

# 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 25 2003  
MISCELLANEOUS  
& STATE RECORDS

County of Cassadaga  
City/Town/Village of \_\_\_\_\_

Local Law No. 3 of the year 19 2003

A local law to Establish the Rules and Regulations for the Use  
(Insert Title) of the Public Water System of the Village of Cassadaga.

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

County of Cassadaga  
City/Town/Village of \_\_\_\_\_ as follows:

## ARTICLE 1: PURPOSE AND STATUTORY AUTHORITY-

The purpose of this Local Law is to promote and protect the public health, welfare, and safety by regulating the use of the public water system of the Village of Cassadaga by residents of the Village, and by persons located outside the Village. This law is adopted under the authority of Article II of the Village Law of the State of New York.

## ARTICLE 2. REPEALER-

This Local Law supercedes and replaces Local Law Number 70-4 and Local Law Number 1 of 2003 of the Village of Cassadaga, which previous Local Laws are repealed by the enactment of this Local Law.

## ARTICLE 3. DEFINITIONS-

For application in this Local Law, the following definitions will apply:

- a) Building-includes any structure or enclosure to which water is supplied, whether attached to realty or not, whether the same be occupied or vacant.
- b) User-an owner, tenant, lessee, occupant, undertenant, receiver or assignee of premises supplied with water, including a consumer of water, irrespective of his legal status with respect to the property.
- c) Water Department-refers to the Village of Cassadaga, or any person designated by the Village Board to act on the Village's behalf.
- d) Water System-consists of any and all wells, reservoirs, treatment facilities, equipment, and connecting water lines operated and maintained by the Village of Cassadaga.

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

ARTICLE 4. APPLICATION FOR water supply

A. No person shall use the Village water for any purpose unless an application to the Village has been made therefore. All applications for the introduction of supply of water to any premises, or for replacement and/or modification of an existing installation, or for the extension of any pipe or line for the conveyance of water, must be made in writing to the Village by the owner of the premises being supplied, or, if the applicant is not the owner of the premises, the written consent of the owner must accompany the application. The application shall state the name of the applicant, the address where said water is to be used, the uses and purposes for which the water is desired, and, if applicable, the name and address of the plumbing contractor who will be performing the work.

B. The use of the water, when granted, shall be subject to the rules and regulations herein.

C. The Village reserves the right to refuse any application if, in its judgment, it shall be in the best interest of the Village.

D. A fee, as established annually by the Village Board, shall be paid upon the filing of each application for each specific service line.

ARTICLE 5. INSTALLATIONS AND MAINTENANCE-

A. No opening shall be made in the paved portion of any municipal street for purposes of connecting to the water mains, by anyone except the water department.

B. Each new connection to water mains of the Village shall be made at the sole expense of the property owner.

C. All private service lines installed or replaced shall be of a type and size as required by the Superintendent of the Water Department.

D. The Water Department shall designate the point at which the water main is to be tapped, and the position of the service pipe connection at the tap. All connections or taps of water mains shall be made by the Water Department, after receipt by the Water Department of proof that the application as provided for in Article 4, above, has been submitted and approved, and the required fee(s) paid at least 24 hours in advance of the time the connections or taps are requested to be made. Such connections and taps will be made at the convenience of the Water Department.

E. In every installation of water service, the owner or applicant shall provide facilities for setting of a water meter, according to specifications provided by the Water Department. Such facilities shall include provision for the water meter to be set in a horizontal position in such manner to afford ready access to inspect, and shall be protected against frost, steam, or hot water. There shall be provided, by the owner or applicant, a shutoff valve on each side of the meter. The cost of installation of meters, except for the replacement of defective meters, shall be borne by the owner or applicant.

F. No new tap shall be made to a water main to connect with a service line which is intended to replace an existing service line, unless the existing service line is properly disconnected at its tap to the main. The expense of each disconnection shall be borne by the owner or applicant.

G. Where a service line is abandoned or discontinued, the service line must be shut off and discontinued at the main, at the expense of the owner.

