

# 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.

- ☐ County  
☐ City of Sackets Harbor  
☐ Town  
☒ Village

**FILED  
STATE RECORDS**

**AUG 27 2010**

**DEPARTMENT OF STATE**

Local Law No. 1 of the year 20 10

A local law Sackets Harbor Municipal Water Law  
(Insert Title)

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

- ☐ County  
☐ City of Sackets Harbor as follows:  
☐ Town  
☒ Village

Please see attached Sackets Harbor Municipal Water 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. 1 of 20 10 of the (County)(City)(Town)(Village) of Sackets Harbor was duly passed by the Board of Trustees of the Village of Sackets Harbor on August 10, 20 10, in accordance with the applicable (Name of Legislative Body) 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) (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 \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, 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. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved) (Name of Legislative Body) (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.)~~**

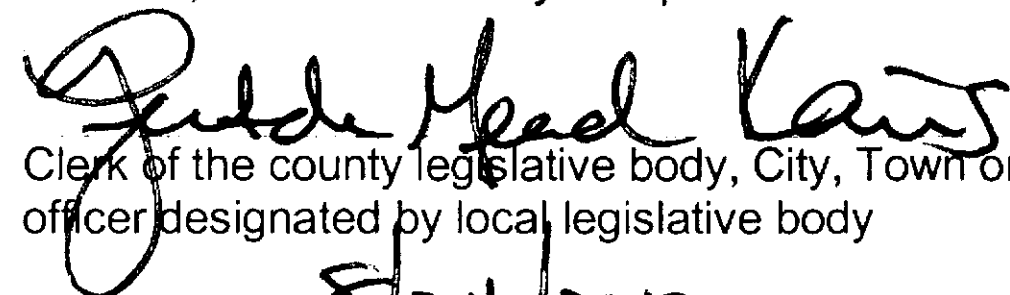
~~I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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 1 \_\_\_\_\_, above.

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

Date:

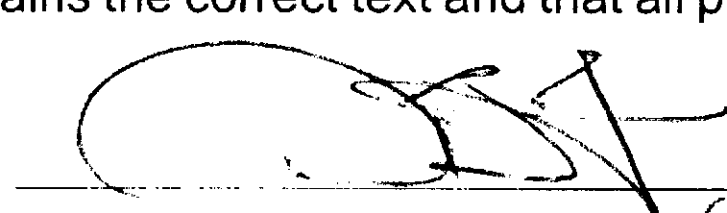
8/24/2010

(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 Jefferson

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  
Village Attorney  
Title

David B. Gumberson, esq.

County  
City of Sackets Harbor  
Town  
Village

Date: August 23, 2010

## **SACKETS HARBOR MUNICIPAL WATER LAW**

### **Local Law # 1, 2010**

#### **§1-0    Application of provisions; definitions.**

##### **A.**

The following rules and regulations as established by the Board of Trustees of the Village of Sackets Harbor, or as hereinafter amended or modified, are hereby made a part of any and all agreements or contracts with each consumer, property owner, taker or user of water furnished directly or indirectly from the mains of said Village.

Those desirous of making permanent connections to the mains of the water system of the Village shall make application for permission therefore for each connection which is requested to be made. The aforesaid refers to any installation where part of the service as extending from the distribution main to the curb stop is under the highway. Nothing in this section shall be construed, however, as prohibiting the Superintendent of Public Works from requesting a greater charge for connections to the Village mains when, in his opinion, conditions or other circumstances are such that a greater charge is merited. It shall be in the discretion of the Superintendent of Public Works to fix and determine the charges for this service.

##### **B.**

Each and every consumer, property owner, user or taker of water from the Village water system shall be in all respects bound by and shall be considered to have agreed to the rules, regulations, requirements and schedules of water rates and other charges as hereinafter set forth, or amended or modified by the Board of Trustees, as a condition precedent to the rights of service from said water system.

##### **C.**

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

**SEASONAL USER:** Any person, firm or corporation who takes and uses water furnished directly or indirectly from the mains of the Village to their residence, business, or other premises for not more than 274 consecutive days per year.

