

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.

County
City of.....**Beacon**.....
Town
Village

Local Law No.....17...of the year....2016.....

FILED
STATE RECORDS

DEC 13 2016

DEPARTMENT OF STATE

BE IT ENACTED by the City Council of the City of Beacon as follows:

Section 1. Chapter 219, Section 11 of the Code of the City of Beacon, entitled "Branches" is hereby amended as follows:

§ 219-11. Branches.

No branch will be allowed to be inserted in any service pipe without a written permit from the City. Where branches already exist and are not provided with curb boxes, in case of default in payment of water rent by any one property owner or consumer, the main service may be cut off until the back charges are paid. The City shall not be liable for damages to any other property owner or consumer who may thus be deprived of water. Backflow preventers (check valves) must be installed on all installations. The City reserves the right to set a time limit for the removal of any branch lines so that, upon reasonable notice of the imposition of said time limit, each dwelling so affected shall install a separate service line at the property owner's or consumer's expense.

Section 2. Chapter 219, Section 13 of the Code of the City of Beacon, entitled "Alterations required by ground elevation changes" is hereby amended as follows:

§ 219-13. Alterations required by ground elevation changes.

In the event that a change in ground elevation leaves a service pipe insufficiently buried, the property owner shall promptly lower or raise his service pipe to conform to the new ground elevation. In case the property owner fails or neglects to make such alterations promptly, the supply of water will be shut off until the alterations are completed, and a new charge, as set forth in the schedule of rates established pursuant to § 219-29, will be made to cover the labor and expense by the City resulting from the property owner's failure so to do.

Section 3. Chapter 219, Section 14 of the Code of the City of Beacon, entitled "Safety valves; liability for damages" is hereby amended as follows:

§ 219-14. Safety valves; liability for damages

In all places where steam boilers, hot-water tanks, refrigerating or air-conditioning units are supplied with water from the water system, the property owner or consumer must see that the plumber places a suitable safety valve, vacuum valve or other proper device to prevent damage from collapse or explosion when water is shut off. The City shall not be liable for any damage resulting from sudden shutting off of the supply of water from any steam boiler or other fixture deriving its supply from the water supply.

Section 4. Chapter 219, Section 15 of the Code of the City of Beacon, entitled "Supply and installation of meters" is hereby amended as follows:

§ 219-15. Supply and installation of meters

- A. The city will supply meters at the expense of the builder/owner of each property according to the rate schedule. The City reserves the right to require that a separate meter be installed for each residential unit, including separate dwelling units in mobile home parks and multiple dwellings.
- B. There will be an initial meter charge equal to the cost of the meter to the City. All meters shall remain the property of the City of Beacon.
- C. Any property owner or owners who has/have not allowed the installation of radio read water meter as of the date of passage of this subsection shall be surcharged a penalty of 25% on each and every water bill until such time as the radio read water meter has actually been installed. This penalty can be appealed for a due process hearing pursuant to Chapter 34.
- D. The property owner or consumer shall be responsible for the maintenance, repair and replacement of all water meters. The property owner or consumer shall notify the City within five (5) business days of discovering any defect with or removal of the water meter that the owner knows of or should have known of. Failure to notify the City of an issue with the meter that the property owner or consumer is aware of or should have been aware of within five (5) business days shall constitute a violation, punishable pursuant to § 219-40 of this Chapter. The City reserves the right to inspect water meters.
- E. In any instance where a meter has been removed without authorization from the City, and such removal prevents the City from calculating water usage, the next water bill shall be charged at twice the amount of the highest water bill issued within the last two (2) years.

- F. Any unauthorized bypass of a water meter or unauthorized modification to the service pipe, meter, or meter appurtenances that results in the water meter's failure to register water usage shall constitute a violation, punishable pursuant § 219-40.

Section 5. Chapter 219, Section 16 of the Code of the City of Beacon, entitled "Pipes to be in proper condition prior to meter installation" is hereby amended as follows:

§ 219-16. Pipes to be in proper condition prior to meter installation.