H. All water users must keep their service pipes and all fixtures connected therewith in good repair and protected from frost, leaks, and breaks, at their own expense. The Village shall

not be liable for any damage resulting from freezing or bursting pipes, leaks, or failure to keep in repair. If an owner fails to observe these requirements, in addition to the other penalties hereinafter provided, the Village may, at its election, after notice given, discontinue the water supply to such user, and assess the cost thereof against the real property affected.

I. There shall be a separate and distinct tap and meter for the service of each building or separate premises supplied with water (other than an accessory building on the same premises). Where there are separate and distinct establishments contained within one building (such as stores, restaurants, or other places of business), separate and distinct taps and meters shall be provided for each separate user of water within the building or structure. In the event that structures existing prior to the enactment of this Law do not meet this requirement of separate taps, the Village may, at its election, waive the requirement of separate taps, and may bill each separate facility or establishment within the building, for which water is supplied, as a separate water service.

J. No in-house or private water system shall in any way be interconnected or capable of being interconnected with the Village water system.

#### ARTICLE 6. ACCESS TO PIPES AND FIXTURES-

The Water Department shall at all reasonable times have access to pipes and fixtures on the premises of water users.

#### ARTICLE 7. REPAIRS-

A. All repairs necessitated by damage or maintenance needed between the curb box and the building being supplied shall be performed by, and at the sole expense of, the owner. All replacement of defective lines from the main to the curb box shall be done at the expense of the Village.

B. Whenever a water service pipe becomes frozen between the main and the building, the Water Department may shut off or disconnect service, and such service shall not be resumed until the water service line is thawed by the owner, and an inspection has been made determining that the service line has not been damaged by reason of such freezing. The cost of disconnecting or discontinuing the water service and the inspection and reconnection shall be borne by the owner.

#### ARTICLE 8. WATER METERS-

A. Water meters of a size not greater than two (2) inch inlet and outlet will be furnished by the Village Water Department, for the exclusive use of the Water Department, to be connected by the Water Department, to the owner's properly-prepared plumbing supply, as provided in Article 5., Section E, above. Owners shall be responsible for furnishing large water meters of two (2) inch or more inlet and outlet in size. The cost of installation of all meters shall be borne by the owner or applicant.

B. Upon recommendation of the Water Department, and approval by the Village Board, the requirement of an installation of a water meter may be waived, and the consumption of water be charged on a flat fee to be determined by the Village Board.

C. Title to any water meter supplied by the Village shall remain in the Village.

D. No person other than an employee of the Water Department shall interfere with or remove any water meter, sealing device or coupling from any meter installation, after it has been placed in service by the Water Department. Any meter damaged by frost, hot water, steam, or

any careless or negligent acts of the owner or user, shall result in the cost of repair being assessed to the owner or user, and such costs shall be a charge upon the real property. Any wilful acts by the owner or user, resulting in damages to a water meter, or any acts designed to interfere with the proper operation of a water meter, in addition to the penalties for violation hereinafter provided, shall also be cause for a discontinuance of water service, and the cost of such discontinuance shall be assessed to the owner and charged to the real property.

E. The sub-metering or sale or gift by water consumers to others is strictly prohibited, and, in addition to the penalties for violation hereinafter provided, shall be cause for the Village to discontinue water service and charge the cost of discontinuance to the owner. Such costs shall be a charge against the real property.

F. No water meter may be removed without written permission from the Water Department. The Water Department may remove a meter at any time for testing, maintenance, or substituting another meter, temporarily or permanently.

G. In circumstances where the customary location of a water meter is impractical, the Water Department may require the water meter to be set in a pit or box, provided by and at the expense of the owner or applicant, the construction of which shall be approved by the Village. It shall be the responsibility of the owner to maintain the pit or box meter location at all times, and should the owner fail to do so, upon written notice of not less than thirty (30) days, the Village may make such repairs as it deems necessary and assess all costs of repair to the owner, which shall be a charge against the real property.

#### ARTICLE 9. WATER RATES AND SERVICE TAP CHARGES-

A. Water rates and service tap charges will be fixed and established by the Village for consumers within the Village and for consumers outside the Village, annually, or at any other time as determined by the Village, except that, if no action is taken by the Village, the most recently adopted schedule shall continue in effect.

