

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 Greenport

FILED
STATE RECORDS

DEC 15 2016

DEPARTMENT OF STATE

Local Law No. # 9 of the year 20 16

A local law amending Chapter 118 of the Code.
(Insert Title) of the Town of Greenport concerning
Water.

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

County City Town Village
(Select one.)

of Greenport as follows:

(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. 9 of 20 16 of the (County)(City)(Town)(Village) of Greensport was duly passed by the Greensport Town Board on Nov. 3 20 16, 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.
(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.)

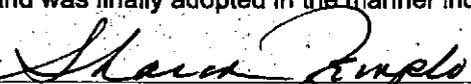
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 _____ above.


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

Date: _____

November 2, 2016

(Seal)

Local Law No. 9 of 2016

A LOCAL LAW AMENDING CHAPTER 118 OF THE CODE OF THE TOWN OF GREENPORT CONCERNING WATER

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF GREENPORT AS FOLLOWS:

SECTION 1. TITLE.

This Local Law shall be known as Local Law No. ___ of 2016.

SECTION 2. AUTHORITY.

This Local Law is authorized by the Municipal Home Rule Law (Chapter 36-a of the Consolidated Laws of the State of New York).

SECTION 3. LEGISLATIVE INTENT.

It is the intent of the Town Board of the Town of Greenport to amend Chapter 118, "Water," of the Code of the Town of Greenport to clarify that any unpaid charges imposed under this Chapter are a lien upon the real property served; to clarify when the Superintendent is authorized to disconnect the water supply to a property; and to revise the water law enforcement procedures to encourage compliance.

SECTION 4. AMENDMENT TO CHAPTER 118 OF THE CODE OF THE TOWN OF GREENPORT.

Chapter 118, "Water," of the Code of the Town of Greenport is hereby amended to read as follows:

ARTICLE I
Definitions.

§ 118-1. Definitions.

As used in this chapter, the following terms shall have the meanings indicated:

PERSON — Any individual, firm, company, association, society, corporation or group.

PUBLIC WATER LINE — A water main in which all owners of abutting property have equal rights and which is controlled by public authority.

SUPERINTENDENT — The Superintendent of Water and Wastewater, Superintendent of the Town of Greenport, or his authorized deputy, agent or representative.

ARTICLE II

Use of Water From District No. 1

§ 118-2. Metering required.

No water shall be used from any public main unless the same shall be metered.

§ 118-3. Water for domestic purposes.

Water shall be supplied for domestic individual family residences situated within the district. In times of emergency the Superintendent shall have the right to limit water usage and to take such steps as will ensure that domestic users shall have adequate supply consistent with minimum health requirements.

§ 118-4. Commercial and industrial usage.

Commercial and industrial usage shall be subject to review and limitation according to usage requirements and the availability of water with the existing supply, storage and transmission facilities.

§ 118-4.1. Prohibition of private wells.

It is prohibited and a violation of this chapter to drill, use, or operate a water well not owned or operated by the Town within the Town's Water District, unless authorized by the Superintendent in writing.

§ 118-4.2. Exemption for thermal wells and existing wells.

Nothing in this chapter shall prohibit the installation or operation of wells used solely for building heating and cooling systems or the use or operation of water wells which are in operation when this chapter is adopted.

§ 118-5. Restriction of water use.

When in the opinion of the Superintendent conditions so dictate, the use of water for lawn sprinkling and gardening purposes, water-cooled equipment and swimming pools may be prohibited.

§ 118-6. Water from hydrants or standpipes.

No water may be used from any fire hydrants or fire standpipes by other than duly authorized fire company personnel in connection with their fire company activities without express permission of the Superintendent.

§ 118-7. Metered rates.

Owners of property will be responsible for the cost of water at metered rates fixed by resolution of the Town Board.

§118-7.1. Charges act as lien.

Water meter charges, accrued interest, penalties, and any other charges imposed pursuant to this chapter shall be a lien upon the real property upon which or in connection with which the water was used. In the event any sums due hereunder are not paid within sixty (60) days from the date due, the water supply may be cut off to such property without further notice. Any such charges shall be a lien upon the real property served and shall be collectible as provided by Article 12 of the Town Law.

