

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 Johnstown

FILED
STATE RECORDS

DEC 01 2022

Local Law No. 1

of the year 2022

DEPARTMENT OF STATE

A local law LOCAL LAW AMENDING ARTICLE II AND VI OF THE CITY CHARTER AND CHAPTER
(Insert Title)
21 OF THE CODE OF ORDINANCES OF THE CITY OF JOHNSTOWN

Be it enacted by the Common Council of the
(Name of Legislative Body)

County City Town Village
(Select one.)

of Johnstown

as follows:

BE IT ENACTED by the Common Council of the City of Johnstown, New York, as follows:

Section 1. Article 6, Section C-6.0, Water Department, of the City of Johnstown Charter is hereby amended to read in its entirety as follows:

There shall be a Water Department, which shall be under the direction and control of the Mayor and Common Council, and, in that capacity, shall be known as the " Water Department. "

Section 2. Article 6, Section C-6.1, Organization of the Water Board, of the City of Johnstown Charter is hereby amended to be titled " Organization of the Water Department, " and shall read in its entirety as follows:

(1) The Mayor shall preside over the administration and supervision of the Water Department and, in that capacity, shall maintain the same duties, powers, and authorities as provided for in Article 3, Section C-3.0 of the City of Johnstown Charter.

(2) The City Engineer shall be the department head of the Water Department. The City Engineer shall have such authority as may be requisite to maintain the efficient performance of Water Department facilities, operations and the duties imposed upon it by this Article and the Code of Ordinances of the City of Johnstown.

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

(3) Rules and procedure of the Water Department shall be as provided in the Code of Ordinances of the City of Johnstown.

Section 3. Article 6, Sections C-6.2 through C-6.9, of the City of Johnstown Charter are hereby removed.

Section 4. Article 2, Section C-2.0, City officers, of the City of Johnstown Charter is hereby amended to remove reference to the Water Board, and shall read in its entirety as follows:

The elected officers of the City shall be a Mayor, a Council member-at-large, one (1) Council member for each of the four (4) wards, a City Court Judge, and a City Treasurer.

Section 5. Article 2, Section C-2.1(2), Manner of choosing elected City officers, of the City of Johnstown Charter is hereby amended to remove reference to the Water Board, and shall read in its entirety as follows:

(2) The Mayor, Council Member-at-Large, Council Members (4), City Treasurer, and City Court Judge shall be elected by ballot by qualified electors of the City.

Section 6. Article 2, Section C-2.2(3), Terms of office, of the City of Johnstown Charter is hereby amended to remove subsection (3) referring to the Water Board.

Section 7. Article 2, Section C-2.4(4), Eligibility, of the City of Johnstown Charter is hereby amended to remove subsection (4) referring to the Water Board.

Section 8. Article 2, Section C-2.6(3), Vacancies, of the City of Johnstown Charter is hereby amended to remove subsection (3) referring to the Water Board.

Section 9. Transfer of rights and obligations. At the time of the effective date of this Local Law, all real and personal property, rights, powers, privileges and contracts of the Water Board are hereby transferred to, vested in, and imposed upon the Common Council of the City of Johnstown. All contracts, rates, charges, ordinances, rules and regulations of the Water Board in force and effect at the time of adoption of this Local Law shall remain valid and effectual as contracts, rates, charges, ordinances, rules and regulations of the Common Council until repealed, modified, or changed, subject, however, to the provisions of this Local Law, and the rights and privileges of all persons or parties that may have arisen or accrued under, pursuant to, or by reason of any valid contract, ordinance, rule or regulation, rates and charges, or otherwise, as well as the liabilities that may have arisen by reason thereof, shall remain the same under this Local Law as they would have had this Local Law not been passed.

Section 10. Mandatory Referendum. Pursuant to Municipal Home Rule Law §§ 10(1)(c)(1), 23(1), and 23(2)(e-f) upon adoption of this Local Law, the amendments to the City Charter herein shall be subject to mandatory referendum to be on the ballot for the general election to be held on November 8, 2022, which is no less than sixty (60) days after the adoption of his Local Law. Public Notice of this referendum will be made in accordance with applicable laws.

