

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County City Town Village
(Select one.)

of Port Leyden

FILED
STATE RECORDS

APR 13 2023

DEPARTMENT OF STATE

Local Law No. 3 of the year 2023

A local law A local law called "Water Service Rules and Regulations of the Village of Port Leyden,
(Insert Title)
New York"

Be it enacted by the Village Board of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Port Leyden

as follows:

Section 1. – Title. This local law shall be entitled “Water Service Rules and Regulations of the Village of Port Leyden, New York”

Section 2. - Statement of Authority. The Board of Trustees of the Village of Port Leyden, pursuant to the authority granted it under Article 11 the Village Law and Article 2 of the Municipal Home Rule Law of the State of New York, hereby enacts as follows:

Section 3. - Statement of Purpose and Findings. The Board of Trustees of the Village of Port Leyden endeavors to furnish an adequate supply of pure and wholesome water to the residences and business establishments in the Village of Port Leyden and its immediate vicinity; and also to supply sufficient water with sufficient pressure in its water supply system to adequately protect the buildings in said Village from damage or destruction by fire.

This local law is therefore enacted in order that the water supply system may be properly maintained, improved, and extended for the benefit of the water users and taxpayers within the Village limits, for the benefit of the water users outside of the Village who are already connected with the water system, and for the benefit of applicants for water use outside the Village limits but in its immediate vicinity.

Section 4. - Enactment. The Board of Trustees of the Village of Port Leyden hereby enacts local law No. 3 for 2023, entitled “Water Service Rules and Regulations of the Village of Port Leyden, New York”:

(If additional space is needed, attach pages the same size as this sheet, and number each.)

Section 5. – Definitions. As used in this chapter, the following terms shall have the meanings indicated:

PREMISES:

A house or building, together with its land and outbuildings, existing whether for business and/or residential purposes.

VILLAGE:

the Village of Port Leyden, and/or the Village Board of Trustees.

Section 6. - Application for Service.

A. Applications for users or property inside the Village.

1. All applications for the use of water for all property within the Village must be made in writing on forms provided by the Village. On acceptance by the Village, the application shall constitute a contract between the Village and the applicant obligating the applicant to pay the Village its established rates and to comply with its rules and regulations.

2. Applications will be accepted subject to there being an existing water main in a street or right-of-way abutting on the premises to be served, but acceptance shall in no way obligate the Village to extend its mains to serve the premises.

3. A separate application signed by the owner of the premises must be made for each premises. No submetering will be permitted.

B. Applications for users or property outside the Village.

1. All applications for the use of water outside of the Village must be done through the formation of a formal water district, pursuant to the provisions of the Town Law of the State of New York. The Village, pursuant to the General Municipal Law and the Village Law, is authorized to enter into agreements for the sale of water to such districts outside the corporate limits of the Village. The water districts shall make written application to the Village containing specific terms and conditions that may be determined necessary for the unique circumstances of each water district, as determined by the Board of Trustees.

2. Additional requirements to be included as part of a water district application/formation are a survey map and physical boundary description of the water district to be formed, signed by a professional engineer and/or land surveyor; detailed plans and specifications of the actual construction and layout of the proposed water service system of the district in question, signed by a professional engineer; and formalized design basis parameters of the district system, including the amount of water to be used by the district in question, prepared and signed by a professional engineer. The amount of water requested for a particular district shall be made a part of the application for the water district. If the district exceeds the maximum amount set forth in its application this is cause for termination and/or reapplication and re-approval of the water district in question, at the option of the Village.

3. Conditions requiring the reapplication and reapproval of existing districts include, but are not limited to

a. Usage of water in amounts greater than that applied for in the latest existing agreement for a particular water district;

b. A change in the physical boundary description of a particular water district;

c. Requested changes in the type of use intended for the provided water; and

d. Any other requirements as may be required by the Village depending upon the unique conditions surrounding the formation of a particular water district.

Section 7. – Water rates, fees, charges, times and payment, interest and penalties.

A. All water and sewer rates, fees and charges shall be as per the latest fee and rate schedule approved by the Village and maintained at the Village offices. The Village may, with the advice of the Village Engineer, apply either flat rate or metered rate fee schedules for different customers, provided however that the criteria for determining whether to apply metered rate fee schedules in particular instances shall be based on objective usage estimates.

