

Local Law Filing

New York State Department of State
162 Washington Avenue, 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.

NEW YORK
DEPARTMENT OF STATE
FILED
DEC 11 2003

County
City of Liberty
Town
Village

MISCELLAN
& STATE RECORDS

Local Law No. 7 of the year 2003

A local law adopting a new Section 84-5A of the Code of the Village of Liberty to permit the creation of new private wells or water supplies within the incorporated Village of Liberty solely for the purpose of the installation of self-contained, closed loop geothermal heating/cooling systems.

(Insert Title)

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

County
City of Liberty as follows:
Town
Village

1. Purpose. At present, the vast majority of the buildings and structures in the Village of Liberty are heated by the burning of fossil fuels, at great expense to the owners or lessees of such buildings and structures and with the concomitant air pollution which results from the combustion of such fossil fuels, and are cooled by air conditioning units which run on electricity (which, in turn, is usually generated by the burning of fossil fuels). A self-contained, closed-loop geothermal heating system, which involves the installation of a well and a closed loop in the building or structure by which the heat of the earth provides the majority of the energy needed to heat or cool a building or structure, results in lower heating and cooling bills and less air pollution as a result of the combustion of fossil fuels. Presently, Section 84-5 of the Code of the Village of Liberty prohibits the creation of new private wells or water supplies within the incorporated Village of Liberty. Section 84-5 was enacted in order to protect the ability of the Village of Liberty to provide water to its residents, which can only be performed properly through economies and efficiencies of scale. It is the desire of the Village Board to permit new private wells or water

supplies solely for the purpose of the installation of self-contained, closed-loop geothermal heating/cooling systems, on the express condition that the water produced by such new private well may not be used for human consumption, cleaning, bathing or any other purpose other than the geothermal heating/cooling system.

2. A new Section 84-5A of the Code of the Village of Liberty is hereby adopted to read as follows:

84-5A - Geothermal Heating/Cooling Systems

1. Notwithstanding the provisions of Section 84-5 of the Code of the Village of Liberty, new private wells may be installed in the Village of Liberty for the purposes of the installation and maintenance of a self-contained, closed loop geothermal heating/cooling system, as hereinafter provided.
2. An owner or lessee (with the express written permission of the owner) of real property in the Village of Liberty may install a private well on such real property solely for the purposes of the installation of a geothermal heating/cooling system to serve a building(s) or structure(s) located on such real property or to be constructed simultaneously with the installation of the well and the installation of the geothermal heating/cooling system.
3. Any such property owner or lessee who desires to install a well for the sole purpose of the maintenance and installation of a geothermal heating/cooling system shall first apply to the Code Enforcement Officer of the Village of Liberty for a geothermal heating/cooling system well permit, on a form to be supplied by the Code Enforcement Officer. Such application shall contain a certification whereby the applicant certifies, under the penalties of perjury, that the well will be installed and utilized solely in accordance with the provisions of this law and shall not be used for human consumption, cleaning, bathing or any other purpose other than the geothermal heating/cooling system.
4. As a condition to the issuance of a geothermal heating/cooling system well permit, the applicant shall install a backflow prevention control device on the Village water supply line to the building(s) or structure(s) on the premises to be serviced by the geothermal heating/cooling system and well, at the applicant's sole cost and expense, which said backflow prevention control device shall guard against any water emanating from said well from

entering the Village water supply system in the event of an improper or incorrect connection, in whole or in part, of the water supply provided by the geothermal heating/cooling well and the Village water supply.

5. The geothermal heating/cooling well and system shall be installed in full accordance with all applicable statutes, laws, ordinances, rules and regulations pertaining thereto.
6. Upon completion of the installation of the geothermal heating/cooling system well, the applicant shall apply for and obtain from the Code Enforcement Officer of the Village of Liberty a Certificate of Compliance, certifying that such well has been installed in full and complete compliance with the terms and provisions of this law. In connection therewith, the applicant shall execute a form, to be supplied by the Code Enforcement Officer of the Village of Liberty, certifying the foregoing, under the penalties of perjury. The issuance of the Certificate of Compliance by the Code Enforcement Officer of the Village of Liberty shall not be deemed a certification, warranty or representation by the Code Enforcement Officer of the Village of Liberty or by the Village of Liberty, itself, that the geothermal heating/cooling system well has been installed in full and complete compliance with the terms of this law; to the contrary, it shall merely signify that the applicant has certified as such, under the penalties of perjury.
7. At the time of the application for the geothermal heating/cooling system well permit, the applicant shall pay a fee to the Code Enforcement Officer of the Village of Liberty in the amount of \$100.00, which shall be non-refundable, regardless of whether a Certificate of Compliance is ultimately issued.
8. No water or effluent from the geothermal heating/cooling well and/or system shall, for any reason, be discharged into the sewage or storm water system owned and operated by the Village of Liberty or upon any public or private real property; the geothermal heating/cooling system and well must be self-contained and closed-looped, such that the water from such well passes through the geothermal heating/cooling system and returns to the well, itself.
9. As a condition to the issuance of the permit and Certificate of Compliance, the applicant shall authorize the Code Enforcement Officer to inspect the geothermal heating/cooling well and system at such reasonable times as the Code Enforcement Officer of the Village of Liberty shall deem appropriate to ensure that such well and the geothermal heating/cooling system are not connected to the Village of Liberty water supply and are not discharging into

the sewage or storm water systems owned and operated by the Village of Liberty or onto any public or private property.

10. Any violation of this law shall be deemed a violation punishable by a fine up to \$1,000.00 and/or imprisonment of no more than fifteen (15) days. Each week that the violation continues shall be deemed a separate violation. In addition to the foregoing, the Village of Liberty shall be entitled to recover from the property owner and/or lessee all damages incurred by the Village of Liberty as a result of a violation of this law and/or to seek injunctive relief to enforce the provisions of this law.

3. This local law shall take effect immediately upon its 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. 7 of 2003 of the ~~(County)~~(City)~~(Town)~~(Village) of Liberty (Name of Legislative Body) was duly adopted on OCTOBER 22, 2003, 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 2003 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____, 2003, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) and was deemed duly adopted on _____, 2003, 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 2003 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____, 2003, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____, 2003. 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 _____, 2003, 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 2003 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ (Name of Legislative Body) on _____, 2003, and was (approved)(not disapproved)(repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____, 2003. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____, 2003, 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 or 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 revisions proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2003 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 the majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 2003, 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 2003 of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____, 2003, 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 of 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.

Judy H Zywanski
Village Clerk

Date: 12/1/03

(Seal)

(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 SULLIVAN

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 for the Village
Title

~~County~~
~~City~~
~~Town of~~ *Liberty*
~~Village~~

Date: 12/6/03