**USER:** Any person, firm or corporation who takes and uses water furnished directly or indirectly from the mains of the Village to their residence, business, or other premises.

**PROPERTY OWNER.** Any person, firm or corporation that owns real property to which the Village provides water service by permanent connection from the mains of the Village.

**§ 1-1 Connection to Village system required; hookup fee.**

A.

All users of the sewer system within the limits of the Village of Sackets Harbor are hereby required to connect to the Village water system, provided that they have reasonable physical access thereto.

B.

The Board of Trustees is enabled to establish the minimum rate of \$500 for new water hookup fees, with the authority to charge the actual cost of time and materials above and beyond the minimum, or to otherwise modify the rate, by simple resolution of the Board.

C.

Each water service line shall be separately metered. Standard 5/8-3/4 inch meters are supplied and maintained by the Village Water Department. Larger-size meters are available to be purchased by a property owner through the Department of Public Works at cost.

D.

It shall be the obligation of the property owner to provide a suitable location for the piping adapted to receive the water meter and an operable hand valve on the service side of the meter.

E.

Upon application to and approval by the Village Department of Public Works, a water service will be installed from a water main located in the street upon which the applicant's premises fronts to a curb stop or shutoff valve located approximately at the applicant's property line or curb line. It shall be the responsibility of the applicant/property owner to complete the installation of the water service to the curb stop or shutoff and to the building which is to be served. Before installing the main tap and covering the trench in which the water service pipe is laid from the main tap to the building, the property owner shall first notify the Village Department of Public Works and provide access thereto for inspection and approval. Any corrections required by the Village Department of Public Works 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 Department of Public Works with an adequate opportunity for inspection, the

Village Department of Public Works may enter onto the property, re-tap the main line, retrench the pipe and complete the proper inspection. In the event that repairs are required following said inspection, the property owner shall have a period of 15 days to complete those repairs. In the event that the property owner fails to complete those repairs within the 15 days, the Village Department of Public Works may complete the repairs to bring the service to proper standards prior to initiation of service. The cost to the Village for re-tapping, retrenching and any repair required shall be billed to the property owner based upon the prevailing labor rates in effect for the Village of Sackets Harbor 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 § 1-12 of this local law.

F.

Those desiring the use of water for temporary purposes shall make application therefore to the Board of Trustees setting forth in detail the reasons therefore and the exact use which is to be made of the water, and the Board may issue the necessary permit under such terms and conditions as it may determine.

G.

No work shall be performed upon the Village mains or upon the services connected thereto between the main and the curb stop except by employees or agents of the Village of Sackets Harbor.

**§1-2 Connections to Water System**

A.

The installation of the service pipe from the curb box to the meter shall be performed to the satisfaction of the Village and its representative. The curb stop shall remain closed and shall not be opened by anyone other than a Village employee or agent.

B.

Except with the written permission of the Village of Sackets Harbor, a separate tap and service shall be installed for each premises located on a street in which there is a Village water main, and no consumer will be allowed to supply water to another person or premises. When the word "premises" is used herein, it shall be taken to designate a building under one roof owned or leased by one party and occupied as a residence or for a business, commercial, educational or governmental purposes. Each premises having its own frontage upon a street upon which there is a water main shall have its own

individual service; except, however, that in all cases where two or more buildings in the same lot have frontage on the street upon which there is a water main, the buildings which do not have a water service may connect to the waterline of the building having such service, provided that when such connection is made, due notice is given to the Village by the party so connecting before any water is drawn from the connection so that the Village may require a separate meter for each building using water under such conditions. Any person who violates the provisions of this subsection shall be guilty of disorderly conduct and subject to a penalty of not less than \$250 for the first offense and a penalty of \$500 for each additional offense.

C.

No connection of any kind shall be made to the service pipe between the main and the meter.

D.

