

## VILLAGE OF CATTARAUGUS LOCAL LAWS

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(Adopted July 13, 1964, amended June 10, 1996, amended July 13, 1998)

A Local Law establishing a curfew in the Village of Cattaraugus.

Be it enacted by the Board of Trustees as follows:

It shall be unlawful for any minor under the age of eighteen (18) years of age or in high school to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, parks, playgrounds or other unsupervised places within the limits of the Village of Cattaraugus, NY between the hours of 10 PM and 5 AM, prevailing time, of any day in the year unless accompanied by his or her parents or lawful guardian or other adult person having at the same time lawful custody of such person or persons under said age: or unless returning home from a high school or church sponsored function.

No parent or lawful guardian of any minor under the age of eighteen (18) years shall knowingly permit such minor to loiter, idle, wander, stroll or play in or upon the public streets, highways, roads, parks, playgrounds or other unsupervised places within the limits of the Village of Cattaraugus, NY between the hours of 10 PM to 5 AM, prevailing time, of any day in the year unless such minor is accompanied by such parent or lawful guardian or other adult person having at the time, lawful custody of such minor.

#### **PENALTIES**

Any minor under the age of sixteen (16) years who violates the provisions of this ordinance shall be dealt with under the Children's Court Act and procedure. Any minor of age sixteen (16) or seventeen (17) years who violates the provisions of this ordinance shall be subject to a fine of not less than Ten Dollars (\$10.00) nor more than One Hundred Dollars (\$100.00).

Any parent, guardian or other adult person having the care and custody of the minor, who violates the provisions of this ordinance shall be fined not less than Ten Dollars (\$10.00) no more than One Hundred Dollars (\$100.00) or confined in jail not more than ten days or punished by both said fine and imprisonment for each offense.

**Local Law #1-82 REPEAL OF VARIOUS VILLAGE TRAFFIC ORDINANCES (#34, #35, #36, #37, #39, #41)**

A Local Law to repeal various Village Ordinances dealing with the operation, speeding, and parking of motor vehicles.

BE IT ENACTED by the Village Board of the Village of Cattaraugus, County of Cattaraugus and State of New York, as follows:

Village Ordinance #34 is hereby repealed, and a new Local Law #34 is hereby enacted as follows:

- (a) No person shall operate a motor vehicle, motorcycle, or snowmobile, upon any public highway within the corporate limits of the Village of Cattaraugus at a speed greater than thirty (30) miles an hour, unless the highway is otherwise posted.
- (a) Section (a) shall not apply to School Zones, which shall be limited to fifteen (15) miles per hour. Those areas designated as School Zones are;- all of Carter Street, Jefferson Street between Franklin and Carter Streets, and Franklin Street between Jefferson Street and the school driveway found unattended where they constitute an obstruction to traffic or any place where stopping, standing or parking is prohibited in accordance with this local law, and for the payment of reasonable charges for such removal and storage by the owner or operator of any such vehicle.

Village Ordinance #36 is hereby repealed, and a new Local Law #36 is hereby enacted, as follows:

No vehicle shall be parked on Main Street, Route 353, other than parallel with the edge of the street headed in the direction of traffic, and with front and rear wheels not more than twelve (12) inches from the curb, except on the east side of Main Street between Washington and Jefferson Street and on the west side of Main Street between the railroad crossing and a point opposite the center line of Washington Street, where all vehicles shall be parked diagonally within the white diagonal lines painted on the pavement.

No vehicle shall be parked in the rest of the Village, other than parallel with the edge of the street, headed in the direction of traffic, except on the South side of Washington Street between Main Street and South Street, and the North side of Waverly Street between Main Street and South Street, where all vehicles shall be parked diagonally within the white diagonal lines painted on the pavement.

