

**VILLAGE OF JOHNSON CITY  
LOCAL LAW NO. 4 FOR THE YEAR 2023**

**A LOCAL LAW AMENDING CHAPTER 270, ARTICLE VIII  
ENTITLED “DISCONTINUATION OF SERVICE”**

Be it enacted by the Village Board of the Village of Johnson City as follows:

Section 1. Chapter 270, Article VIII of the Village Code entitled “Discontinuance of Service” shall hereby be amended as follows:

**§ 270-90** *Remains the same.*

**§ 270-91** *Remains the same.*

**§ 270-92 Notice.**

A. Nonemergency situations. In the event the shutoff for nonpayment or violation of these rules and regulations not constituting an emergency, written notice shall be sent, prior to shutoff, by certified mail to the owners of the premises as shown by the latest assessment rolls of the Village of Johnson City. Notice shall also be conspicuously posted on the front door of the building. Each notice shall be postmarked and posted not less than 15 calendar days prior to shutoff. The notice shall include the anticipated date the water will be shutoff, and it shall notify the property owners and tenants of their right to request a hearing. The Village may in its sole discretion provide additional notice, but failure to do so does not preclude shutoff. It is understood and agreed, however, the Village is not liable for any damage which may result to any person or premises from the shutting off of the water from any main or service for any purpose whatsoever, even in cases where no notice is given.

B. *Remains the same.*

**§ 270-93 Right to hearing.**

Upon receiving a shutoff notice either through the mail or posted on the front door of the building, a property owner or tenant of the premises may request a hearing in writing to the Village Clerk-Treasurer within the periods indicated herein.

A. Nonemergency situation: not less than five calendar days prior to the shutoff date listed on the notice. In the event the fifth calendar day shall land on a date in which the Village Clerk-Treasurer’s office is closed to the public, the request must be received on the next calendar day which the Village Clerk-Treasurer’s office is open in order to be timely.

B. Emergency situation: within 10 calendar days of the notice’s posting on the front door of the building. In the event the tenth calendar day shall land on a date in which the Village Clerk-Treasurer’s office is closed to the public, the request must be received on the next calendar day which the Village Clerk-Treasurer’s office is open in order to be timely.

## **§ 270-94 Hearing.**

The Village Mayor shall designate a hearing officer who will conduct the hearing and make a decision, in writing, as to whether the shutoff at the premises shall go forward or continue, as the case may be. The hearing shall be scheduled by the hearing officer within 30 calendar days of the date the Village receives the hearing request. Written notice of the hearing date shall be provided to the party requesting the hearing, and shall also be provided to the property owner, if different. The hearing officer shall not be bound by the technical rules of evidence. The parties shall have the right to submit relevant evidence, which shall be afforded the appropriate weight by the hearing officer. The hearing officer shall have discretion to make decisions on a case-by-case basis. The hearing officer shall issue a written decision that must be sent regular class mail within 15 calendar days from the date of the hearing to the property owner and tenants who appeared at the hearing. In a nonemergency situation, in the event that the decision is to move forward with the water shutoff, the decision shall provide a date when the Department will shut off the water at the property, and a new shutoff date will be posted at the property.

## **§ 270-95 *Remains the same***

### **Section 2.     Remainder**

Except as hereinabove amended, the remainder of the Code of the Village of Johnson City shall remain in full force and effect.

### **Section 3.     Severability**

The provisions of this Local Law are severable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

### **Section 4.     Effective Date**

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.