Where an application is made for a connection for which an existing service pipe is provided to the curb box only, all work shall be performed in accordance with these rules and regulations and specifications as far as they are applicable. It shall be the expense of the applicant or his agent to determine that the portion of the connection previously installed is in satisfactory condition and to make any repairs thereto which may be required by the Village or its representative. Detailed methods of connection to the existing service pipe shall be in accordance with the instructions of the Village or its representative. The applicant must pay any charge which was outstanding for the service connection previously installed upon application for such service connection.

E.

Where an application is made to increase the size of the service pipe or for any other change to be made in said pipe which serves any user, the valve controlling such service must be closed at the main prior to any withdrawal of water through the reconstructed service pipe.

F.

All work incident to the digging of any trench, the laying of pipe and the backfill in making the connections referred to hereinabove and the installation of the water meter shall be at the sole expense of the applicant and must be performed to the satisfaction and under the supervision of the Village Superintendent of Public Works or his representative.

**§1-3 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.

**§1-4 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 Sackets Harbor Department of Public Works.

No unauthorized persons shall be permitted to open or shut any fire plug, hydrant, gate, shut-off or curb stop attached to any Village water meter. Except in cases of fire, no person or persons shall take water from the fire hydrants of said Village for any purpose whatsoever without having obtained a special permit from the Clerk of said Village, which permit shall be conditioned in accordance with the circumstances involved at the discretion of the Board. In case of fire, said fire hydrants shall be opened and water taken there from only by Village employees or active members of the Fire Department.

**C.**

Meters will be installed or removed only during regular working days of the Water Department and will not be installed or removed on weekends or holidays.

**D.**

A request for meter installation or removal or initiation or termination of service must be made in writing by the property owner not less than 48 hours prior to the requested date for installation or removal, excluding weekends and holidays. 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 § 1-12 of this local law. The Clerk shall cause a Village employee to shut off the service at the curb box. When it is desired to resume service, similar notification shall be given to the Clerk, and, upon payment of all indebtedness, a Village employee will turn on the water at the curb box. The charge made for turning the water on or off shall be \$50.00 during regular working hours.

**E.**

The Village Department of Public Works may discontinue water service on any part of its system at any time deemed necessary in order to make repairs or extensions. The



Village Department of Public Works 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.

F.

The Village Department of Public Works may discontinue water service to any property for nonpayment of any charges or fees due under this local law or for failure to comply with any of the provisions of this local law.

G.

In case it is desired to abandon a service, the Clerk of the Village of Sackets Harbor shall be notified and the service will be disconnected at the main. The work shall be performed at the expense of the property owner. Service shall be controlled at the curb stop, and water will be charged for as long as the curb stop is open. The water shall be turned off and on only by employees of the Village of Sackets Harbor and only after the Village Clerk has received a written request for such action by the property owner or Village Board. Violations of this rule shall be sufficient cause for discontinuing the service as set forth above.

H.

The Board of Trustees of the Village of Sackets Harbor shall not be liable for any damages which may result to consumer's pipes, appliances or other fixtures from the shutting off of water mains or service pipes for any purpose whatsoever, whether previous notice has been given or not. No deductions from the service charge will be made for periods when the service is shut off.

#### **§ 1-5 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 stop or shutoff to and into the building serviced. All damages to and/or leaks in piping, appliances and outlets shall be promptly reported to the village and repaired by the property owner. If such repairs are not promptly and properly made the Village Department of Public Works 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 local law.

B.

Any damage to the Village's curb stop or shutoff caused by the property owner or any person hired by the property owner shall be repaired or replaced by the Village Department of Public Works, and the cost of the 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 § 1-12 of this local law.

C.

The Board of Trustees and the Department of Public Works of the Village of Sackets Harbor shall have control of the installation, maintenance, repair and adjustment of taps, main, curb boxes, service pipes and meters. The Board of Trustees and Department of Public Works of the Village of Sackets Harbor shall not be responsible for breaks, obstructions or intermission in service arising from any cause whatsoever, except that it may take such steps as are reasonable, upon proper notification, to make such repairs as may be necessary to restore service from the main to the curb stop. Charges for such repairs are to be made in accordance with this local law.