Section 11. Ballot Abstract. This Local Law shall be placed on the ballot of an election as provided for herein and the question on the ballot shall read as follows: "Shall the City of Johnstown dissolve the City of Johnstown Water Board and transfer its powers, obligations, and duties to the Common Council in accordance with Local Law No. 1 of 2022?"

Section 12. Subject to approval of the City Charter amendments herein after mandatory referendum, Chapter 21, Water, of the Code of Ordinances of the City of Johnstown is hereby amended to read in its entirety as follows:

Sec. 21-101. Scope of Provisions.

This chapter and the water regulations and requirements adopted pursuant to this chapter shall govern the Water Department of the City of Johnstown, and every person who shall be supplied or whose property shall be supplied with water by the City of Johnstown, and the same shall constitute a part of the contract existing between such person and the City.

Sec. 21-102, Adoption of water regulations and requirements.

The Common Council of the City of Johnstown may adopt rules and regulations, including technical standards and requirements, in order to carry out the purposes of this Chapter or the interests of the public.

Sec. 21-103, Application, permit for service required.

a) Application for a permit to connect water service or supply pipes with the City's distribution pipes shall be required and made by the owner or the owner's authorized agent to the City Clerk. The applicant must show the City Clerk, by receipt of the City Treasurer that payment has been made of the application permit fee.

b) The permit application shall state the name of the owner of the property to which the new service will be connected, and that person, agent, or legal entity shall be responsible for the payment of all water rents and related payments, fees, and charges as the Common Council may establish from time to time, and shall also state the location of the connection, the several and various uses for and manner in which the water is to be used, and the category of the service. The application must be signed by the applicant. Any permit granted by the Water Department shall specify the particular uses approved.

c) When thereafter any other use of water or additional service pipe or plumbing fixture is desired, a further application, as aforesaid, shall be made and permit obtained. An additional application is required whether the service is metered or not, and the water rates for any additional fixture or any desired change in fixtures or use of water shall commence from the time of issuing or granting of permit.

d) All applications shall be reviewed and approved by the Water Department prior to issuance of a permit.

Sec. 21-104, Fees for service connection, tapping, and meter charges payable in advance.

a) No permit shall be granted for the tapping of water mains, or the connecting of service or supply pipes, or any alteration of or addition to the same, or any plumbing for the introduction of a service pipe in any street, until the fee for such service connection, tapping or meter has been paid.

b) The Common Council shall have authority to establish from time to time, by resolution, fees associated with permit applications, water main tapping, meters, and any other work related to water service connections sufficient to defray the expenses associated with excavating and

backfilling, tapping, meters, service pipes, fittings, curb/corporation gates and related appurtenances or work.

Sec. 21-105, Construction of service connection; Responsibility of owner to maintain lateral.

a) Where a permit is granted upon an application for water service, the Water Department shall have the right to construct the service connection and furnish all materials including the service pipe, curb gate, corporation gate and meter, and perform all of the work, including excavation, backfilling and repaving.

b) The Water Department may, at the discretion and approval of the City Engineer, permit the applicant to construct the service connection. Upon such approval the applicant shall indemnify and save harmless the City of Johnstown from all claims, liability, loss, cost, and damage, on account of the granting of such permit and the making of such installation.

c) The service lateral, from the main to the curb shut off, is the property of the City and any maintenance and repairs shall be the sole responsibility of the City. The service lateral, from the curb shut to the owner's premises, is the property of the property owner and any maintenance and repairs shall be the sole responsibility of the property owner.

d) In the case where a service lateral is not kept in repair, then the water service to the premises may be shut off by the Water Department. The Water Department may make such repairs as are necessary and the City may charge the cost thereof to the owner of the property which shall become a water charge collectable and enforceable as provided by this chapter. The water may be shut off from such property until such charges are paid.

Sec. 21-106, Water main extensions.

