

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 CHAUTAUQUA

FILED
STATE RECORDS
MAY 24 2023

DEPARTMENT OF STATE

Local Law No. 3 of the year 20 23

A local law Protecting the Wells for Water District No. 2 of the Town of Chautauqua
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County City Town Village
(Select one:)

of CHAUTAUQUA

as follows:

-SEE ATTACHED-

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

**TOWN OF CHAUTAUQUA
LOCAL LAW NO. 3 FOR THE YEAR 2023**

**A LOCAL LAW PROTECTING THE WELL FOR WATER DISTRICT NO. 2 OF THE TOWN
OF CHAUTAUQUA**

Be it enacted by the Town of Board of the Town of Chautauqua, County of Chautauqua and State of New York, as follows:

SECTION 1. REGULATIONS

A new Article IV is hereby added to Chapter 136 of the Town Law to regulate the use of property surrounding the water supply wells that will soon be established for Water District No. 2, which shall provide as follows:

**ARTICLE IV
USE OF LAND SURROUNDING THE WELL SERVING WATER DISTRICT NO. 2**

§ 136-50. Purpose.

The Town has developed two (2) water supply wells for Water District No. 2 and wishes to regulate use of the property surrounding the well in order to protect the quality of the water as required by the New York State Sanitary Code. It is the intent of this Article to provide legally enforceable controls over land use activities surrounding the Water District No. 2 water supply wells.

§ 136-51. Restrictions on Land Use Activities. |

- (A) The following activities shall be prohibited within 300 feet from each of the Water District No. 2 water supply well:
- (1) Chemical storage sites not protected from the elements (e.g., salt and sand/salt storage);
 - (2) Landfill waste disposal area, or hazardous or radiological waste disposal area;
 - (3) Land surface application or subsurface injection of effluent or digested sludge from a municipal or public wastewater treatment facility; and
 - (4) Land surface application or subsurface injection of septage waste. .
- (B) The following activities shall be prohibited within 200 feet from each of the Water District No. 2 water supply well:
- (1) Chemical storage sites not protected from the elements (e.g., salt and sand/salt storage); provided, however, that chemical storage sites as used in this Article do not include properly maintained storage areas of chemicals used for water treatment.
 - (2) Landfill waste disposal area, or hazardous or radiological waste disposal area;
 - (3) Land surface application or subsurface injection of effluent or digested sludge from a municipal or public wastewater treatment facility;
 - (4) Land surface application or subsurface injection of septage waste;

- (5) Land surface spreading or subsurface injection of liquid or solid manure;
- (6) Storage areas for manure piles;
- (7) Barnyard, silo, barn gutters, and animal pens;
- (8) Cesspools (i.e. pits with no septic tank pre-treatment);
- (9) Wastewater treatment absorption systems located in coarse gravel or in the direct path of drainage to a well;
- (10) Fertilizer and/or pesticide mixing and/or clean up areas;
- (11) Seepage pit (following septic tank);
- (12) Underground single walled chemical or petroleum storage vessels;
- (13) Absorption field or bed;
- (14) Contained chemical storage sites protected from the elements (e.g., salt and sand/salt storage within covered structures), provided, however, that chemical storage sites as used in this Article do not include properly maintained storage areas of chemicals used for water treatment.
- (15) Septic system components (non-watertight);
- (16) Intermittent sand filter without a watertight liner;
- (17) Sanitary privy pit;
- (18) Surface wastewater recharge absorption system for storm water from parking lots, roadways, or driveways;
- (19) Cemeteries;
- (20) Sanitary privy with a watertight vault; and
- (21) All known sources of contamination otherwise not shown above and not required to have a minimum separation other than 200' pursuant to Appendix 5-D of Subpart 5-1 of the State Sanitary Code - Special Requirements for Wells Serving Public Water Systems.

§ 136-52. Applicability.

The provisions of this Article shall apply in addition to the provisions of any other applicable law, rule, or regulation. Where there is a conflict, the more restrictive provisions shall apply.

§ 136-53. Penalties for offenses.

- (A) Any person who commits or permits any acts in violation of this Article shall be deemed to have committed an offense against the Article and shall be given written notice of the violation and allowed a period of fifteen (15) days from receipt of the notice to correct the violation. Each day the violation continues after the fifteen (15) day period has expired shall constitute a separate violation.
- (B) For every violation of any provision of this Article, the person violating shall be subject to fine of not more than Two Hundred Fifty Dollars (\$250.00) or imprisonment not exceeding fifteen (15) days or both.
- (C) Any person violating this Article shall be subject to civil penalty enforceable and collectible by the Town in the amount of One Hundred Dollars (\$100.00) for each offense. This penalty shall be collectible by and in the name of the Town for each day that such violation shall continue.
- (D) In addition to the penalties and punishment provided above, the Town Board may also maintain an action or proceeding in the name of the Town in a Court of competent jurisdiction to compel compliance with or to restrain by injunction any violation of this Article.

SECTION 3. SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section of provision thereof.

SECTION 4. EFFECTIVE DATE

This Local Law shall become effective upon it being filed in the office of 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 2023 of the (County)(City)(~~Town~~)(Village) of CHAUTAUQUA was duly passed by the TOWN BOARD on MAY 10, 2023, 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 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.)

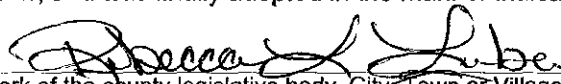
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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



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

Date: May 11, 2023

