

(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 Lyndonville, New York, Orleans County

Town

Village

Local Law No. 2 of the year 2003.

A local law Providing for Water Conservation and Water Use Restriction
(Insert Title)

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

County

City of Lyndonville, New York, Orleans County as follows:

Town

Village

**A LOCAL LAW PROVIDING FOR WATER CONSERVATION
AND WATER USE RESTRICTION**

Section 1. The purpose of this Local Law is to enable the Village of Lyndonville to exercise due authority to mandate such measures as are necessary to reduce the consumption of water within the Village's service area to preserve an adequate supply of water to meet the customers' basic needs.

Section 2. In the event of a water emergency due to a significant shortage of water volume at the pumping/filtration plant, a leak in the major transmission line, a system failure or excessive consumption beyond the capacity of the water system; such emergency to be determined by the Superintendent of Public Works, water conservation or water use restriction will be implemented. The Mayor or his designee will make a public announcement through use of radio, television, newspapers and other available media.

Water use restrictions as set forth hereinafter in Section 3 will be implemented by the Mayor in consultation with the Superintendent of Public Works. The restrictions will vary depending upon the severity of the emergency and will be dependent upon the circumstances at the time of implementation.

Water conservation and water use restrictions will remain in effect until such time as the emergency ceases. The Mayor will notify all media for appropriate announcements.

Section 3. In the event of an emergency, priorities for potable water use will be put into effect in three stages. The three stages are as follows:

Stage 1.

A. No Person or entity shall cause, permit or allow:

1. The continuing of any leak or waste from any water pipe, valve, faucet, conduit, equipment, facility or device connected to the water system, or which utilizes water, on or in any premises owned, leased, managed, operated or controlled by such person or entity;

2. The washing of any vehicle by means of a hose, fire hydrant, or other active source connected to the water system.

3. The washing of any street, sidewalk, driveway, outdoor areaway, outdoor steps, building exterior or other structure by means of a hose, fire hydrant, or other active source connected to the water system.

4. The use of water from the water system for any ornamental purpose, including but not limited to use in fountains, artificial waterfalls, reflecting pools, lakes and ponds.

5. The use of water from the water system to water any lawn, ornamental shrub, plant or tree, except that:

a. Water may be used to water any lawn, tree, shrub, or garden, from 4:00 a.m. to 5:00 a.m. and 9:00 p.m. to 10:00 p.m.

b. Water may be used at any time to irrigate, from a hand held container, vegetables or fruits grown for human consumption.

6. The opening or use of any fire hydrant, or of the water therefrom, for any purpose other than fire protection except in accordance with a permit obtained from the DPW Department and only for the period of and the purpose authorized by such permit and in strict adherence to all terms and conditions set forth therein;

7. The operation of any air conditioning system utilizing water from the water system in a cooling tower, unless within 30 days from the effective date of this regulation, a separate meter is installed to continuously measure the flow of water to the cooling tower;

8. Operate any air condition system in excess of two tons of rated capacity or greater or any refrigeration unit rated at 10 horsepower or greater using water from the Village water system, unless such air conditioning system or refrigeration unit is equipped with a water recirculating device approved by the Department of Public Works and;

9. The use of water from the water system to fill or maintain the water level in any swimming pool, except that, provided the pool is operated with recirculating equipment, water may be used to fill the pool once during each calendar year, and thereafter may be used as necessary to maintain the water level in such pool.

Stage 2.

If, at any time the DPW Superintendent determines that the measures set forth under Stage 1 of this regulation have not resulted in a sufficient level of conservation in light of existing water supply conditions, a Stage 2 emergency shall be declared. Upon declaration of a Stage 2 emergency in addition to these measures set forth hereinabove.

A. No person or entity shall cause, permit or allow:

1. The user of water from the water system to fill or maintain the water level in any swimming pool;

2. The use of water from the water system to water any lawn, ornamental shrub or plant, except that water may be used to irrigate, from a handheld container only, vegetables or fruits grown for human consumption.

Stage 3.

If, after the imposition of the measures set forth in Stage 2 of this regulation the DPW Superintendent finds that water consumption must be further reduced, a Stage 3 emergency in addition to the measures set forth hereinabove:

A. All nonresidential users of water from the water system shall reduce their consumption by no less than 25%;

B. All users, both residential and nonresidential, shall install water flow restricting devices in all shower heads; and

C. All air conditioning systems utilizing water from the water system shall be operated only in accordance with hourly restrictions established by the DPW Superintendent.

Section 4. Violations of this Local Law shall be punishable by fines and penalties.

A. In addition to any penalties which may be imposed where a leak and waste notice has been served and the condition to which such notice relates has not been corrected, a penalty of up to Two Hundred Fifty (\$250.00) Dollars may be imposed by the Village Board and added to the water rents relieved on the tax bill.

B. Water service may be terminated for violation of any provision of this regulation or for any waste of water.

Section 5. Upon the application of any person or entity, the DPW Department or the Village Board may at their discretion grant a variance relieving such person or entity from compliance with any of the requirements of this regulation, if such person or entity demonstrates to the satisfaction of the Village Board or DPW Superintendent (1) that undue hardship would otherwise result; (2) that there are no possible alternatives; (3) that the applicant has taken and will take all possible measures to conserve water, with a complete description of such measures and the water savings to be effected and (4) that such variance is not inconsistent with the purpose of the emergency measure. In connection with any variance which may be granted, the DPW shall impose such terms and conditions as they deem appropriate.

Section 6. This Local Law shall take effect immediately upon filing in accordance with the provisions of the Municipal Home Rule Law of the State of New York

(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 2003 of the ~~(County) (City) (Town)~~ (Village) of Lyndonville, New York, Orleans County was duly passed by the Board of Trustees on October 13 20 03, 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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved) (Name of Legislative Body) (not disapproved) (repassed after disapproval) by the _____ and was deemed (Elective Chief Executive Officer*) duly adopted on _____ 19____, 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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved) (Name of Legislative Body) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) on _____ 19____. 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 _____ 19____, 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 (Name of Legislative Body) (approved) (not disapproved) (repassed after disapproval) by the _____ (Elective Chief Executive Officer*) 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 chairman 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.

(City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ 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 _____ 19____, 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 19____ of the County of _____, State of New York, having been submitted to the electors at the General Election of November _____ 19____, 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 of 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.

(Seal)

Robert W. Miller
Clerk of the County legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: October 14, 2003

(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 ORLEANS

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]
Signature
Village Attorney
Title

County
City of Lyndonville
Town
Village
Date: OCTOBER 14, 2003