

A LOCAL LAW to amend Chapter 280 of the Code of the Town of Yorktown entitled “WATER”

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

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II.

Section 280-14 of the Code of the Town of Yorktown is hereby amended by adding the following subsection D:

D. Notices of non-compliance – meter testing.

The following notices will be sent to property owners pursuant to, among other sections, 280-18(E) and 280-15(D)(5)(d).

(1) First notice from the Water Department to the property owner. If the Water Department does not receive a response from the property owner after 15 days of the date of the first notice then the owner will be given a warning (second notice) of non-compliance surcharges.

(2) Second notice from the Water Department to a property owner. If the Water Department does not receive a response from the property owner after 15 days of the date of the second notice then a surcharge will be added to their water bill (SEE MASTER FEE SCHEDULE FOR RESIDENTIAL AND COMMERCIAL SURCHARGES).

(3) Third notice from the Water Department to a property owner. If the Water Department does not receive a response from the property owner after 15 days of the date of the third notice then additional surcharges will be added to their water bill (SEE MASTER FEE SCHEDULE FOR RESIDENTIAL AND COMMERCIAL SURCHARGES).

Section 280-15(D)(5)(d) of the Code of the Town of Yorktown is hereby amended by replacing it with the following language:

Commercial property owners are required to have tested annually any and all 1 ½ inch or larger water meter(s) in their buildings or vaults. The tests must be performed by a certified meter tester. Upon the property owner’s request, such test(s) may be performed by the Water Department for a cost (SEE MASTER FEE SCHEDULE). The expense of the meter testing shall be borne by the property owner. The test results shall be submitted to the Water Department within 10 days of the meter testing. If the meter fails the meter

testing (meter fails to fall into compliance low flow 95%-101.0% or high/intermediate flow 98.5%-101.5%), the property owner is required to have the meter repaired or replaced and retested within 30 days of the failed meter testing. A copy of the test results shall be submitted to the Water Department within 10 days of the retesting. Any property owner that fails to timely comply with the testing or reporting requirements shall be subject to a non-compliance surcharge (SEE MASTER FEE SCHEDULE).

Section 280-18 of the Code of the Town of Yorktown is hereby amended by adding the following subsection E:

E. Residential meter testing requirement for Sensus AMR positive displacement meters. Residents who have opted not to have a Sensus AMR Smart meter installed in their home are required to have their meter tested annually for accuracy. The test must be performed by a certified meter tester. Upon the request of the property owner, such test may be performed by the Water Department for a cost (SEE MASTER FEE SCHEDULE). The expense of the meter testing shall be borne by the property owner and added to their next water bill. The test results shall be submitted to the Water Department within 10 days of the meter testing. If the meter fails the meter testing (meter fails to fall into compliance 98.5%-101.5%), the property owner is required, within 30 days of the failed meter testing, to either purchase a Sensus AMR positive displacement meter at their own expense and have it installed at no charge by the Water Department or can request for the Water Department to replace the meter with a Sensus AMR Smart meter at no cost Any property owner who fails to timely comply with the testing or reporting requirements shall be subject to a non-compliance surcharge (SEE MASTER FEE SCHEDULE).

Section 280-31(E)(1) of the Code of the Town of Yorktown is hereby replaced with the following language:

Consumers of 9,000 gallons of water or less per billing period:

- (a) Inside district: \$71.10 plus the annual percentage increases in the New York water rate (NYR) and the Northern Westchester Joint Water Works Consumption rate (NWJWW rate) charged for 9,000 gallons or portion thereof.
- (b) Outside of district: \$142.20 plus the annual percentage increases in the NYR and the NWJWW rate charged for 9,000 gallons or portion thereof.

Section 280-31(E)(2) of the Code of the Town of Yorktown is hereby replaced with the following language:

Consumers of more than 9,000 gallons of water per billing period up to but not including 250,000 gallons of water per billing period:

- (a) Inside district: \$71.10 plus, for each additional 1,000 gallons or portion thereof above 9,000 gallons, \$7.90 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(b) Outside of district: \$142.40 plus, for each additional 1,000 gallons or portion thereof above 9,000 gallons, \$15.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. **It** is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

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

Section V. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

Section 280-31(E)(3) of the Code of the Town of Yorktown is hereby replaced with the following language:

Rates for moderate consumers.

(a) Consumers of 250,000 gallons of water per billing period up to but not including 500,000 gallons of water per billing period:

[1] Inside district: \$8.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$16.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(b) Consumers of 500,000 gallons of water per billing period up to but not including 750,000 gallons of water per billing period:

[1] Inside district: \$8.90 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$17.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(c) Consumers of 750,000 gallons of water per billing period up to but not including 1,000,000 gallons of water per billing period:

[1] Inside district: \$9.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$18.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(d) Consumers of 1,000,000 gallons of water per billing period up to but not including 1,250,000 gallons of water per billing period:

[1] Inside district: \$9.90 per every 1,000 gallons of water thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$19.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(e) Consumers of 1,250,000 gallons of water per billing period up to but not including 1,500,000 gallons of water per billing period:

[1] Inside district: \$10.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$20.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

Section 280-31(E)(4) of the Code of the Town of Yorktown is hereby replaced with the following language:

Rates for moderate to large consumers.

(a) Consumers of 1,500,000 gallons of water per billing period up to but not including 1,750,000 gallons of water per billing period:

[1] Inside district: \$10.90 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$21.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(b) Consumers of 1,750,000 gallons of water per billing period up to but not including 2,000,000 gallons of water per billing period:

[1] Inside district: \$11.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$22.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(c) Consumers of 2,000,000 gallons of water per billing period up to but not including 2,250,000 gallons of water per billing period:

[1] Inside district: \$11.90 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$23.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(d) Consumers of 2,250,000 gallons of water per billing period up to but not including 2,500,000 gallons of water per billing period:

[1] Inside district: \$12.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$24.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(e) Consumers of 2,500,000 gallons of water per billing period up to but not including 2,750,000 gallons of water per billing period:

[1] Inside district: \$12.90 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$25.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

Section 280-31(E)(5) of the Code of the Town of Yorktown is hereby replaced with the following language:

Large consumers.

(a) Consumers of 2,750,000 gallons of water per billing period up to but not including 3,000,000 gallons of water per billing period:

[1] Inside district: \$13.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district; \$26.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(b) Consumers of 3,000,000 gallons of water per billing period up to but not including 3,250,000 gallons of water per billing period;

[1] Inside district: \$13.90 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$27.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof..

(c) Consumers of 3,250,000 gallons of water per billing period up to but not including 3,500,000 gallons of water per billing period:

[1] Inside district: \$14.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$28.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(d) Consumers of 3,500,000 gallons of water or greater per billing period:

[1] Inside district: \$14.90 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$29.80 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

Section 280-31(E) of the Code of the Town of Yorktown is hereby amended by adding the following new subsections 10 and 11:

(10) A meter rental fee (SEE MASTER FEE SCHEDULE) shall be added to the water bill on a quarterly basis. This fee is established to cover the costs associated with monitoring and maintaining the meters and the meter reading system.

(11) A capital projects fee (SEE MASTER FEE SCHEDULE) shall be added to the water bill on a quarterly basis. This fee is established to cover the costs associated with maintaining the water infrastructure and water tanks.

(c) Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

(d) Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

(e) Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.