All water main extensions shall be made by the Water Department, or, if approved by the Common Council, by a private contractor in strict accordance with the specifications established by the City Engineer.

Sec. 21-107, Persons authorized to tap, attach, make repairs, additions.

No person, other than a person employed or contracted by the City shall tap or make an attachment to the pipes of the City's waterworks, or make any repairs, additions or alterations to any taps, gate, service pipe, or other fixtures, from the street main to and including the curb gate.

Sec. 21-108, Right of entry.

Duly authorized employees of the Water Department, bearing proper credentials and identification, shall be permitted to enter upon all properties for the purpose of inspection, observation, measurement, sampling and testing, or for any other purposes reasonably necessary to carry out the provisions or purposes of this chapter.

Sec. 21-109, Repair to water meters.

a) All repairs to water meters shall be solely made by Water Department personnel or authorized contractors of the Water Department. Repairs made necessary by ordinary wear and tear will be furnished by the Water Department at the expense of the owner thereof. Larger meters will be repaired at the expense of the owner thereof. Repairs to any meter made necessary by misuse, hot water or freezing must be paid for by the property owner. When a meter becomes so worn or damaged that replacement is necessary, it must be replaced at the expense of the property owner. Upon refusal of the owner to pay for such repairs or replacements, the water will be shut off and not turned on again until said charges are paid.

b) In case any water meter shall fail to accurately register the quantity of water passing through same or no meter is installed, the metered water charge shall be based on such equitable basis as the Water Department may determine, which may take into account previous usage and charges, if any, and all other pertinent information and factors in the discretion of the Water Department. All unmetered water consumed by leaks or other sources in service connection pipes or for which there are no available readings shall be estimated by the Water Department and the costs thereof, with interest and penalties, may be added to the water charges due.

Sec. 21-110, Number of services.

a) In no case, except as otherwise provided by the rules or regulations adopted by the Water Department, shall a permit be granted to supply two or more premises from a single tap, nor shall there be more than one service supply pipe to any premises.

b) The Common Council may require at any time the discontinuance of existing multiple service under control of one curb gate and require separate curb gates for each service.

Sec. 21-111, Cross-connections; Backflow prevention devices.

No cross-connection between the City water supply system and any other water supply will be allowed unless protected by a backflow prevention device conforming in full to applicable state law and Water Department regulations or requirements enacted pursuant to this chapter. A written permit for the use of such a device shall be required, together with any certification renewal as required by applicable law or Water Department regulations. Household wells may be used for lawn sprinkling and other purposes if they are physically and permanently disconnected from the public water supply. The Water Department will not issue a permit for water service in any building until a cross connection is eliminated or protected by the device specified above.

Sec. 21-112, Protection from freezing.

Service pipes in buildings shall be located in parts thereof best protected from frosts. In buildings where there is no cellar, the pipes shall be carried to the center of the building or to an unexposed part previous to being carried upward. In all cases where the service pipes pass through areas of basements having windows, grating or traps open to the weather, the openings shall be closely covered, and the windows and doors closed to the outside air during the cold weather. In all exposed situations the service pipes and fixtures shall be properly wrapped with felt or other non-

conducting substance if necessary to protect said service from freezing. Said protection shall be at the expense of the owner.

Sec. 21-113, Supply to service outside the city.

Persons outside of the City limits desiring a supply of water in a private main or supply pipe shall comply with any contractual provisions imposed by the City and the rules and regulations of the Water Department. The City reserves the right to refuse to permit such outside connections and to discontinue the supply of water from the same at any time.

Sec. 21-114, Shutoffs.

The City reserves the right at any time, without notice, to shut off water in its mains for the purpose of making repairs, connections or meter installations, or by reason of shortage of supply, or for the protection of public safety, or for any reason beyond the control of the City. The City shall not be responsible for any loss or damages occasioned by such shutoff, and no adjustment of rates will be allowed. Notice of shutoff will be given when practicable, but nothing in this section shall be construed as requiring the giving of such notice. The City will not be liable for any deficiency or failure in the supply of water, including but not limited to any loss or damage caused by discolored water, lack of pressure or unsatisfactory water service, or any condition resulting from the repair or cleaning of pipes, reservoirs or standpipes or the opening or closing of any valves or hydrants or any abnormal condition. The City will not be responsible for meeting unusually high water quality standards for specialized or industrial customers. This section shall not waive or limit any other right, defense, or immunity of the City under any applicable law.