Village Ordinance #37 is hereby repealed, and anew Local Law #37 is hereby enacted as follows:

The parking of vehicles in any of the following locations is hereby prohibited:

- (a) the East Side of Main Street, from a point beginning 100 feet South of Jefferson Street, extending 10 feet south thereof.
- (b) The East Side of Main Street, from the South Village line extending to Waverly Street, excepting therefrom that portion beginning at a point 384 feet North of Third Street extending to Second Street.
- (c) The East Side of Main Street, form the Railroad tracks extending to North Village line.
- (d) The West side of Main Street, from a point 190 feet North of Railroad tracks extending to a point 470 feet North of Railroad tracks.
- (e) The West side of Main Street, from North Line of the Village extending to a point 1645 feet South of the Village line.
- (f) The East side of South Street, form Third Street extending to Lincoln Street.
- (g) Both sides of West Street
- (h) West side of Mill Street
- (i) The North side of First Street
- (j) The North side of Third Street
- (k) The North Side of Third Street
- (l) The North Side of Fourth Street
- (m) The North Side of Waverly Street, South Street extending to South Franklin Street.
- (n) The East side of Waverly Street, form South Franklin Street extending to end of Waverly Street
- (o) Both side of Ellicott Street, form Waverly Street extending to a point 308 feet North thereof.
- (p) The North side of Washington Street, form a point 107 feet West of South Franklin Street, to Ellicott Street.
- (q) The South side of Washington Street, from Ellicott Street to the Methodist Church driveway.
- (r) The North side of Jefferson Street, from South Street extending to Franklin Street
- (s) The South side of Jefferson Street, from Franklin Street extending to the Village line.

- (t) Both side of South Franklin Street, from Jefferson Street extending to Waverly Street.
- (u) The East side of North Franklin Street
- (v) The south side of Leavenworth Street, form a point beginning 403 feet West of the Railroad tracks, extending to Main Street.
- (w) On both sides of South Street from Washington Street to Jefferson Street between the hours of 2:30 PM and 3:30 PM on the days that school is in session during these hours.

Village Ordinance #39 is hereby repealed, and a new Local Law #39 is hereby enacted as follows:

- (a) Stop Intersections:
  - (1) Main Street is designed as a thru highway and stop signs shall be erected at the following entrances thereto: Leavenworth Street, West Street, Jefferson Street, Washington Street, Waverly Street, First Street, Second Street, Third Street, Fourth Street, Rumsey Street and Gail Drive.
  - (2) On South Street at its intersection with Jefferson Street.
  - (3) On South Street at its intersection with Waverly Street.
  - (4) On Ellicott Street at its intersection with Washington Street, only on the Southeast corner thereof;
  - (5) On Washington Street at its intersection with South Franklin Street, only on the Southwest corner thereof.
  - (6) On Washington Street at its intersection with Ellicott Street , only on the Northeast corner thereof;
  - (7) The intersection of Fourth and South Street shall be a four-way stop intersection.
  - (8) On Jefferson Street at its intersection with Ellicott Street, only on the Southwest corner thereof;
  - (9) The intersection of Jefferson and Franklin Streets shall be a four-way stop intersection.
- (b) Yield Intersections:
  - (1) On Waverly Street at its intersection with Tannery Street, only on the Northwest corner thereof.
  - (2) On Jefferson Street at its intersection with Leavenworth Street, only on the Northwest corner thereof:
  - (3) On Ellicott Street at its intersection with Waverly Street, only on the Northwest corner thereof.

- (4) At First Street at its intersection with South Street, only on the Southwest corner thereof;
  - (5) At Second Street at its intersection with South Street, only on the Southwest corner thereof;
  - (6) At Third Street at its intersection with South Street, only on the Southwest corner thereof;
  - (7) At Mill Street at its intersection with West Street, only on the Southwest and Northwest corners thereof;
  - (8) At Division Street at its intersection with West Street, only on the Southwest corner thereof;
  - (9) At Ellicott Street at its intersection with Washington Street, only on the Northwest corner thereof;
  - (10) At Ellicott Street at its intersection with Jefferson Street, only on the Southeast corner thereof;
  - (11) At South Street at its intersection with Gail Drive, only on the Northwest corner thereof;
  - (12) At Hoyt Street at its intersection with Franklin Street, only on the Southwest corner thereof;
  - (13) At Lincoln Street at its intersection with South Street, only on the Northeast corner thereof;
  - (14) At Scott Street at its intersection with South Street, only on the Northeast corner thereof;
- (c) Authority to install traffic control devices
- The Village of Cattaraugus Police Department and/or Streets Department shall install and maintain traffic control devices when and as required under the provisions of this local law to make effective the provisions of said local laws and may deem necessary to regulate, warn or guide traffic under the Vehicle and Traffic law of the State of New York subject to the provisions of Section 1682 and Section 1684 of that law.