D.

The Board of Trustees of the Village of Sackets Harbor and the Department of Public Works do not guarantee service from the street main to the meter or through the house or through any piping, valves or connections therein.

E.

Damaged meters shall be repaired by the Board of Trustees and/or the Department of Public Works of the Village of Sackets Harbor at the expense of the consumer or property owner, except where the damage is caused by ordinary wear and tear.

F.

All persons are forbidden to interfere with or remove a water meter from any service. Any person violating the provisions of this subsection shall be guilty of disorderly conduct and subject to a fine and penalty of not less than \$250.00 for the first offense and \$500.00 for each additional offense.

G.

No seal placed by the Board of Trustees of the Village and/or the Department of Public Works of Sackets Harbor for the protection of any meter, valve, fitting or other water connection shall be tampered with or defaced. It shall not be broken, except with written authorization from the Board of Trustees and/or the Department of Public Works of the

Village of Sackets Harbor. Where the seal is broken, the Board of Trustees and/or the Department of Public Works of the Village of Sackets Harbor reserves the right to order the meter removed for testing at the expense of the consumer.

H.

Whenever a seal on a water meter shall be found to be broken, it shall be presumptive evidence that it was broken by the property owner or occupant of the premises in which it is located. Any person violating the provisions of this subsection shall be guilty of disorderly conduct and subject to a fine and penalty of not less than \$250.00 for the first offense and \$500.00 for each additional offense.

#### **§ 1-6 Individual Services.**

Each property serviced by the Village of Sackets Harbor water system must be supplied by an independent service pipe from the water main. No user or 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.

#### **§1-7 Pollution and contamination prohibited; remedies.**

It shall be unlawful for the property owner or occupant of property or the user of Village water, to introduce or permit the introduction into the Village's water supply system pollution or contamination of any kind. Whenever the Superintendent of Public Works finds cross-connection to another water supply into the Village system or any other condition which presents the possibility of contamination or pollution, he shall disconnect and discontinue immediately the water supply to the premises where such condition is found or other premises from which cross-connection is made and shall restore such water supply only when the cross-connection is eliminated or the other condition remedied. The Superintendent may permit or require a backflow preventer of pattern and design which the New York State Department of Health approves as reasonably adequate to prevent contamination, if the Superintendent of Public Works determines that a complete physical separation from the Village water supply is not practicable or necessary or that adequate inspection for cross-connection cannot readily be made or that such backflow preventer is necessary because of existing or possible backflow resulting from special condition, use or equipment.

#### **§1-8 Liability for expenses.**

Any corrective measure, disconnection or change on private property shall be at the sole expense of the owner of such property. Any expenses necessitated by changes required in the Village system outside such private property or between the meter and the supply line or distribution system and any charges for cutoff or disconnection shall be added to the charges for water rents against the premises necessitating such expenditure.

**§1-9 Conformance of connections with standards.**

A.

All physical connections which constitute potential cross-connections are prohibited unless constructed, maintained and operated in accordance with the provisions of the New York State Sanitary Code, Ten State Standards for Water Systems, and the American Water Works Association Standards.

B.

In cases where boilers or other special equipment are supplied with water, or coils or other devices are installed in heating furnaces or separate devices for the purpose of providing domestic hot water, approved check and relief valves must be installed at the expense of the property owner in the supply or feed pipe between the meter and the source of the heat. This is not only to be installed at the expense of the owner, but also at his peril. The Board of Trustees of the Village of Sackets Harbor assumes no responsibility for the proper operation and function of said valves.

C.

Meters shall be the size determined by the requirements of each particular installation and shall be adequate for delivering and measuring accurately the peak loads which they be required to handle.

D.

In all other cases which are not specifically covered by Subsections A through C of this section, the judgment and discretion of the Village of Sackets Harbor Board of Trustees and the Village Superintendent of Public Works is final and binding.

**§1-10 Private fire protection systems.**

A.