§ 118-8. Discontinuance of water supply.

A. The Superintendent shall have the right to disconnect the water supply after the Superintendent has given notice in writing to the property owner and/or user, either personally or by certified mail, at least 10 days in advance of said proposed discontinuance of the water supply. The supply of water may be turned off by the Superintendent for any of the following reasons:

- (1) For use of water other than for the purpose represented in the application.
- (2) For willful waste of water through improper or imperfect pipes.
- (3) For opening, meddling with or disarranging any hydrant, curb stop cock, valve, meter or any fixture connected with the water system without permission of the Superintendent.
- (4) For nonpayment of water meter rents, penalties, or any other charges imposed pursuant to this chapter.
- (5) For refusal of reasonable access to the property for the purpose of inspecting, repairing, replacing, or reading the water meter.
- (6) For failure of the property owner to make necessary repairs requested by the Superintendent in the event of a leak, disrepair, or malfunction of any portion of the water line.
- (7) For violation by property owner or user of any regulation of the New York State Health Department or any provision of the Code of the Town of Greenport.

B. In the event of said disconnection of the water supply, the Superintendent will not turn on the water supply again until such delinquent charges are paid in full, any additional fees are paid, and the Superintendent is satisfied that the property owner and user is in compliance with the provisions of this chapter.

§ 118-9. Right of entry.

The Superintendent of the district and other duly authorized employees shall be permitted to enter upon properties for the purpose of inspection, observation, measurement, sampling testing and the reading of meters within the provisions of this chapter.

ARTICLE III

Water Mains and Connections

§ 118-10. Permits required for connection.

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public water main or appurtenance thereof without first obtaining a written permit from the Superintendent and a like permit from the Superintendent of Highways, Town of Greenport.

§ 118-11. Application for connection.

Application for connection to the water mains shall be made on special forms to be supplied by the Superintendent. The permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Superintendent. A permit and inspection fee, as hereinafter established by resolution of the Town Board, shall be paid at the time the application is filed.

§ 118-12. Costs of connection.

All costs and expenses incident to the installation and connection of the water service to the Town of Greenport system shall be paid at the sole cost and expense of the property owner at fees to be established by resolution of the Town Board.

§ 118-13. Separate line and meter for each building.

A separate and independent water line and meter shall be required for every building and/or using unit.

§ 118-14. Use of old water lines.

Old water mains may be used in connection with new buildings only when they are found, on examination and test by the Superintendent, to meet all requirements of this chapter.

§ 118-15. Connections by authorized personnel.

The connection of water lines to water mains shall be done only by personnel authorized by the Superintendent and under the supervision of the Superintendent after adequate notification that the water line is ready for inspection and connection to the public water main. No connection or

individual water lines may be installed or covered without prior inspection by the Superintendent; and the Superintendent reserves the right to require reexcavation before approving of the connection to the water main.

§ 118-16. Guarding of excavations.

All excavations for building water line installations shall be adequately guarded with barricades and lights to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

§ 118-17. Required shut-offs.

Each water user connection shall contain two approved-type shut offs: at the water main (corporation tap), and at the property line a curb cock and valve box, which shall be brought to grade. No water line shall be of a material other than Type-K copper unless otherwise approved by the Superintendent. Plastic or ductile iron material may be permitted with approval of the Superintendent. Where a water line made of plastic material is used, an 18 gauge copper wire shall be installed with the plastic line. All installations shall be in accordance with Town specifications and shall be inspected and approved by the Superintendent.

§ 118-18. Interference with water system.

No person shall open, meddle with or disarrange any hydrant, curb stop cock, valve, meter or any fixture connected with the water system without permission of the Superintendent.

§ 118-19. Costs of repairs.

In the event of a leak, disrepair, or malfunction of any portion of the water line, or any violation of this chapter that, in the Superintendent's opinion, causes or threatens to cause hazard to the public health, the owner of the property serviced by said water line shall immediately, at his own cost and expense, make the necessary repairs or corrective procedures; all abandoned water services shall be shut off at the corporation tap by the property owner. In the absence of such repairs or corrective procedures, the Superintendent may enter upon the property and make necessary repairs or corrective procedures at the cost and expense of the property owner, to become a lien against said property if unpaid.

