

TOWN OF SHELDON
A PROPOSED LOCAL LAW ENTITLED “ADOPTING WATER RATES”

Be it enacted by the Town Board of the Town of Sheldon as follows:

SECTION I. STATUTORY AUTHORITY, TITLE

This Local Law is adopted pursuant to the authority granted by Municipal Home Rule Law of the State of New York, specifically §10 of Article 2, which allows local government to adopt and amend local laws.

SECTION II. PURPOSE

This Local Law is for the purpose of benefitting a portion of the Town of Sheldon located in the Varysburg Water District with wholesome water at affordable, yet cost effective rates.

SECTION III. WATER RATES

- A. All domestic water rates will be based on three (3) month’s consumption, and whenever water is supplied through a meter, it is the intention of the Town that the meters shall be read and billed every three (3) months in January; April; July; and October, or as near thereto as possible, weather and other conditions permitting. In cases where it is found that a reading cannot be obtained, an estimated bill will be rendered to the consumer.
- B. All unpaid water rates as of October 30th of each year, whether the water shall have been supplied through a meter or on a flat-rate basis, shall be a lien on the property. Where water is supplied on a flat-rate basis, the water rate shall be charged in advance and will become a lien upon the property and will be added to the tax.
- C. If service is available to a residence but is not utilized, a minimum quarterly (¼) payment of fifty dollars (\$50.00) will be charged.

SECTION IV. ABATEMENTS

- A. No credit for vacancies or other abatements from any water bill shall be made, unless the owner or consumer shall make written application to the Water Rents Receiver for the discontinuance of service, to have the fixture disconnected, to have the service reconnected or other appropriate notice of the abatement claimed, all of which notices must be made, in writing, at the Town Clerk’s Office.
- B. No abatement from any water bill will be allowed for failure to use the maximum amount allowed by any minimum semiannual or flat rate.
- C. No abatement for any water bill will be made in cases where the charge for water

results from failure on the part of the owner or consumer to repair promptly any broken, leaky or otherwise defective fixture or service.

- D. No abatement from any water bill will be made in cases where any fixture is left open for water of water or continuous flow of the same by any tenant or occupant of any premises supplied with Town water.
- E. No abatement made in any case shall establish a precedent in any following or ensuing bill, nor for any abatement in any other case, but each case shall be determined upon its merits.
- F. No abatement for any water bill or remittance of any penalty provided by these rules shall be made except with a concurrence of a majority of the members of the Town Board and the Town Clerk shall keep a record of the action in each particular case.

SECTION V. SCHEDULE OF WATER SERVICE RATES

- A. Domestic, commercial and industrial. This rate shall be based on three (3) months consumption:

<u>Number of Gallons</u>	<u>Rate</u>
First 10,000, minimum	\$12.50
Thereafter, per 1,000 gallons	\$ 3.00

- B. All future rate increases shall be done by resolution of the Town Board one hundred and twenty (120) days prior to the effective date of the change in rate, , the same will be published in the Town’s official newspaper within thirty (30) days of adoption.
- C. Any single parcel which has a single meter with multiple dwelling units, will be allowed a maximum number of gallons per assigned dwelling units*, at a posted rate (currently \$12.50/ 10,000 gal.) Usage over that amount will be billed at the posted rate (current \$3.00/ 1,000 gal.)

*See Local Law No. 1 of 2014 for explanation of assignment of dwelling units

For Example Only:

*Prices listed on quarterly basis

- 2 Edu’s x \$12.50 = \$25.00/ 20,000 gallons
- 4 Edu’s x \$12.50= \$50.00/ 40,000 gallons
- 6 Edu’s x \$12.50= \$75.00/60,000 gallons

- D. All future rate increases shall be done by resolution of the Town Board 30-days prior to the effective date of the change in rate.

SECTION VI. WHEN WATER RATES PAYABLE

- A. All water rents shall be due and payable to the Water Rents Receiver within thirty (30) days from the date of billing.
- B. Bill will be left or sent out to the owner, or his duly authorized agent, but the Town will not employ a collector, and the failure of any owner or agent to receive a bill promptly shall not excuse nonpayment of the same. In the event that the owner or agent fails to receive the bill promptly, he shall demand the same from the Water Rents Receiver.
- C. If bills are not paid within thirty (30) days when due, a penalty of ten percent (10%) will be added to the bill, and if not paid before the 30th of October, they shall become a lien against the property and shall be added to the tax.
- D. All charges for materials furnished or work done by employees of the Town in connection with the water service will be treated as water rents.

SECTION VII. REPEAL

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

SECTION VIII. SEVERABILITY/VALIDITY

All resolutions and any ordinances or local laws, or portions thereof, of the Town of Sheldon not consistent with this law, in whole or in part, shall be repealed, including but not limited to, the resolution of the Town Board dated December 23, 1976.

SECTION IX. WHEN EFFECTIVE

This Local Law shall take effect on June 29, 2016.