Sec. 21-115 Water restrictions.

The City reserves the right to restrict or stop any and all uses of water outside of any building to which service is connected. Such uses include the sprinkling of lawns; the washing of automobiles, houses or walks; or any other use determined by the Water Department to be within the intent of this section. The City shall provide notice of such restricted water use on the City's website at least one day prior to the enforcement of such restriction.

Sec. 21-116, Water rates and charges.

All property owners, upon whose property any building has been or may hereafter be erected, having a connection with any mains or pipes which may be hereafter constructed and used in connection with the City water system, shall pay water rates and other charges as may be enacted from time to time by resolution of the Common Council.

Sec. 21-117, Water bills.

Due dates for payment of water bills and added penalties for non-payment shall be established by the City pursuant to water regulations and rates enacted from time to time by resolution of the Common Council

Sec. 21-118, Nonpayment of bills.

In the case of nonpayment of water bills in violation of this chapter or the water regulations enacted by the Common Council, the water supply to such premises may be shut off. When shut off, water shall not be turned on except upon the payment of the usual fee for turning on water.

Sec. 21-119, Charges act as a lien.

a) Charges for water shall be a lien upon the premises as provided for in Section C-5.1 of the City Charter and also as provided by the statutes and laws of the State of New York.

b) Each year prior to the final City tax roll, the City will transfer unpaid water bills and any penalties resulting there from to the City taxes, at which point the water rates and penalties will become part of the property tax for such property owner.

c) Nothing in this section shall prevent the City from proceeding against the user and/or owner of the property which benefited from the water use as a personal claim in any court of competent jurisdiction. In addition to being a lien upon the premises, unpaid water charges may be collected from the owners, occupants and users of the premises benefiting from the water charges from and after the effective date of this Chapter.

Sec. 21-120, Emergency Powers.

In the event of an emergency, water vehicles or personnel shall have the right-of-way in the work area and, if necessary, shall have the right to close sections of streets or highways where the work involved may be hazardous to people or vehicles.

Sec. 21-121, Liabilities for damages.

Any person causing damage to any portion of the City water supply system or violating any provision of this Chapter shall become liable to the City of Johnstown for the expense, loss, or damage occasioned the City by reason of such damage or violation.

Sec. 21-122 Penalties for offenses.

Any person violating any provision of this Chapter shall be guilty of an infraction and, upon conviction, shall be liable to and punished by a fine not exceeding one thousand dollars (\$1,000.00) or imprisonment not exceeding fifteen (15) days, or both such fine and imprisonment, except as otherwise provided in this Chapter.

Section 13. Severability Clause. If any part of this local law is for any reason held to be unconstitutional or invalid, such decision shall not affect the remainder of this local law. The Common Council of the City of Johnstown hereby declares that it would have passed this local law, each section, and each subsection thereof, irrespective of the fact that any one or more of these sections, subsections, sentences, clauses, or phrases may be declared unconstitutional or invalid.

Section 14. Effective Date. This local law shall be effective immediately upon filing with the New York Secretary of State and after approval by a majority of qualified voters.

(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. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, 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 _____ 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. ¹_____ of 20²² of the (County)(City)(Town)(Village) of Johnstown was duly passed by the Common Council on July 29 20²², and was (approved)(~~not approved~~) (repassed after disapproval) by the Mayor on July 29 20²².

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 November 8 20²², 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.

* 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.)

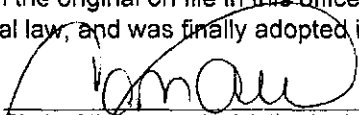
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 ³ above.



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

Date: 11.22.2022

(Seal)