- A. In the event that the pipes of the property owner are not in proper condition for the installation, repair, or replacement of a meter, the property owner shall cause said pipes at the point at which said meter is to be installed or repaired to be put in proper condition prior to the installation, repair, or replacement of said meter at the owner's expense.
- B. If, due to acts, omissions or negligence on the part of the owner, the meter becomes inoperable, the owner will be charged for the cost of the meter, unless it is determined that the meter is defective.

Section 6. Chapter 219, Section 18 of the Code of the City of Beacon, entitled "Failure of meter to register" is hereby amended as follows:

§ 219-18. Failure of meter to register.

- A. If a meter is out of order and fails to register, the property owner or consumer will be charged at the average consumption as shown by the meter when in order. If after 45 days of written notice from the City the water meter remains out of order due to the property owner or consumer failing to provide access or cooperating with the city in performing the repair and the water meter continues to fail to register, the property owner or consumer will be surcharged a penalty of 25% on each and every water bill until the meter is repaired and the property owner grants the City access to inspect the water meter or the City obtains a valid search warrant to be issued by a judge pursuant to § 219-35.
- B. If a property owner or consumer challenges the accuracy of the water meter, the property owner or consumer shall remove the water meter, have a temporary water meter installed at their expense and provide said water meter to the City. The City shall test the water meter to certify the accuracy of the water meter. If the water meter is found to be defective the City shall pay the costs associated with certification. If the water meter is not defective, the property owner or consumer shall pay the costs associated with certification and replacement of the water meter.

Section 7. Chapter 219, Section 20 of the Code of the City of Beacon, entitled "Protection of pipes and fixtures" is hereby amended as follows:

§ 219-20. Protection of pipes and fixtures

The property owner shall protect all service pipes, meters and appurtenances from damage by frost or freezing and shall be responsible for all expenses occasioned by the repair of such damages.

Section 8. Chapter 219, Section 22 of the Code of the City of Beacon, entitled "Notification and repair of leaks, defects or damage" is hereby amended as follows:

§ 219-22. Notification and repair of leaks, defects or damage.

- A. The property owner or consumer shall promptly notify the City of any leak, defect or damage affecting the service pipe between the main and the point where metered. Water leaks must be repaired promptly and within ten (10) days of discovering the water leak, at the consumer or owner's expense, or, after reasonable notice, service will be discontinued until such repairs are made.
- B. If the City discovers the leak, the City shall promptly issue notice to the property owner or consumer of any leak, defect or damage affecting the service pipe from the main up to the structure. Water leaks must be repaired promptly and within ten (10) days of such notice, at the consumer or owner's expense, or, after reasonable notice, service shall be discontinued until such repairs are made.

Section 9. Chapter 219, Section 25 of the Code of the City of Beacon, entitled "Notice of discontinuance" is hereby amended as follows:

§ 219-25. Notice of discontinuance

Notice, in writing, delivered to the office of the City at least 10 days prior to the termination of service date, shall be required in all cases of application for discontinuance of water service; otherwise, the property owner or consumer shall be liable for the minimum charge for the following 1/2 year.

Section 10. Chapter 219, Section 29 of the Code of the City of Beacon, entitled "Establishment of schedule" is hereby amended as follows:

§ 219-29. Establishment of schedule.

- A. The City Administrator, subject to the approval of the City Council, shall establish, and may amend from time to time by resolution, a schedule of rates, including the following rents and charges:

- (1) The minimum water rents and schedule of water rents.
- (2) Service charges, such as for discontinuance of service, restoration of service, special meter readings and meter test.
- (3) Meter installation charge, in addition to the deposit specified in § 219-15B.
- (4) A penalty of 25% on each and every water bill on property without radio read water meters until such time as the radio read water meters are actually installed.

B. The City Clerk shall assess any unpaid water billings, including interest and penalties, on the property owner's or consumer's upcoming tax bill as a lien against any City property owned by the property owner or consumer. The City Clerk shall then accept payment of unpaid water billings in quarterly increments.

Section 11. Chapter 219, Section 33 of the Code of the City of Beacon, entitled "Discontinuance of service for nonpayment" is hereby amended as follows:

§ 219-33. Discontinuance of service for nonpayment.