B. Bills are rendered at the scheduled Village rates at quarterly intervals and are due and payable at the office of the Village Clerk within 30 days after the mailing date. On bills remaining unpaid after 30 days, a penalty of 10% additional will be added to the bill. The unpaid portions of bills are added to the tax rolls of the Village on the first day of April of each year for collection. If a bill remains unpaid after 30 days, the Village or its agents or employees may discontinue service at the shut-off, and service will not be re-established until such unpaid charges, together with a charge for restoration of service, are paid.

C. Any customer may discontinue water service by giving the Village written notice not less than 10 days prior to the discontinuance, and all liability for charges for service rendered after the discontinuance of service, as herein provided for, shall cease.

D. The customer shall notify the Village, in writing, of any change in occupancy. No adjustment of bills will be made by the Village as between owners or tenants unless 10 days' notice, in writing, prior to change of occupancy has been given to the Village.

Section 8. – General Rules and Provisions.

A. No persons, except Firefighters in the service of a Fire Department or employees of the Village of Port Leyden Department of Public Works, shall use water from any public fire hydrant for any use whatsoever. If an emergency arises, upon application to the Village, the Superintendent may authorize water use from public hydrants under such conditions as he may deem advisable.

B. In the interest of public health of the Village, mains or services shall not be connected on any premises with any service pipe or piping which is connected with any other source of water supply not approved by the Department of Health of the State of New York; nor shall the Village mains or service pipes be connected in any way to any piping, tank, vat or other apparatus which contains liquids, chemicals or any other matter which may flow back into the Village service pipe or mains and consequently endanger the water supply.

C. The Village undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to customers, but reserves the right, at any time, without notice, to shut off the water in its mains for the purposes of making repairs or extensions, or for other purposes. The Village shall not be liable for a deficiency or failure in the supply of water or the pressure thereof for any cause whatsoever, nor for any damage caused thereby, or by the bursting or breaking of any main or service pipe or any attachment to the Village property.

D. Water service may be discontinued for any one of the following reasons:

1. For use of water through branch connections on the street side of the meter.
2. For molesting any service pipe, seal, meter or any other appliance used in providing water service.
3. For nonpayment of bills for water or services rendered by the Village water supply as heretofore set forth.
4. For cross-connecting pipes carrying water supplied by the Village with any other source of water supply.
5. For refusal of reasonable access to the customer's premises for the purpose of inspecting fixtures and piping and reading, repairing, testing or removing meters.
6. For reselling water.
7. Failure to repair leaks.
8. For willful waste of water through improper and imperfect pipes or by any other means.

E. No person shall obstruct access to any fire hydrant, gate valve, corporation cock or curb box connected with the water mains or service connections or any water pipe in any street by placing thereon any building materials, rubbish or other hindrances.

F. No customer or other person shall willfully waste any water supplied by the Village of Port Leyden by the loss of water through imperfect pipes or by other means.

G. The Village of Port Leyden Board of Trustees and its representatives reserve the right to restrict or prohibit the use of water for sprinkling purposes or other nonessential purposes at such times and for such periods as it deems necessary or proper, and all directives by the Board of Trustees or its duly authorized representatives relative to the curtailment or prohibition of the use of water for sprinkling or other nonessential purposes shall be complied with.

H. In the event of change of ownership or occupancy of a premises, the property owner shall notify the Village of Port Leyden Department of Public Works, in writing, of such change.

Section 9. - Penalties for offenses. Any person who violates any of the provisions of this chapter or any rule or regulation thereof shall be guilty of an offense punishable by a fine not to exceed \$250 or imprisonment not to exceed 15 days, or both such fine and imprisonment.

Section 10. - Severability. If any part of this local law shall be found to be void, voidable, or unenforceable for any reason whatsoever, it shall not affect the validity or enforceability of any remaining section or provision of this Chapter.

Section 11. - Effective Date. This local law shall take effect upon filing with the Secretary of State.

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 3 of 2023 of the (County)(City)(Town)(Village) of Port Leyden was duly passed by the Village Board on March 20 2023, in accordance with the applicable provisions of law.
(Name of Legislative Body)

~~**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

~~**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.~~

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

~~5. (City local law concerning Charter revision proposed by petition.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 20____, became operative.~~

~~6. (County local law concerning adoption of Charter.)~~

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.~~

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.

Danielle St. Louis

Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 3-21-2023

(Seal)