

RESOLUTION ADOPTING PROPOSED LOCAL LAW NO. 1 OF THE YEAR 2015
“Defining Water Shut Off Procedures and Penalties in the Town of Fayette, New York”

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Fayette for a Public Hearing to be held by said Town on February 12, 2015, at 7:00 PM at the Town Hall at 1439 Yellow Tavern Road, Waterloo, N.Y. 13165 to hear all interested parties on a proposed Local Law entitled “Defining Water Shut Off Procedures and Penalties in the Town of Fayette, New York” for the purpose of establishing a procedure whereby the Town can collect water rents from residents in an expeditious matter; and

WHEREAS, that the Town Clerk did publish or cause to be published a notice of said public hearing in the official newspaper of the Town at least five (5) days prior thereto; and

WHEREAS, said public hearing was duly held on February 12, 2015 at 7:00 PM at the Town Hall at 1439 Yellow Tavern Road, Waterloo, N.Y. 13165, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said Proposed Local Law, or any part thereof; and

WHEREAS, the Town Board of the Town of Fayette, after due deliberation, finds it in the best interests of the Town of Fayette to adopt said Local Law.

BE IT RESOLVED, that the Town Board of the Town of Fayette hereby adopts said Local Law No. 1 of the year 2015 as follows:

SECTION 1. PENALTIES

Unpaid water charges in arrears for thirty (30) days or longer shall be assessed a penalty of ten percent (10%).

SECTION 2. PROCEDURES FOR SHUT OFF

Notwithstanding the provisions of any general, special or Local Law or charter to the contrary, in the event that a water bill remains unpaid for more than sixty (60) days, a shut off notice will be forwarded by regular mail to the owner and occupant of the subject premises. If the unpaid water bill is not paid within ten (10) days of such notice, commencing with the day of mailing such notice, the water supply of the premises will be shut off by the Town. The Town of Fayette will impose shut off of said service only between the hours of 8:00 a.m. to 4:00 p.m., Monday through Thursday.

Whenever a water supply is shut off for non-payment of a water bill, an additional charge for services in the amount of \$75.00 will be imposed before water service is restored.

SECTION 3. RE-LEVY

In all cases where water rents remain due and unpaid at the time the annual tax roll of the Town is made out, the same shall be included therein and levied against the real property on which the water shall have been used and shall be collected with and in the same manner as other town taxes, with termination of the collection of water service for that particular property. The said property owner will also incur a \$75.00 re-levy service fee that will be added to the tax roll.

SECTION 4. SEVERABILITY

If any paragraph, section, sentence or portion of a sentence of this section shall be found and determined to be invalid, unlawful and/or unconstitutional, such determination shall not invalidate or void any other paragraph, section, sentence or portion thereof, and such other parts thereof shall remain in full force and effect unless and until legally revoked, modified and/or amended.

Section 5. WHEN EFFECTIVE

This Local Law shall become effective when it is filed with the Secretary of State.

AND BE IT FURTHER RESOLVED that the Town Clerk of the Town of Fayette be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Town of Fayette, and to give due notice of the adoption of said Local Law to the Secretary of the State of New York.

Moved Councilman Coreen Lowry

Seconded Councilman Katie Nelson

Passed 4 Voting Yes 0 Voting No

Certified Debra Vanni

Debra Vanni, Town Clerk

Dated 2/12/15