Village Ordinance #41 is hereby repealed, and a new Local Law #41 is hereby enacted as follows:

Penalties for violation of certain local laws and Ordinances:

Every person convicted for a traffic infraction for a violation of any provisions of Village Local Laws and Ordinances which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall for a first conviction

thereof be punished by a fine of not more than Fifty Dollars (\$50.00) or by imprisonment for not more than fifteen (15) days or by both such fine and imprisonment; for a second such conviction within eighteen (18) months thereafter such person shall be punished by a fine of not more than one hundred dollars (\$100.00) or by imprisonment of not more than forty-five (45) days or by both such fine and imprisonment; upon a third or subsequent conviction within eighteen (18) months after the first conviction such person shall be punished by a fine of not more than two hundred fifty dollars (\$250.00) or by imprisonment for not more than ninety (90) days or by both such fine and imprisonment.

## **Local Law #2-1982 REPEAL OF ORDINANCE #28 ENACT NEW**

**LOCAL LAW #28** (\*Clerk has noted that the original ordinance #28 was not keeping the peace, this should have been an ordinance to repeal Ordinance #43)

A local law to repeal Village Ordinance # 28 and enact a new Local Law # 28 for keeping the peace:

Village Ordinance #28 is hereby repealed, and a new Local Law #28 is hereby enacted as follows:

- **Section 1: Keeping the Peace**

- (a) Generally. No person shall annoy or disturb the quiet or peace of the people or of any person within the Village by conducting himself in a noisy, boisterous, rude, indecent, insulting or otherwise disorderly manner.
- (b) Use of instruments, sound devices. No person shall play, operate or use or cause to be played, operated or used, any mechanical instrument, radio, stereo, or wireless, speaker or horn, or any other instrument, device or thing in the Village so as to disturb the peace and quiet of any neighborhood or of any person.
- (c) Specifically. No limitations of the generally specified in sub-section (a) of this Section, no person shall do any of the following within the Village:
  1. Discharge of firearm or dangerous weapon of any kind or an air rifle or air gun of any kind, or any other type of gun.
  2. Throw any stones or other hurtful things from, through, into or upon any public property or place.
  3. Willfully annoy the occupants of a building by knocking, rattling at the door, window or gate thereof, or by ringing the doorbell or in any other manner.
- (d) Specifically, Motor Vehicles. No person shall use or operate a motor vehicle in a manner so as to cause loud noises, to include squealing tires.

- Section 2. Loitering – Repealed 4/02 – See Local Law 2-2002

- (a) *No person shall loiter in the Village.*
- (b) *A person is guilty of loitering when he:*
1. *Loiters, remains or wanders about in public place for the purpose of begging; or*
  2. *Loiters or remains in a public place for purpose of gambling with cards, dice or other gambling paraphernalia; or*
  3. *Loiters or remains in a public place for the purpose of engaging or soliciting another person to engage, in deviate sexual intercourse or other sexual behavior of a deviate nature; or*
  4. *Loiters, remains or wanders in our about a place without apparent reason and under circumstances which justify suspicion that he may be engaged or about to be engaged in crime, and, upon inquiry by a peace officer, refuses to identify himself or fails to give a reasonably credible account of his conduct and purpose.*

• **Section 3. Lurking, Prowling**

No person shall lurk or prowl about the premises of any person, or in our about any eating, house, hotel, store or other public place without permission of the owner.

• **Section 4. Parking on Private Property**

No person shall park or permit to be parked any automobile or other vehicle upon private property without the consent of the owner or lessee, when a notice forbidding such parking has been conspicuously posted at the entrance to said property or conspicuously posted at the entrance to said property or conspicuously thereon, or has been previously placed in such automobile or other vehicle, or when such person has actually been forbidden to park thereon either by the owner or lessee.

• **Section 5. Open Containers**

No person shall have in his possession any open bottle or container containing liquor, beer, wine, or any other alcoholic beverage, while such person is on any public highway, public street, public parking area, or in any vehicle or public place, excepting those premises duly licensed for sale and consumption of alcoholic beverages on the premises whatsoever in said Village.

• **Section 6. Penalty**

- (a) Prescribed conduct. Any person found guilty of engaging in conduct proscribed by Local Law #28 for the first offense thereof shall be guilty of disorderly conduct and punishable thereof, and for the second offense and all subsequent offenses shall be guilty of a Class B Misdemeanor and punishable thereof.

