

**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.

**FILED  
STATE RECORDS**

**AUG 22 2011**

**Village of Deferiet**

**Local Law No. 2 of the year 2011**

**DEPARTMENT OF STATE**

**A local law to regulate water use and charges within the Village of Deferiet**

(Insert title)

**Be it enacted by the Board of Trustees of the Village of Deferiet as follows:**

(Name of Legislative Body)

**ARTICLE I**

**Section 1. Connection to Village system required; hookup fee.**

- A. All improved parcels within the limits of the Village of Deferiet are hereby required to connect to the Village water system, provide that they have reasonable access thereto.
- B. The Board of Trustees is enabled to establish the rate of \$200.00 for new water hookup fees, with the authority to modify these fees by simple resolution by the Board.
- C. Upon application to and approval by the Village Water Department, a water service will be installed from a water main located in the street upon which the applicant's premises fronts to a curb cock or shutoff valve located approximately at the applicant's property line or curblin. It shall be the responsibility of the applicant/property owner to complete the installation of the water service pipe from such curb cock or shutoff to the building which is to be served. Before covering the trench in which the water service pipe is laid from the curb cock or shutoff to the building, the property owner shall first notify the Village Water Department and provide access thereto for inspection and approval. Any corrections required by the Village Water Department shall be made by the property owner at the property owner's expense prior to initiation of water service. In the event that the property owner shall fail to provide the Village Water Department with an adequate opportunity for inspection, the Village Water Department may enter onto the property, retrench the pipe and complete the proper inspection. In the event that repairs are required following said inspection, the property owner shall have 15 days to complete those repairs. In the event that the property owner fails to complete those repairs within the 15 days, the Village Water Department may complete the repairs to bring the service to proper standards prior to initiation of service. The cost to the Village for retrenching

and any repairs required shall be billed to the property owner based upon the prevailing labor rates in effect for the Village of Deferiet at the time the work is performed, plus the cost of any materials provided by the Village. In the event that the property owner fails to remit payment for labor and materials within 30 days from the billing date, the amount thereof shall be subject to the provisions of Section 8(D) of this law.

**Section 2. Use of other water sources.**

A different source of water may be used if it is not intended to be the primary source of water for human purposes or if the user does not have reasonable access to the Village water system.

**Section 3. Connections to both Village system and other source.**

If a user is connected to a different source of water and also to the Village water system, the user shall be required to install a venting control valve from the different source at his own expense, to prevent the possibility of contaminating the water supply system of the Village. An annual inspection will be required to certify that the valve is functioning properly.

**Section 4. Exceptions to provisions.**

The Village may grant exceptions from compliance with this chapter if the user does not have reasonable access to the water supply system or is unable to use the system because of health or other reasons. Any user claiming such exception shall apply to the Village Board for such exception, which may grant the exception after receiving proof to its satisfaction from said user.

**Section 5. Water service disconnection and reconnection.**

- A. No water service shall be initiated or terminated and no water meter shall be installed or removed except by employees of the Village of Deferiet Water Department.
- B. No unauthorized persons shall be permitted to open or shut any fire plug, hydrant, gate, shutoff or stop cock attached to any Village water meter.
- C. A request for initiation or termination of service must be made not less than 48 hours prior to the requested date for installation or removal. Such request shall be made to the Village Office, and the fee for service, set annually by the Board, will be assessed on the next water bill. Any such fee that is not paid within 30 days from the date of assessment shall be subject to the provisions of Section 8(D) of this law.
- D. The Village Water Department may discontinue water service on any part of its system at any time deemed necessary in order to make repairs or extensions. The Village Water Department will attempt to provide advance notice of any discontinuation of service to all users affected thereby, but shall not be required to do so when circumstances do not permit delay.

- E. The Village Water Department may discontinue water service to any property for nonpayment of any charges or fees due under this chapter or for failure to comply with any of the provisions of this chapter.

**Section 6. Repairs and maintenance.**

- A. It shall be the responsibility of the property owner to repair and maintain the service pipes from the Village's curb cock or shutoff to and into the building serviced. All leaks in piping, appliances and outlets shall be promptly repaired by the property owner. If such repairs are not promptly and properly made the Village Water Department may discontinue service to the property owner upon twenty-four hour notice. Any such discontinuation of service shall be for cause under the provisions of this chapter.
- B. Any damage to the Village's curb cock or shutoff caused by the property owner or any person hired by the property owner shall be repaired or replaced by the Village Water Department, and the cost of labor provided by the Village at the prevailing wage in effect for the Village plus the cost of the materials shall be charged to the property owner. Any such charges not paid within 30 days from the date of billing shall be subject to the provisions of Section 8(D) of this law.

**Section 7. Individual services.**

Each property serviced by the Village of Deferiet water system must be supplied by an independent service pipe from the water main. No property owner shall permit water to be supplied from his premises to another property except upon special permission granted in advance by the Board of Trustees of the Village of Deferiet.

**Section 8. Payment and billing.**

- A. Any property owner connected to both the Village water system and a separate water source shall be required to pay for the water used from the Village water system at existing rates.
- B. Water usage shall be billed based upon the number of occupant units at a property multiplied by the rate per unit as established from time to time by the resolution of the Village Board of Trustees. Occupant unit shall be defined as a single family or individual resident unit.
- C. Each property owner shall be charged for tapping a water main to install a water service in accordance with the schedule and rate then in effect as published by the Village of Deferiet.
- D. In the event that a property owner fails to pay for water usage or any fee imposed pursuant to the provisions of this chapter within 30 days following the issuance of a bill by the Village Office, the Village Water Department may cease and refuse to service such

delinquent consumer and may discontinue the water service, and the amount due for water service plus penalties and interest shall be added to the tax roll for the property serviced or the Village may sue for such account and take judgment thereof on behalf of the Village and issue execution thereon. If water service is terminated hereunder but the amount due on any unpaid bill is paid prior to the taking of a judgment as aforesaid, the water will be restored only upon payment of all costs actually incurred by the Village for the collection of such unpaid bills, including attorneys' fees and expenses and court costs together with an additional charge, at the current rate, for restoration of water service.

- E. All billings made to a property owner under the provisions of this chapter not paid within 30 days from the date of the billing shall be subject to interest at the rate of 10% of the outstanding bill.

**Section 9. Penalties for offense.**

Any person violating the terms or conditions of this chapter shall be subject to a fine not exceeding the sum of \$250 or to imprisonment for a term not exceeding 15 days, or both, for each violation; and each week the violation continues will be deemed a separate violation.

**Section 10. Authorization to grant injunctions.**

The Board of Trustees is hereby authorized to grant an injunction prohibiting any person from improperly using the water or sewer system.

**Section 11. Certification and filing with County.**

The Village Clerk is hereby directed to forthwith file a certified copy of this chapter with the Clerk of Jefferson County.

**Section 12.** This local law shall take effect upon filing in the Office of the Town Clerk and with the Secretary of State as required by the Municipal Home Rule Law.

(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. 2 of 2011 of the Village of Deferiet was duly passed by the Board of Trustees on 3 August 2011, 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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted (Elective Chief Executive Officer) 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 (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20\_\_\_\_ (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. 2 of 2011 of the of the (County)(City)(Town)(Village) of Deferiet was duly passed by Village of Deferiet Board of Trustees (Name of Legislative Body)

on 3 August 2011, and was (approved)(not approved) (repassed after disapproval) by the Robert J. Foster, Mayor, Village of Deferiet on 3 August 2011. Such local (Elective Chief Executive Officer) law was subject to permissive referendum and no valid petition requesting such referendum was filed as of 3 August 2011, 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.