§ 118-20. Installation of meters; costs.

A. Upon the effective date of this section, all meters shall be installed by the property owner at his/her own cost, subject to the control and direction of the Superintendent.

B. All meters shall be installed subject to the following guidelines:

- (1) Four feet off the ground;

(2) Have a two-foot circumference in any direction; and

(3) Location must be easily accessible.

C. Regardless of how and when meters were installed, should a previously installed meter become obsolete and not function properly or need replacement due to deterioration resulting from reasonable wear and tear, such meter shall be replaced by the water department at the Water District cost. The Superintendent may enter upon property and replace a meter where necessary upon 24 hours' written notice to the property owner.

D. All meters installed in the Town of Greenport shall be the property of the Water District and shall be maintained by the Water District.

§ 118-21. Permission for additional water.

All water shall be used for the purpose for which it was originally installed or so stated on the permit. For any additional supply or taps, permission must be obtained from the Superintendent in writing.

§ 118-22. Taps between curb cock and meter prohibited,

There shall be no taps, faucets, etc., between the curb cock and meter valve.

§ 118-22.1. Performance of system.

The Town undertakes to use reasonable care and diligence to provide a constant supply of water at reasonable pressure to users. However, the Town reserves the right at any time, without notice, to shut off the water in its mains for the purpose of making repairs, taps, and extensions. The Town will, however, give notice, where practical, of such shutoffs. The Town will not be held liable for deficiency or failure in the supply of water or in the pressure for any cause whatsoever. The Town does not assume any responsibility for damages to any property due to the shutting off or turning on of water with or without notice.

ARTICLE IV

Enforcement

§ 118-23. Enforcement; penalties for offenses.

A. This chapter shall be enforced by the Superintendent and/or the Code Enforcement Officer of the Town of Greenport or their authorized representative, agent or employee.

B. Whenever it is determined that there has been a violation of any provision of this chapter, a violation notice and/or order to cease and desist may be issued to any person not complying with prohibitions, limits, requirements or provisions of this chapter.

C. Violation notices/orders to cease and desist shall be in writing and shall identify the property

or premises and shall specify the violation or remedial action to be taken and shall provide that said violation must be corrected within 10 days from the receipt of said violation notice unless said ten-day period shall be modified in writing in the discretion of the Superintendent, Code Enforcement Officer or their representative, issuing such violation notice.

- D. Failure of the property owner to remove or correct the violation by the end of the time interval specified in the violation notice/order to cease and desist shall constitute an offense punishable by a monthly amount, in addition to and not in lieu of any other penalty or fine set forth in this chapter, surcharged on the property owner's water usage bill in each month until the month the property owner removes or corrects the violation. The surcharge applicable to the first month of the violation shall be \$100. The surcharge applicable to the second month of the continued violation shall be \$250. The surcharge applicable to the third month and any subsequent months of the continued violation shall be \$500 per month.
- E. Any person aggrieved by the action of the Superintendent in imposing a surcharge as provided in § 118-23(D) of this chapter, shall have the right to appeal to the Town Board. Such appeal shall be taken by filing with the Town Board, within 14 days of the surcharge being applied, a written statement fully setting forth the grounds for the appeal. The Town Board shall, within 45 days of receipt of such appeal, schedule a hearing. Notice of such hearing shall be mailed to the appellant at his or her last known address at least 5 days prior to the date of the scheduled hearing. The decision and order of the Town Board on such appeal shall be final and conclusive, and any person aggrieved by such decision may apply to the Supreme Court of the State of New York for relief through a proceeding under Article 78 of the Civil Practice Law and Rules of the State of New York.
- F. Violation notices and other orders or notices referred to in these regulations shall be served on the property or premises owner or the owner's executors, legal representatives, agents, lessees, or any tenant or other person occupying the premises or other person having a vested or contingent interest in the premises, either personally or by certified mail, addressed to the last known address, or by facsimile, if any, to the owner or one of the owner's executors, legal representatives, agents, lessees, or other person having a vested or contingent interest in same, as shown by the last preceding completed record of the Receiver of Taxes or in the office of the Columbia County Clerk.
- G. When necessary, the Superintendent and/or Town Enforcement Officer or their authorized representative, agent or employee shall have the authority, pursuant to the Criminal Procedure Law, to issue an appearance ticket, directing a designated person to appear in court at a designated time in connection with the commission of a violation of the provisions of this chapter.
- H. Anyone convicted of a violation of any provision of this chapter shall be guilty of an offense punishable by a fine of not less than \$50 nor more than \$250 for a first offense or by imprisonment for 30 days, or both, and for a second offense within two years, shall be guilty of a misdemeanor punishable by a fine of up to \$500 or a term of imprisonment of up to 90 days. Each day that such violation shall continue shall be a separate violation and is subject