A Local Law to repeal Village Ordinance #29, and enact a new Local Law #29 for permits and assembly

BE IT ENACTED by the Village Board of the Village of Cattaraugus, County of Cattaraugus and State of New York as follows:

- **Section 1. Permit Required**

No person shall conduct, address, or otherwise participate in any parade, gathering assemblage or demonstration in the excess of 25 persons, upon any street, park, (including any areas marked “park” on the Village assessment maps) or other public place within the Village , unless such parade, gathering, assemblage or demonstration has been authorized by a written permit, which shall be issued by the Village Board.

- **Section 2. Application**

The application for such permit shall be in writing and shall state:

- (a) The name and address of the applicant.
- (b) The name of the organization, if any, which applicant represents.
- (c) If the applicant or the organization is a corporation the name of the corporation, the names and addresses of directors, officers and stockholders owning 5% or more of the number of outstanding shares of each class of stock of said corporation.
- (d) If the applicant or organization is a partnership or other organized group of individuals, the names, addresses, and ages of each and every individual associated with the partnership or other entity.
- (e) The proposed dates and hours of such event;
- (f) The expected number of persons intended to use the property at one time and collectively;
- (g) The expected number of automobiles and other vehicles intended to use the property at one time collectively;
- (h) The purpose of the function, including the nature of the activities to be carried on, the admission fees to be charged, if any, and the names and addresses of all entertainers or performers scheduled to perform at the site together with a statement from each entertainer or performer certifying that he or she has agreed to perform at the event; and
- (i) The names and addressed of all concessionaires and other person providing any services or facilities under contract, lease or other arrangements for the event, together with copies of such contracts, leases or other arrangements.

- **Section 3. Application Upon Application**

- (a) Any application shall be submitted to the Village Clerk, who shall present same to the Village Board at the next regularly held public meeting of said Board.
- (b) The Board in considering the application shall take into account the following standards and criteria, the same, however, not thereby intending to limit the board in its inquiry.
  - (1) The impact of the function or event on the general welfare of the community.
  - (2) The ages of the persons involved in the parade, gathering, assemblage or demonstration;
  - (3) The hour of the day of said function or event;
  - (4) The place where said function or event is to be held;
  - (5) The capability of the Village to provide adequate sanitary facilities, food services, camping areas, garbage and refuse collection facilities, entertainment and performers for the function and water distribution facilities;
  - (6) Parking areas for automobiles and other vehicles, and the means of ingress and egress to such parking areas and the impact of the approximate number of automobiles and other vehicles upon the Village streets.
  - (7) The Village Police Department's capability of traffic control taking into account the estimated number of automobiles and other motor vehicles.

**Local Law #1-83****AUTHORIZING THE CONDUCT OF GAMES OF CHANCE**

BE IT ENACTED by the Village Board of the Village of Cattaraugus as follows:

- **Section 1. Authority**

This local law is enacted pursuant to the authority of Article Nine-A of the General Municipal Law of the State of New York and shall be known as the Games of Chance Law of the Village of Cattaraugus.

- **Section 2. Definitions**

The Words and terms used in this Local Law shall have the same meaning as such words and terms are used in Article Nine-A of the General municipal Law of the State of New York.

- **Section 3. Games of Chance Authorized; Restrictions:**

Games of chance may be conducted in the Village by an authorized organization, after obtaining a license therefore, in accordance with the provisions, requirements and limitation of Article Nine-A of the General Municipal Law, the rules and regulations of the New York State Racing and Wagering Board and this Local Law.

- **Section 4. Effective Date:**

This Local Law shall not become operative or effective unless and until it shall have been submitted at a general or special election and approved by a vote of the majority of the qualified electors of the Village of Cattaraugus, voting on a proposition, which proposition shall state:

Shall Local Law No. 5 adopted by the Village Board of the Village of Cattaraugus, on the 13<sup>th</sup> day of December, 1982, which authorizes the conduct of games of chance within the Village of Cattaraugus be approved?

and which proposition shall be submitted at a general Village election to be held on March 15, 1983, in accordance with the provisions of Sections 477, 478, 479, and 496 of the General Municipal Law, the Village Law, the Election Law, and other applicable provisions of law, and proper filing take place.