In cases where it is desired to install connections to a private fire protection system, written application shall be made to the Board of Trustees or the designee of the Village of Sackets Harbor setting forth the details thereof. The application shall be

accompanied by a sketch or diagram showing the plan of the system to be installed. This plan must be approved by the Board of Trustees or the Department of Public Works of said Village previous to any work being done.

B.

The Board of Trustees of the Village of Sackets Harbor reserves the right to impose specific regulations and rates in connection with the supply to private fire protection systems, including sprinkler systems, stand pipes, and private hydrants.

C.

All installations necessary to serve private fire protection systems shall be constructed and maintained at the sole expense of the property owner or applicant. Connections for private fire protection purposes shall be properly valved at the expense of the property owner in order to prevent the use of water for any other purposes than those which are contemplated by this section.

#### **§1-11 Charges for metered service.**

A.

Within the corporate limits of the Village of Sackets Harbor, water shall be charged to all property owners, customers, users or takers in accordance with the rates established by resolution of the Village Board of Trustees, as authorized by Subsection E of this section.

B.

Outside the corporate limits of the Village of Sackets Harbor, water shall be charged to all customers, users or takers in accordance with the rates established by resolution of the Village Board of Trustees, as authorized by Subsection E of this section.

C.

For year-round users there shall be a minimum quarter-annual charge of \$125 per the first 3,000 gallons used, and \$3 per each 1000 gallons used thereafter, pro rated, and per size of the water meter as established by resolution of the Village Board of Trustees, as authorized by Subsection E of this section. For seasonal users there shall be a minimum quarter-annual charge of \$50 per the first 1,499 gallons used, and the year-round user rates shall apply once 1,500 or more gallons per quarter are used. Seasonal users shall pay the foregoing rate for all four quarters each year, including any quarter when water is not used, and no meter is in place.

D.

Connection of users outside corporate limits, contract. The owner, lessor or lessee of property outside the corporate limits of the Village of Sackets Harbor, New York, may be allowed to connect with the existing water mains of the Village of Sackets Harbor, and to purchase water from the Village and to be charged the same base water rates paid by Village users at the sole discretion of the Village Board, which shall in no case be obligated to offer or provide such water service, under the following conditions:

1. The owner, lessor or lessee of premises located outside the Village of Sackets Harbor and seeking connection to the existing water mains of the Village of Sackets Harbor, and to purchase water from the Village, who desires to be and remain connected thereto and supplied with water by the Village of Sackets Harbor, New York, in connection therewith, shall enter into a contract with the Village of Sackets Harbor, New York, setting forth the terms and conditions under and by which water will be furnished and supplied.

E.

Charges for metered water service within and outside the corporate limits of the Village of Sackets Harbor shall be established and imposed, and may from time to time be amended and revised, by resolution of the Village Board of Trustees, following public hearing and notice of same.

**§1-12 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 to the exact number of gallons used during the billing period. Each property owner will, unless it is otherwise provided, receive a bill for the exact number of gallons of water used quarter-annually, the same to be due and payable upon presentation. Each of these bills shall include the charges for water consumed as well as any other charges which the property owner may have incurred.

C.

The Board of Trustees of the Village of Sackets Harbor shall fix the water rates each year at the organizational meeting of the Village Board or within 60 days thereafter at a

meeting of the Village Board. In addition, the Village Board may adopt rules and regulations from time to time not inconsistent with this chapter or any other law for enforcing the collection of water rents and relating to the use of the water within the Village of Sackets Harbor or any debt service incurred by the Village for repair, maintenance and upgrading of the water system.

D.

In any case where the amount of water used is of such quantity that the Village shall deem it advisable to issue a bill monthly, it shall be done notwithstanding the provisions of the foregoing subsection. The decision of the Village Board shall be binding, and the bills shall become due and payable upon presentation.

E.

The responsibility for payment of all bills for water and any other fees or charges due under provision of the local law, rests upon the owner of the premises, who shall be liable for all charged when due and payable, and such charges shall be a lien upon the premises until fully paid.

F.