B. All water rates for consumers within the Village shall be payable semi-annually and the established minimum rate shall be payable, even though no water be consumed, so long as the service remains connected with the Village main.

C. Payment for water usage shall be made at the office of the Village Clerk during regularly established business hours. Payment made by mail shall be deemed to have been received at the time of mailing as evidenced by the date of the postmark.

D. All water rates shall be charged on a basis of the amount registered on the meters installed, or on a flat rate basis as herein provided, with a minimum charge as established by the Village.

E. All water rates shall become due semi-annually on the first day of June and December of each year. Water rates shall be paid before the twenty-fifth (25<sup>th</sup>) day of the month in which they become due. All water bills not paid on or before the twenty-fifth (25<sup>th</sup>) day of the month in which they become due will be charged on the gross rate. The gross rate shall be ten per cent (10%) above the net rate.

F. If water rates for any premises remain unpaid for sixty (60) days or a longer period of time after becoming due, the supply of water to said premises may be shut off, upon notice, and will not be restored until all past due rentals are paid. A charge of five dollars (\$5) payable in advance will be made when water service is restored.

G. All water rates, penalties and interest thereon, and all charges for tapping, connection and disconnection, and all other charges provided for by this local law shall be a lien on the real

property upon which the water is used, and such lien shall be prior and superior to every lien or claim, except the lien of any existing tax. The Village Board may certify to the Village Clerk the amount of such lien which has not been paid at the time and in the manner described by the board, with a description of the real property affected thereby, and the board of trustees may order such amount be included in the annual tax levy and shall levy the same upon the real property affected.

**ARTICLE 10. WATER RATES FOR CONSUMERS OUTSIDE VILLAGE-**

A. Water supplied to consumers outside the boundaries of the Village shall be on such terms and such conditions as may be fixed by the Village Board. The Village Board may require that there be deposited with the Village a sum equivalent to the estimated cost of water to be supplied to an applicant for each ensuing six (6) month period, and that such deposit be held as security for collection of the water rent.

B. Any water supply to consumers outside the Village limit shall be furnished only upon an agreement that the Village assumes no obligation to maintain any facilities not owned by the Village.

C. Water rates payable by consumers outside the Village shall be fifty percent (50%) greater than the current water rents payable by consumers within the Village

D. Consumers to whom water is supplied outside the boundaries of the Village shall be subject to all of the rules and regulations herein, and such service may be terminated or disconnected in the same manner as for users within the Village.

E. Nothing contained in this section shall be construed to relieve the consumers of water outside the Village boundaries from any liabilities or obligations imposed by law upon resident users of water.

F. Nothing contained in this section shall be construed to give any person or persons the right or rights to water from the Village, and the granting of each right shall be by the Village Board.

**ARTICLE 11. USE OF WATER-**

A. Unless in actual use, all hydrants, taps, fixtures or other outlets must be securely shut off. Any unnecessary use of water is strictly prohibited.

B. If the Village Board at any time determines that an emergency exists threatening a shortage of water supply, the board may prescribe emergency rules for further regulation and restriction of the use of the water supply.

**ARTICLE 12. PENALTIES FOR VIOLATION-**

A violation of this local law, or any section thereof, or any part of any section thereof, shall be punishable by a fine not to exceed five hundred dollars (\$500.00), or imprisonment not to exceed three (3) months, or both such fine and imprisonment. Nothing herein contained shall prevent the Village Board of Trustees from enforcing obedience of this local law, or any part or section thereof, by seeking injunction from any court of competent jurisdiction, or in any other lawful manner.

**ARTICLE 13. SAVING CLAUSE-**

The invalidity of any clause, sentence, paragraph or provision of this local law shall not invalidate any other clause, sentence, paragraph or provision or part thereof.

ARTICLE 14. EFFECTIVE DATE-

The 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 192003 of the ~~(County)~~(City)(Town)(Village) of Cassadaga was duly passed by the Board of Trustees on Aug. 6 /192003, 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.

*Rochanne C. Coste*

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

(Seal)

Date: August 15, 2003

(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 Chautauqua

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.

*Rope L. Fredrickson*

Signature

Village Attorney

Title

County  
City/  
Town of Cassadaga  
Village

Date: August 15, 2003