

# Water Rents

## Chapter 50

- § 50-1. Rents and penalties to be lien.
- § 50-2. When due; penalty for non-payment.
- §50-3. Basis for charges.
- § 50-4. Period of rental.
- § 50-5. Installation of meter.
- § 50-6. Flat rate schedule.
- § 50-7. Metered service rate.
- § 50-8. Tapping fees.
- § 50-9. Non-payment of rents; charges.
- § 50-10. Right of village to shut off supply.
- § 50-11. Responsibility for service lines.
- § 50-12. Turn-on (or) turn-off service; charge.
- § 50-13. Severability.
- § 50-14. Effective date.

*[HISTORY: Adopted by the Tupper Lake Village Board 6/21/1976 by L.L. No. 2, 1976; amended in its entirety 7/29/1996 by L.L. No. 2, 1996. Amended 2/18/03 by L.L. No. 1, 2003. Amended 7/19/04 by L.L. No. 4, 2004. Amended 8/3/05 by L.L. No. 3, 2005. Amended 3/15/10 by L.L. No. 3, 2010; amended 5/18/2016 by L.L. No. 3, 2016. Subsequent amendments noted where applicable].*

**General References:**

*Sewers and sewage disposal – See Ch. 40.*

*Sewer rents – See ch. 41.*

**§ 50-1 Rents and penalties to be lien:**

Water rents and penalties imposed by this local law are and shall be a lien upon the property upon which or in connection with which the water is used, and such lien shall be prior and superior to every other lien or claim, except the lien of an existing tax.

**§ 50-2 When due; penalty for non-payment:**

Water rent charges shall be due and payable on the first day of each month for water service rendered during the one-month period, or any part thereof, immediately preceding such payment dates. A penalty of 1.5% per month will be added if such charges are not paid in full within 30 days after each billing date.

**§ 50-3 Basis for charges:**

Water rents shall be charged for each family unit and/or each business conducted upon the premises to which water is furnished.

**§ 50-4 Period of rental:**

Water rents shall be charged and shall be due and payable from the date the water tap is made to the water main until such time as the premises served are destroyed or water service is permanently terminated. There will be no pro rata billing for water service furnished during any portion of a monthly billing period.

**§ 50-5 Installation of meter:**

The village may, in its sole discretion, install a water meter on any premises to which water is furnished. In the event that multiple water services are delivered through a single meter, the combined minimum charge set forth in the flat rate schedule hereinafter set forth for each unit will apply.

§ 50-6 Flat rate schedule:

<u>Type of Business</u>	<u>Monthly Rate</u> <u>Inside</u>	<u>Monthly Rate</u> <u>Outside</u>
Bakeries	\$39.80	\$54.30
Barber Shops, 2 chairs	21.20	28.40
each additional chair	3.10	3.20
Beauty Parlors	27.10	37.20
Beauty Parlors In-Home	6.00	7.80
Bars, Taverns	33.10	44.80
Boardinghouses, Bed & Breakfasts,		
Tourist Homes-Base rate	21.20	28.40
each Rental Room	3.70	4.00
Bowling Alleys	40.70	57.40
Bowling Alleys w/bar	49.70	67.60
Car Wash, Per Bay	20.60	28.20
Clubs	21.20	28.40
Clubs w/bar	33.10	44.80
Dental Offices	33.10	44.80
Fabricator of Dry Goods	40.70	57.10
Family Unit, each	21.20	28.40
Funeral Parlors	32.40	44.30
Garages, private	21.20	28.40
Garages, public	46.70	64.60
Halls	21.20	28.40
Halls w/bar	33.10	44.80
Hotels, per bedroom	4.50	6.25
Ice Cream Stands	21.20	28.40
<b>Industries</b>	<b>90.70</b>	<b>130.20</b>
Laundromats/Laundries, Per Machine	5.90	8.20
Law and other Offices	21.20	28.40
Lodges w/bar	33.10	44.80
Motels, per unit	6.00	7.80
Nurseries, Day Care	21.20	28.40
Physicians Office	21.20	28.40
Restaurants	49.70	67.60
Restaurants w/bar	58.00	78.20
School, metered per year, per student and employee	1.00	1.00

§ 50-6 Flat rate schedule: (Continued)