Failure to receive a bill does not entitle any consumer or property owner to avoid the penalty as hereinafter provided. The Board of Trustees of the Village does not guarantee billing or delivery of bills, notices or orders to any consumer or property owner.

G.

Each property owner shall be charged for repairs to meters based upon the cost of the labor provided by the Village at the prevailing rates in effect for the Village plus the cost of materials. In addition, 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 Sackets Harbor.

H.

In the event that a property owner fails to pay for water usage or any fee imposed pursuant to the provisions of this local law within 30 days following the issuance of a bill by the Village Office, the Village Department of Public Works 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 attorney's fees and expenses and court costs together with an additional charge, at the current rate, for restoration of water service.

I.

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

J.

Notwithstanding the provisions of the foregoing subsection, there shall be a penalty of 10% added to any current bill if any previous account of the party to whom the bill is rendered has not been paid in full.

#### **§ 1-13 Penalties for offenses.**

Any person violating the terms or conditions of this local law shall be subject to a fine not exceeding the sum of \$250 for the first offense and \$500 for each offense thereafter, or to imprisonment for a term not exceeding 15 days, or both, for each violation, unless other fines or penalties are specified in this local law. Each 7 days that a violation continues will be deemed a separate violation.

#### **§ 1-14 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.

#### **§1-15 Authority of Board of Trustees to restrict Use/Limitation of Liability and Damages.**

A.

During periods when the supply of water is inadequate or there is an imminent threat that it will become inadequate, the Village Board is authorized temporarily and during the existence of such period of inadequate supply or threat thereof to issue an order prohibiting the use of water from the Village supply for watering of lawns and gardens, washing of automobiles or other nonessential uses.

B.

In case of violation of such order or orders, the Superintendent of Public Works is further authorized to cut off the supply of water to the person or firm so violating such order or orders.

C.

The Board of Trustees of the Village of Sackets Harbor and its agents, officers and employees shall not be liable for any damage sustained by reason of its failure to supply water to any consumer at any time or for any cause. It reserves the right to control the amount of water supplied in the event that the supply becomes short for any reason.

D.

The Village of Sackets Harbor does not assume responsibility for frozen services notwithstanding the fact that the installation of any service which may subsequently become frozen had been installed and/or approved by its representatives.

**§1-16 Collection of unpaid bills.**

Unpaid bills for water service charges or other charges incurred by the consumer are a lien upon the property. The Board of Trustees of the Village of Sackets Harbor may enforce the collection of unpaid bills by cutting off the supply of water after penalties start to accrue on the unpaid bills.

**§1-17 Right to shut off water for Emergencies, repairs or additions.**

A.

The Village reserves the right at all times and without notice to shut off the water in case of a break in a water main or in a water pipe and also for repairs on a water main or on a water pipe or for extension of a water main, and such right reserved to shut off water as aforesaid shall be exercised without damages therefore against the Village.

B.

In addition to the foregoing, the Village may, without notice to the property owner, consumer or occupant of the premises, discontinue water service if, in the judgment of the Village Superintendent of Public Works, it is necessary to discontinue the water supply to prevent immediate serious and substantial injury to the waterlines or to persons or property located on or near the premises to which the water is supplied.

**§1-18 Right of entry.**

The Village through its duly authorized agents shall at all times have the right to enter upon any premises or into any building thereon served by the Village Water System for the purpose of reading water meters, inspecting, repairing or replacing service connections, water meters and other property owned by the Village, or inspecting for compliance with this Local Law.

**§1-19 Interpretations of Regulations.**

The Board of Trustees of the Village of Sackets Harbor shall be the sole judge as to the meaning of these rules and regulations. Its interpretation shall be final and binding upon all applicants for water service and upon all users, consumers and property owners.

**§1-20 Severability.**

Should any section or provision of this Local Law be declared by a court of competent jurisdiction to be invalid or unconstitutional, such decision shall not affect the validity of this Local Law as to the whole or any part thereof other than the part so declared unconstitutional or invalid.

**§1-21 Effective date.**

The provisions of this Local Law shall take effect on September 1, 2010.