

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET, ALBANY, NY 12231

(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.

STATE OF NEW YORK
DEPARTMENT OF STATE
FILED
AUG 27 2003

MISCELLANEOUS
& STATE RECORDS

County
City
Town
Village

of COLONIE

Local Law No. 8 of the year 2003

A local law Providing for sewer and water rates in the Village of Colonie
(Insert Title)
amending Article IV, Sections 234 and Section A246 18 (H) of the Code
of the Village of Colonie, New York

Be it enacted by the BOARD OF TRUSTEES of the
(Name of Legislative Body)

County
City
Town
Village

of COLONIE as follows:

See Attached

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

(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. 8 of 2003 of the (County)(City)(Town)(Village) of Colonie was duly passed by the Board of Trustees on 8/25/03 19, 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 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the and was deemed duly adopted on 19, 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 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the on 19. 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 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

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 19 of the (County)(City)(Town)(Village) of was duly passed by the on 19, and was (approved)(not approved)(repassed after disapproval) by the on 19. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 19, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

* 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.)

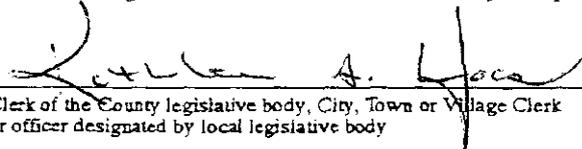
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 19____, 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 19____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 _____, above.


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

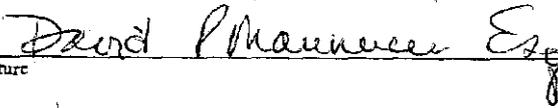
(Seal)

Date: 8/27/03

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Albany

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.


Signature
Attorney
Title

County
City of COLONIE
Town
Village

Date: August 27, 2003

LOCAL LAW NO. 8 OF 2003

VILLAGE OF COLONIE

A Local Law providing for sewer and water rates in the Village of Colonie, amending Article IV, Sections 234 and Section A246-18 (H) of the Code of the Village of Colonie, New York.

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF COLONIE, NEW YORK, as follows:

Sec. 1 Water and Sewer Rates

Article IV, Sewer and Water Rates, Sections 234 – 33 through 234-37 of the Code of the Village of Colonie, New York are hereby repealed. Section A246-18 is amended.

A new Article IV, Sections 234-33 through 234-37, is hereby added as follows:

234-33. Purpose; definitions

- A. Purpose. The purpose of this Article is to establish a methodology whereby the Village of Colonie can, in an equitable manner, establish rates to cover the costs of the operation, maintenance and improvement of its water and sewer systems. The Village Board is hereby setting forth these rates in accordance with the provisions of Article 11, Section 11-1118, of the Village Law and Article 14-F, Sections 452 of the General Municipal Law.
- B. Definitions. As used in this Article, the following terms shall have the meanings indicated:

DWELLING UNIT – A room or group of rooms containing at least one (1) toilet, one (1) bathroom or shower and cooking facilities and designed for independent living by a human occupant(s). A “dwelling unit” does not necessarily have separate utility meters or a separate exit to the outdoors.

NONRESIDENTIAL or NONRESIDENTIAL PROPERTY – Any parcel which is not a residential property, and shall include any property containing a mixture of residential and nonresidential uses.

RESIDENTIAL or RESIDENTIAL PROPERTY – A parcel on which are located no more than six (6) dwelling units as defined above.

234-34. Costs to be allocated.

The following costs are to be allocated:

- A. All costs incurred or to be incurred in the purchase of water and operation and maintenance of the:
 - 1) Water system, to include but not be limited to the administration of the system, costs related to water supply, costs related to transmission and costs related to distribution; and purchase from the Town of Colonie Latham Water District
 - 2) Sewer system, to include but not be limited to administration of the system, capital improvement costs, maintenance, repairs and all costs related to the sewer system and imposed upon the village as a result of its participation in the Albany County Sewer District.
- B. All costs incurred or to be incurred as a result of any improvement made upon the:
 - 1) Water system, to include but not be limited to the costs of the improvement, payment of principal and interest on any borrowing resulting therefrom and all costs imposed upon the Village of Colonie as a result of its participation with Town of Colonie Latham Water District incidental to the above; and
 - 2) Sewer system, directly by the village or as a result of an action of the Albany County Sewer District, to include but not be limited to the costs of the improvement, payment of principal and interest on any borrowing resulting therefrom and all costs incidental to the above.