## **Local Law #2-83**

### **AUTHORIZING THE CONDUCT OF BINGO GAMES**

That pursuant to subdivision 2, Section 9, Article 1 of the State Constitution it shall be lawful for any authorized organization, as defined in Section 476, Article 14-R of the General Municipal Law, upon obtaining the required license, to conduct bingo games within the territorial limits of the Village of Cattaraugus, subject to the provisions of this Local Law, Article 14-H of the General Municipal Law, Article 19-B of the Executive Law, the Rules and Regulations of the State Bingo Control Commission and the following restrictions.

- 1) No person, firm, association, corporation or organization other than a licensee under the provisions of Article 14-h of the General Municipal Law, shall conduct such game or shall lease or otherwise make available for conducting bingo a hall or other premises for any consideration whatsoever, direct or indirect.
- 2) No bingo games shall be held, operated or conducted on or within any leased premises if rental under such lease is to be paid, wholly or partly on the basis of a percentage of the receipts or net profits derived from the operation of such game.
- 3) No authorized organization licensed under the provisions of Article 14-H of the General Municipal Law shall purchase or receive any supplies or equipment

specifically designed or adapted for use in the conduct or bingo games from other than a supplier licensed under the Bingo Control Law or from another authorized organization.

- 4) The entire net proceeds of any game of bingo and of any rental shall be exclusively devoted to the lawful purposes of organization permitted to conduct the same.
- 5) No prize shall exceed the sum or value of two hundred fifty dollars (\$250.00) in any single game of bingo.
- 6) No series of prizes on any one bingo occasion shall aggregate more than one thousand dollars (\$1,000.00)
- 7) No person except a bona fide member of any such organization shall participate in the management or operation of such game.
- 8) No person shall receive any remuneration for participating in the management or operation of any game of bingo.
- 9) The unauthorized conduct of a bingo game and any willful violation of any provision of this Local Law shall constitute and be punishable as a misdemeanor.
- 10) Limited period bingo shall be conducted in accordance with the provisions of this article and the rules and regulations of the commission.

This Local Law shall not become operative or effective unless it shall have been submitted at a general or special election and approved by a vote of the majority of the qualified electors of the Village of Cattaraugus, voting on a proposition which proposition shall state:

Shall Local Law No. 6 adopted by the Village Board of the Village of Cattaraugus, on the 13<sup>th</sup> day of December, 1982, which authorized the conduct of bingo games within the Village of Cattaraugus be approved.

And which proposition shall be submitted at a general Village election to be held on March 15, 1983, in accordance with the provisions of Section 477, 470, 479, and 496 of the General Municipal Law, the Village Law, the Election Law, and other applicable provision of Law, and proper filing take place.

*Approved at the Village Election, March 15, 1983.*

**Local Law #2-84**

**ALTERNATIVE VETERANS EXEMPTION FROM  
REAL PROPERTY TAXATION**

BE IT ENACTED by the Village Board of the Village of Cattaraugus, County of Cattaraugus, and State of New York as follows:

- **Section 1.** The purpose of this Law is to provide that no exemption from Real Property Taxes shall be granted pursuant to Section 458-a of the Real Property Tax Law of the State of New York.
- **Section 2.** Pursuant to the provisions of subdivision 4 of Section 458-a of the Real Property Tax Law of the State of New York, no exemption from Real Property Taxes shall be granted pursuant to Section 458-a of the Real Property Tax Law for the purposes of Real Property Taxes levied for the Village of Cattaraugus.
- **Section 3.** This Local Law shall take effect immediately upon its filing with the Secretary of State.

## **Local Law #2-86                    PRIOR WRITTEN NOTICE**

**June 23, 1986**

BE IT ENACTED by the Village Board of the Village of Cattaraugus as follows:

- **Section 1.** No civil action shall be maintained against the Village of Cattaraugus or the highway superintendent of the Village, or against an improvement district in the Village for damages or injuries to person or property (including, those arising from the operation of snowmobiles) sustained by reason of any highway, bridge, culvert, highway marking, sign or device, or any other property owned, operated or maintained by the Village therein, being defective, out of repair, unsafe, dangerous or obstructed unless written notice of such defective, unsafe, dangerous, or obstructed condition of such highway, bridge culvert, highway marking, sign or device, or any other property owned by any improvement district in the Village unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the Village or the Highway Superintendent of the Village and there was a failure or neglect to cause such snow or ice to be removed or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.
- **Section 2.** No civil action will be maintained against the Village and/or the Highway Superintendent of the Village for damages or injuries to person or property sustained by reason of any defect in the sidewalks of the Village or in consequence of the existence of snow or ice unless written notice thereof, specifying the particular place, was actually given to the Village Clerk of the Village or to the Highway Superintendent of the Village and there was a failure or neglect to cause such defect to be remedied, such snow or ice to be removed, or to make the place otherwise reasonably safe within a reasonable time after the receipt of such notice.