to a separate fine, imprisonment, or combination thereof.

- I. In the event a property owner or user fails or refuses to correct a violation under this chapter, the Town may commence a civil action, request injunctive relief against the violation, and seek money damages to compensate the Town for the costs it has and will incur because of the violation including reasonable attorney's fees expended by the Town.
- J. The Town Attorney may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this chapter, notwithstanding the previous provisions of this section, for a penalty or other punishment.
- K. Whenever an alleged violation of the Town's rules and regulations occurs, any person may file a complaint in regard thereto. All such complaints must be in writing and shall be filed with the Superintendent who shall properly record such complaint and immediately investigate and report thereon. All such complaints shall be signed by and bear the address of the complainant.
- L. The application of the above penalties, remedies, or the prosecution for a violation of the provisions of this chapter shall be cumulative and shall not prevent the revocation of any permit issued pursuant thereto, the enforced removal of the conditions prohibited by this chapter, or the disconnection of a property to the water supply pursuant to this chapter.

SECTION 5. SUPERSESSON. This Local Law amends Chapter 118 of the Code of the Town of Greenport and supersedes any inconsistent provisions of the Code to the extent necessary to give this Local Law full force and effect.

SECTION 6. SEVERABILITY. If any clause, sentence, paragraph, section or part of this Local Law shall be adjudged by any Court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined to its operation in said clause, sentence, paragraph, section or part of this Local Law.

SECTION 7. EFFECTIVE DATE. This Local Law shall take effect immediately upon passage and filing with the Secretary of State.

Introduced Michelle Ublackek

Seconded Guy Apicella

Approved Edward Nabozny

By Edward Nabozny, Supervisor

TOWN BOARD
TOWN OF GREENPORT
COLUMBIA COUNTY, NEW YORK

RESOLUTION NO. 94 2016 DATE: November 2, 2016

INTRODUCED BY: Michelle Uplocker
SECONDED BY: Guy Apicella

WHEREAS, it is the intention of the Town Board of the Town of Greenport to amend Chapter 118, "Water" of the Code of the Town of Greenport to clarify that any unpaid charges imposed under this Chapter are a lien upon the real property served; to clarify when the Superintendent is authorized to disconnect the water supply to a property; and to revise the water law enforcement procedures to encourage compliance; and

WHEREAS, a new local law amending Chapter 118 of the Code of the Town of Greenport was laid on the desks of the members of the Town Board for at least 30 days and a public hearing was duly noticed and held on November 2, 2016.

NOW, THEREFORE, BE IT RESOLVED, that Local Law #9 of 2016 is hereby adopted.

APPROVED:

[Signature]
Town Board

STATE OF NEW YORK)
COUNTY OF COLUMBIA) SS:

This is to certify that I, the undersigned Town Clerk of the Town of Greenport, County of Columbia, have compared the foregoing copy of resolution with the original and original minutes thereof, now remaining on file of records in my office, and that the same is a true and correct transcript therefrom and of the whole of such original.

IN TESTIMONY WHEREOF, I have hereunto set my hand and affixed the seal of the said Town and County, this 2nd day of November, 2016.

[Signature]
Town Clerk of the Town of Greenport, Columbia County, NY

