

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 Yorktown

Local Law No. 2 of the year 2019

A local law to amend Chapter 280 of the Code of the Town of Yorktown entitled "WATER," by
(Insert Title)
amending Section 280-31(E)(1) through (6) to change the Water Rate Schedule for the
Yorktown Consolidated Water District and amending 280-31(E)(9) Repair and Maintenance

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

County City Town Village
(Select one:)

of Yorktown as follows:

Section I. Statement of Authority.

This Local Law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the provisions of the Statute of Local Governments, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Section 280-31(E)(1) through (6) and (9) of the Town Code entitled "WATER" is amended as follows:

E. Water rate schedule for the Yorktown Consolidated Water District. A graduated water rate schedule is established to promote water conservation. Under the graduated water rate schedule, the charge for each unit consumed increases with consumption. The purpose of this graduated rate schedule is to combat the recurrent water shortages experienced by the Town of Yorktown and other area municipalities. The graduated water rate schedule will encourage water consumers, particularly the large consumers, to curtail their water usage, benefiting the general welfare of all consumers of water in Yorktown and area municipalities. The rate schedule shall be as follows:

(1) Consumers of 9,000 gallons of water or less per billing period:

- (a) Inside district: \$64.35 plus the annual percentage increases in the New York water rate (NYR) and the Northern Westchester Joint Water Works Consumption rate (NWJWW rate) charged for 9,000 gallons or portion thereof.

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

- (b) Outside of district: \$128.70 plus the annual percentage increases in the NYR and the NWJWW rate charged for 9,000 gallons or portion thereof.
- (2) Consumers of more than 9,000 gallons of water per billing period up to but not including 250,000 gallons of water per billing period:
 - (a) Inside district: \$64.25 plus, for each additional 1,000 gallons or portion thereof above 9,000 gallons, \$7.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
 - (b) Outside of district: \$128.70 plus, for each additional 1,000 gallons or portion thereof above 9,000 gallons, \$13.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
- (3) Rates for moderate consumers.
 - (a) Consumers of 250,000 gallons of water per billing period up to but not including 500,000 gallons of water per billing period
 - [1] Inside district: \$7.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
 - [2] Outside of district: \$14.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
 - (b) Consumers of 500,000 gallons of water per billing period up to but not 750,000 gallons of water per billing period:
 - [1] Inside district: \$8.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
 - [2] Outside of district: \$15.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.
 - (c) Consumers of 750,000 gallons of water per billing period up to but not including 1,000,000 gallons of water per billing period:
 - [1] Inside district: \$8.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$16.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(d) Consumers of 1,000,000 gallons of water per billing period up to but not including 1,250,000 gallons of water per billing period:

[1] Inside district: \$9.15 per every 1,000 gallons of water thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$17.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(e) Consumers of 1,250,000 gallons of water per billing period up to but not including 1,500,000 gallons of water per billing period:

[1] Inside district: \$11.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$22.31 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(4) Rates for moderate to large consumers.

(a) Consumers of 1,500,000 gallons of water per billing period up to but not including 1,750,000 gallons of water per billing period:

[1] Inside district: \$10.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$20.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(b) Consumers of 1,750,000 gallons of water per billing period up to but not including 2,000,000 gallons of water per billing period:

[1] Inside district: \$10.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$19.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(c) Consumers of 2,000,000 gallons of water per billing period up to but not including 2,250,000 gallons of water per billing period:

[1] Inside district: \$11.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$20.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(d) Consumers of 2,250,000 gallons of water per billing period up to but not including 2,500,000 gallons of water per billing period:

[1] Inside district: \$11.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$22.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof

(e) Consumers of 2,500,000 gallons of water per billing period up to but not including 2,750,000 gallons of water per billing period:

[1] Inside district: \$12.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$23.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(5) Large consumers.

(a) Consumers of 2,750,000 gallons of water per billing period up to but not including 3,000,000 gallons of water per billing period:

[1] Inside district: \$12.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$24.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(b) Consumers of 3,000,000 gallons of water per billing period up to but not including 3,250,000 gallons of water per billing period:

[1] Inside district: \$13.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$25.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(c) Consumers of 3,250,000 gallons of water per billing period up to but not including 3,500,000 gallons of water per billing period:

[1] Inside district: \$13.65 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof

[2] Outside of district: \$26.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(d) Consumers of 3,500,000 gallons of water or greater per billing period:

[1] Inside district: \$14.15 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

[2] Outside of district: \$27.40 per every 1,000 gallons of water or portion thereof plus the annual percentage increases in the NYR and the NWJWW rate per every 1,000 gallons of water or portion thereof.

(6) Bulk hauler rate.

(a) All bulk hauler purchasers of water shall pay \$37.18 per 1,000 gallons. Minimum bulk hauler purchase shall be deemed to be 1,000 gallons.

(b) For purposes of this section, the quantity of water purchased shall be measured by the full capacity of the equipment used to haul such water. The water shall be taken solely from a designated hydrant under the control and conditions of the Water Superintendent or his authorized representative.

(c) Wholesale rate for other municipalities by contract; other out-of-district rates at double the amount; ten-percent penalty charge after due date.

(9) The Water Department may elect, upon request, to provide non-emergency repair or maintenance services to private complexes. Water Department responsibility to repair or maintain waterlines and equipment ends at the property line of the private complex. In the event the Water Department determines that an emergency does exist and immediate action is necessary, the Water Department may provide service. The charge for emergency or non-emergency service shall be the actual cost of labor and material, plus an additional Administrative Fee of 15%. The minimum charge for service is \$350.00.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed.

Section V. Effective Date.

This Local Law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.

(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 2019 of the ~~(County)(City)~~(Town)(~~Village~~) of Yorktown was duly passed by the Town Board on May 21, 2019, 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 1 above.

Diana L. Quast

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

Date: May 22, 2019

(Seal)