In the event that any water bill is unpaid for a period of six months from the date of mailing of said bill to the property owner or consumer by the City Administrator, the Department of Public Works is authorized and directed to discontinue the transmission of water to said property owner or consumer and is directed to shut off said water to said property and the same shall not be restored until the payment to the City of Beacon of the unpaid bill and penalties, and in addition thereto, there shall be a fee payable to the City of Beacon as set forth in the City of Beacon fee schedule, [1] to cover the cost of shutting off and restoring said water at the service line.

Section 12. Chapter 219, Section 35 of the Code of the City of Beacon, entitled "Right of entry" is hereby amended as follows:

§ 219-35. Right of entry.

The City or its authorized agents shall have full power to enter the premises of any property at all reasonable hours to install a meter, read a meter and examine the fixtures, plumbing and manner of using water. If the occupant is not present or refuses admission, the City of Beacon shall obtain a valid search warrant to be issued by a judge.

Section 13. Chapter 219, Section 36 of the Code of the City of Beacon, entitled "Right to limit or shut off water" is hereby amended as follows:

§ 219-36. Right to limit or shut off water.

The City reserves the right to limit the amount of water furnished to any property should circumstances seem to warrant such action, although no limit may be stated in the application or permit for use; or said City may entirely shut off the water supply used for any manufacturing purposes, or for furnishing power, or for lawn sprinkling, car washing, outside use or as otherwise adopted by regulation of the Mayor and City Council at any time, by giving reasonable notice of such intended action; or in the case of making or constructing new work or in making repairs or in any emergency, the right is reserved to shut off the water from any property without notice for as long a period as may be necessary.

Section 14. Ratification, Readoption and Confirmation

Except as specifically modified by the amendments contained herein, the Chapter 219 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

Section 15. Numbering for Codification

It is the intention of the City of Beacon and it is hereby enacted that the provisions of this Local Law shall be included in the Code of the City of Beacon; that the sections and subsections of this Local Law may be re-numbered or re-lettered by the Codifier to accomplish such intention; that the Codifier shall make no substantive changes to this Local Law; that the word "Local Law" shall be changed to "Chapter," "Section" or other appropriate word as required for codification; and that any such rearranging of the numbering and editing shall not affect the validity of this Local Law or the provisions of the Code affected thereby.

Section 16. Severability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid or unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words or parts of this Local Law or their petition to other persons or circumstances. It is hereby declared to be the legislative intent that this Local law would have been adopted if such illegal, invalid or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and if such person or circumstance to which the Local Law or part hereof is held inapplicable had been specifically exempt there from.

Section 17. Effective Date

This local law shall take effect immediately upon filing with the Office of the Secretary of State.

CITY OF BEACON



Iola C. Taylor
City Clerk
One Municipal Plaza, Suite One
Beacon, New York 12508

Telephone (845) 838-5003
Facsimile (845) 838-5012

I, IOLA C. TAYLOR, Clerk of the City of Beacon, New York, do hereby certify that the attached is a true and accurate copy of Local Law No. 17 of 2016 entitled:

A LOCAL LAW TO AMEND CHAPTER 219 OF THE CODE OF THE CITY OF BEACON CONCERNING WATER

adopted by the Beacon City Council at a regular meeting held on December 5, 2016. Council

Member Kyriacou made the motion to adopt the proposed local law. The motion was seconded by Council Member Mansfield. On roll call Council Members Muhammad, Harper, Kyriacou Mansfield, Wetherbee, Ross and Mayor Casale voted in favor (7). Motion Carried.

WITNESS THERE I have set my hand and seal of the City of Beacon this 7th day of December, 2016.

Signed Iola C. Taylor
Iola C. Taylor, City Clerk



(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. 17 of 2016 of the City of Beacon was duly passed by the City Council on December 5, 2016, in accordance with the applicable provisions of law.

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 City of Beacon was duly passed by the City Council 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.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of Beacon was duly passed by the City Council on _____ 20____, and was (approved) (not approved) (repassed after disapproval) by the * _____ on _____ 20____. 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 _____ was duly passed by _____ 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 chairman 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.

6. (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 considered 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.

(Seal)

John C. Hughes
Deputy Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: December 7, 2016

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

STATE OF NEW YORK
COUNTY OF Dutchess

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.

Richard W. Winkler
Signature
City Attorney
Title
City of Beacon
Date: December 7, 2016