234-35. Establishment of rates; general provisions concerning water and sewer bills.

A. Billing procedures.

- 1) Water bills are payable semiannually in April and October, sewer bills semiannually in June and December
- 2) Penalty for late payment may be established by the Village Board on an annual basis
- 3) Unpaid water or sewer bills in the village become a lien on the property on the 15th day of May. For customers outside the village, see section 234-38

- 4) No partial bills will be rendered; in cases where the responsibility for payment of bills changes during a billing period, the village will, upon request, provide an interim reading of the water meter

C. Establishment of rates.

- 1) The rate elements may be established after notice published in the official village newspaper and public hearing. Said notice shall be published at least fifteen (15) days prior to said hearing and in accordance with Articles 20 and 21 of the Village Law setting forth the procedures for enactment of a local law
- 2) Where the Village Board determines, during the current fiscal year, that the estimated expenditures for the current fiscal year for either the water system or the sewer system or both exceed the projected revenues for the current fiscal year, the Village Board may, in accordance with Subsection C(1) above, reopen proceedings establishing the current rate element.

- C. Water consumed is measured in gallons by actual metered water use. Where metered amounts cannot be obtained, for whatever reason, said amount of water use will be estimated by the village. Said estimate shall be final and binding, unless corrected by the customer and accepted by the village during the month the bill was rendered.

234-36. Calculations of bills for water rents.

- A. Residential Properties – based on rate per one thousand gallons (1000) metered consumption with a minimum billed consumption of 25,000 gallons per family unit semiannually
- B. Non-Residential Properties – based on rate per one thousand gallons (1000) metered consumption billed semiannually. Minimum non-residential water bill will be \$100.00 semiannually.
- C. Non-Residential Irrigation Systems – may have a separate meter, however the usage from this meter will be added to the main meter for the property for water bill calculation purposes

234-37. Calculation of bills for sewer rents.

- A. Residential Properties - \$62.50 per family unit billed semiannually for an annual total of \$125.00

- B. Non-Residential Properties – based on rate per one thousand gallons (1000) of metered consumption. Minimum non-residential sewer bill for metered properties is \$100.00.
- C. Non-Residential Irrigation Systems – usage added to usage of main meter for billing purposes
- D. Improved vacant properties (non-residential lots on which there is a vacant building) - \$500.00 billed semiannually in June and December

Article IV Section 234-38 is amended as follows:

234-38 Exemptions.

- B. Real Property Exempt from Taxation – Repealed
- E. Sewer bills for property not connected to village sewer system. Change Benefit Unit No. 1 to semiannual sewer bill.
- F. Repealed.

Section A246-18 amended as follows:

H. Water System Rate Elements.

- 1) repealed
- 2) Base metered amounts: 25,000 gallons semiannually
- 3) Repealed
- 4) Water rate:
 - a) Residential Properties: \$2.35 per 1000 gallons; minimum single family unit water bill will be \$58.75 semiannually
 - b) Non-residential Properties: \$5.50 per 1000 gallons; minimum non-residential bill will be \$100.00 semiannually
- 5) Penalty for late payment:
 - a) Up to 15 days late: 5% of bill
 - b) Sixteen or more days late: 10% of bill
- 6) repealed
- 7) Rate elements for sewer rents:

- a) Sewer rent units: \$12.50 semiannually
- b) repealed

Section 2. This local law shall take effect immediately.

By Order of the Board of Trustees:



Kathleen A. Haas, Clerk/Treasurer

Dated: 8-12-03