund from the Village.

## I. Water Reserve Fund

A Water Reserve Fund and revenue to cover the cost of future upgrades and needs for the Village of Avoca Water System shall be established.

1. This Water Reserve Fund will be established to accumulate a reserve in the event of unforeseen repairs or upgrades needed to the village owned and operated water system to provide the best quality water to the residents of the Village of Avoca.
2. The funds to replenish the Water Reserve Funds shall be collected from each property owner for each meter installed on the property. The meter on the property will be owned and maintained by the Village of Avoca as outlined in this policy and the property owner shall be assessed this Water Reserve Fund fee for each meter installed on the property.
3. The Board of Trustees for the Village of Avoca have assessed the Water Reserve Fund fee to be \$40.00 per meter / per year, which shall be paid in the amount of \$10.00 quarterly for each water billing cycle.
4. The Water Plant Operator shall apprise and make recommendations to the Board of Trustees for any water system upgrades , projects or repairs that are needed to keep the village water system operating as required by law and the New York State Board of Health.
5. The Water Reserve Fund shall accumulate annually from the fees assessed on each meter and the funds may only be allocated and used by the vote of the Board of Trustees for water system projects, repairs or upgrades as deemed necessary after consultation with the Water Plant Operator for the Village of Avoca.
6. The Village Clerk shall keep record of the fund balance in the Water Reserve Fund and report the balance as requested by the Board of Trustees before any allocation of funds is authorized to be withdrawn for a water project, repair or upgrade.

## J. Fire District Water Relief for Fire Fighting and Training Purposes

1. The Avoca District, created to take effect on January 1, 2024, has a separate Memorandum of Agreement with the Village of Avoca and therefore after the date of separation, the newly formed Avoca Fire District will be responsible for all utilities, to include metered village water supplied to the district building. The Avoca Fire District will now be responsible for the quarterly billing for all metered Village of Avoca water that is reported to be used, the same as any other municipal, commercial or residential meter located within the Village of Avoca. This metered water usage will be billed quarterly in accordance with this policy and the Fire District will be responsible for all water lines within the District Building after the water meter.



2. The Village of Avoca, being cognizance that some water usage may be used to fight fires within the Fire District and water will also be used for the training of Fire District personnel at various dates throughout the calendar year. The use of metered water, used for the fighting of fire or in training exercises, can be forgiven by the Village Board of Trustees. For the Fire District to receive relief for this water usage, the District shall:
  - A. Provide proper and detailed documentation as to the gallons of water used during any given month for firefighting or training purposes.
  - B. Water relieve shall include documentation:
    1. Date of Use
    2. Type of Incident (fire or training event)
    3. Number of Gallons Used
    4. Signature of Officer reporting Gallons Used
  - C. This request for relief shall be reviewed at the monthly Board of Trustees monthly meeting, following the month of use, and approved or declined based upon established criteria in the Village of Avoca Water Policy for the next quarterly billing cycle.
3. The Village of Avoca fully supports the District and Avoca Hose Company in their efforts to provide fire protection and coverage to the residents of the Village of Avoca. In this capacity, the Village of Avoca will allow access to all Village owned and maintained fire hydrants located in the Village of Avoca for fire-fighting and training purposes, without cost or metering of water. While the Village of Avoca is not allowed to "gift" water or other services to residents or entities in the Village of Avoca, this process will be allowed as water relief as the purpose of this water usage will be considered a benefit to all residents in District, to include the residents of the Village of Avoca.

With this understanding, the District shall provide a written report of each use of a fire hydrant located within the Village of Avoca to include the estimated gallons of water used for each firefighting incident or training event. This report shall be provided to the Village Clerk the month following the usage of the water, so the water usage from the hydrants may be addressed and Board of Trustees can grant relief to the Fire District at the next Village Board of Trustees monthly meeting.

**Exception to Hydrant Use:**

However, this above provision of relief **shall not** include any filling of swimming pools located in the Fire District by fire vehicles or from village fire hydrants. In the event the District wishes to continue this service to residents of the fire district, the cost of water usage shall continue to be metered as outlined to include the metering of water taken for this purpose from fire hydrants located within the Village. In the event hydrants are to be used for the filling of swimming pools by Fire District personnel, the Fire Chief, or his / her designee, shall contact the Village of Avoca Water Treatment Plant Supervisor for use of the hydrant meter to record the accurate use of village supplied water for this purpose to be added to the next quarterly bill to the Avoca Fire District.

# Village of Avoca – Water Rates

## TYPE 1:

Single Family Residence – Single Meter:

Debt Service Charge per Benefit Unit: (Billed Quarterly at \$10.00 per Quarter)	\$40.00 annually
Water Consumed, per 1000 gallons	\$7.00

## TYPE 2:

When a single meter serves multiple occupancy units

Debt Service per Benefit Unit: (Billed Quarterly at \$10.00 per Quarter)	\$40.00 annually
Water Consumed, per 1000 gallons :	\$7.00
Emergency after Regular Business Hours Service Fee	\$75.00

It can be reasonably determined that the replacement of any Village owned equipment is due to negligence on the part of the property owner, the following costs of parts will be added to the property owners quarterly billing.

Meters - 5/8 X 3/4 Bronze PD Meter with 5' Nicor Conn	\$175.00
Meters – 3/4 Short Bronze PD Meter with 5' Nicor Conn	\$175.00
Meters – 3/4 Bronze PD Meter with 5' Nicor Conn	\$250.00
2-way Communication Radio with 5' NIC	\$135.00
5/8 x 3/4 Bronze PD Meter Frost Plate	\$ 15.00
Pressure Reducer	\$143.00
Meter Pits with Cover	\$856.00
Touch Pads – ECR	\$ 28.00

NOTE: The Village has Type 1 and Type 2, except for the title of each (note the Type 2 defines “benefit unit”) they are identical.

Rev. 04/14/2021