
(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.

VILLAGE OF MILLERTON

LOCAL LAW NO. 2 OF 2022

A Local Law to Add a New Section to the Code to be Designated as Section 162-34 entitled "Penalty for Failure to Allow Access to Premises to Install, Connect, Inspect, Maintain, Repair, Alter, or Disconnect a Water Meter"

Be it enacted by the Board of Trustees of the Village of Millerton as follows:

SECTION 1. LEGISLATIVE INTENT

It is the intent of the Village of Millerton to see that our previously stated public policy of requiring the metering of all properties which draw water from the Water District as expressed in Section 162-28 *et. seq.* be followed such that all properties in the Village which draw from the Water District are installed with water meters that are accurate, properly functioning, and are remotely readable.

A small number of property owners have either failed to respond to repeated attempts at contact or have refused to comply with requests to grant access to property which is served by the Water District to allow the installation of water meters. As a result, there are certain properties in the Village which continue to be served by antiquated or non-functional meters, or which are not being metered at all, allowing the continued potential use or misuse of water without the payment of a corresponding price based on their usage as other residents of the Village are required to.

The Village Board therefore finds it is necessary and in the public interest to impose a monetary surcharge on the quarterly water bill for those properties whose owners have either neglected or refused to allow the installation of new water meters.

SECTION 2. AUTHORITY

This local law is adopted pursuant to New York State Village Law Art. 11 which provides Villages with broad discretion in establishing water works and in adopting local laws governing the same including for the enforcement of water rents and relating to the use and supply of the water, as well as Section 10 of the Municipal Home Rule Law which provides Villages broad discretion to enact local laws and to provide for their enforcement.

SECTION 3. CODE AMENDMENT

The Code shall be amended by the addition of a new Section to be designated as Section 162-34 which shall read as follows:

Section 162-34 Penalty for Failure to Allow Access to Premises to Install, Connect, Inspect, Maintain, Repair, Alter, or Disconnect a Water Meter

Any Person(s) who are the owner of premises using water supplied by the Village Water District who do not arrange for or allow for the installation, connection, inspection, maintenance, repair, alteration, or disconnection of a water meter upon or within their property after three months of the requirement for the same arising and being uncompleted shall be liable for a fine of \$250.00 per quarter for each quarter, or portion thereof, that the said owner refuses and/or neglects to allow the installation, connection, inspection, maintenance, repair, alteration, or disconnection of a water meter.

SECTION 4. SEVERABILITY

The provisions of this local law are severable. If any provision of this local law or the application thereof to any person, firm, corporation, or circumstance is adjudged invalid by a court of competent jurisdiction, such order or judgment shall not affect or impair the validity of the other provisions of this local law or the application thereof to other persons and circumstances.

SECTION 5. EFFECTIVE DATE

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with Municipal Home Rule Law § 27(1).

(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. 2 of 2022 of the (County)(City)(Town)(Village) of Millerton was duly passed by the Village Board of Trustees on July 25, 2022, 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.)

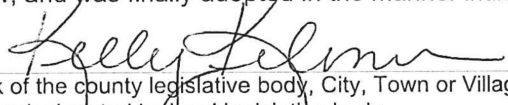
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: August 2, 2022

(Seal)