<u>Type of Business</u>	<u>Monthly Rate</u>	
	<u>Inside</u>	<u>Outside</u>
Service Stations	\$33.10	\$44.80
Shops	21.20	28.40
Soda Fountains	21.20	28.40
Stores	21.20	28.40
Supermarkets	21.20	28.40
Theaters	21.20	28.40
Trailer Parks, per trailer	21.20	28.40
Minimum Charge per month	21.20	28.40

§ 50-7 Metered Service Rate:

*[Amended 9/17/79 by L.L. No. 3, 1979; 9/14/81 by L.L. No. 1, 1981; 9/26/89 by L.L. No. 3, 1989; 2/18/03 by L.L. No. 1, 2003; amended 5/18/2016 by L.L. No. 3, 2016].*

- A.) The following rates are established for that portion of the water system within the corporate limits and for those portions of the system outside the corporate limits of the village for water supplied through metered service:
- 1) For the first 5,000 cubic feet per month: \$26.40 per 1,000 cubic feet.
  - 2) For the next 15,000 cubic feet per month: \$22.09 per 1,000 cubic feet.
  - 3) For the next 20,000 cubic feet per month: \$18.79 per 1,000 cubic feet.
- B.) In the event that water rent for water furnished through a water meter does not exceed the flat rate charges for any month, the applicable flat rates will apply.

§ 50-8 **Tapping fees:**

*[Amended 9/17/79 by L.L. No. 3, 1979; 9/14/81 by L.L. No. 1, 1981; 9/26/89 by L.L. No. 3, 1989; 2/18/03 by L.L. No. 1, 2003; 3/15/10 by L.L. No. 3, 2010].*

A.) The following fees shall be paid to the village for each tap or connection made to the water main, which such fees shall be due and payable at the time, such tap or connections shall be made only by employees of the village.

<u>Size of Tap inches</u>	<u>Fee</u>
¾	\$425.00
1	525.00
1 ¼	557.00
1 ½	568.00
2	590.00

Fees for larger taps or connections will be determined upon application thereof.

B.) Any new connections and/or line replacements shall be equipped with adequate back-flow prevention devices. These devices shall be the responsibility of the user/or property owner. Whereas a commercial facility has by determination of the Village Board, a severe risk of cross-contamination, this facility may be ordered to install at their expense an appropriate back-flow prevention device.

§ 50-9 **Non-Payment of rents; charges:**

In the event that water rents are not paid within 30 days from the date the same become due and payable, the village may at any time thereafter turn or cut off the supply of water, and thereafter said service may not be restored until the full amount of the past due water rent and penalties, plus applicable turn-off and turn-on charges, are paid.

§ 50-10 **Right of village to shut-off supply:**

The village may at any time shut off the supply of water passing through all or any part of its water system when in its discretion such action is necessary, convenient or desirable in the proper construction, maintenance and/or repair of said system or any part thereof.

**§ 50-11**      **Responsibility for service lines:**

The village assumes no responsibility for the construction, maintenance or repair of service lines upon the premises to which water is furnished, said service lines being wholly and solely the responsibility of the owner of said premises. The village is responsible for the construction, maintenance or repair of the service line from the main line to property line or right of way. The village will also assume responsibility for the main infrastructure of the system.

**§ 50-12**      **Turn-on/turn-off services, charge:**

Water service may be turned on or off only by authorized village employees upon the payment to the village of a service charge of \$15.00 for either turn-on or turn-off service.

Monday through Friday (excluding holidays) between the hours of 7:00 am – 12:00 pm at 1:00 pm – 4:00 pm by appointment. Water will not be turned on to a resident without a responsible party present.

When work is requested and performed other than during the designated hours, the property owner will be responsible for the associated charge with the related work. These charges will be assessed when services provided were for the benefit of the property owner and not village related.

**§ 50-13**      **Severability:**

Should any section, subsection, paragraph, sentence, clause or phrase of this local law be declared invalid or unconstitutional by a court of competent jurisdiction, such decision shall not affect the validity of this local law in its entirety or of any part thereof other than that so declared to be invalid or unconstitutional. The Board of Trustees of the Village of Tupper Lake, Franklin County, New York, hereby declares that it would have enacted this local law and each section, subsection, paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections, subsections, paragraphs, sentences, clauses or phrases be declared invalid or unconstitutional.

§ 50-14

**TUPPER LAKE CODE**

§ 50-14

§ 50-14

Effective Date:

This local law shall take effect upon filing May 1, 2010 at 12:01 am of said day.