- **Section 3.** The Highway Superintendent of the Village shall transmit, in writing, to the Village Clerk of the Village within five (5) days after receipt thereof, all written notices received by him pursuant to this law, and he shall take any and all corrective action with respect thereto as soon as possible.
- **Section 4.** The Village Clerk of the Village shall keep an accurate record, of all written notices which the village Clerk shall receive of the existence of a defective, unsafe, dangerous or obstructed condition in or upon, or of any accumulation of ice and snow upon any Village highway, bridge, culvert or a sidewalk, or any other property owned by the Village, or by any improvement district. The Village Clerk upon receipt of such written notice, shall immediately and in writing notify the Highway Superintendent of the Village of the receipt of such notice.
- **Section 5.** Nothing contained in this law shall be held to repeal or modify or waive any existing requirement or statute or limitations but, on the contrary, shall be held to be additional requirements to the rights to maintain such action. Nothing contained herein shall be held to modify any existing rule of law relative to the question of contributory negligence, nor to impose upon the Village, its officers and employees, and/or any of its improvement districts, any greater duty or obligations than that it shall keep its streets, sidewalks and public places in a reasonable safe condition for public use and travel.
- **Section 6.** This local law shall take effect immediately.

## **Local Law #2-87 PROVIDING FOR OPERATION OF ALL TERRAIN VEHICLES (ATV)**

**June 22, 1987**

BE IT ENACTED, by the Village Board of the Village of Cattaraugus as follows:

- **Section 1.** This local law shall be considered as only allowing the operation of All Terrain Vehicles (ATV's) over those Village Streets which the Village legally identifies by the proper signs and markers required by the New York State Vehicle and Traffic Law.
- **Section 2.** Only those persons thirteen (13) years of age, or older, may operate an ATV after 6:00 PM.
- **Section 3.** No ATV shall be operated in the Village of Cattaraugus after 11:00 PM or before 7:00 PM and the operation shall be only for ingress and egress, to and from the Village, over the said designated streets.
- **Section 4.** All ATV's shall be driven at a speed not to exceed ten (10) miles per hour, using only the shoulders or edge of the designated streets, in single file only and shall have their lights on at all times.

- **Section 5.** Any person violating this ordinance shall be subject to a fine not to exceed \$50.00.
- **Section 6.** This Local Law shall take effect upon its filing with the Secretary of State of New York.

## **Local Law #1-91 SOLID WASTE COLLECTION AND MANDATORY RECYCLING**

A Local Law to regulate collection of solid waste and establish mandatory recycling.

Be it enacted by the Board of Trustees as follows:

- **SECTION 1**        **PREAMBLE; INTENTION**

On June 27, 1990, the Cattaraugus County Legislature passed two new laws that affect Cattaraugus Village waste collection. Local Law #1-1990 regulates the storage, collection, recycling and disposal of solid waste in the County. Local Law #2-1990 establishes user fees for non-recyclable materials that are brought to the County for disposal.

The intention of this village law is to provide a means of meeting the requirements of the aforementioned Cattaraugus County laws, and to provide a method of accruing revenue to meet the added costs. This local law reaffirms the approval granted by the Cattaraugus Village Board on July 9, 1990. Charges are imposed that will fairly distribute the costs among users. The fees imposed will be charged to the persons receiving the service and in relation to the extent of services rendered. There is no intention to obtain revenue beyond need. User fees encourage recycling, as there is no charge for recyclable materials that are properly separated from waste. Recycling helps protect the environment and is related to public health and safety.

- **SECTION 2**        **APPLICABILITY**

The Village will collect garbage and trash. There will be no regular collection of large household furnishings, white goods, or yard waste. Materials subject to mandatory recycling will be collected. Scrap metal can be brought by individuals to County transfer stations. It is a violation of this law to include recyclable material with garbage, or trash. The provisions of this Law shall apply to all owners, occupants or other persons in possession of any building or property in the Village who undertakes to utilize and who are provided with the services of the Village for the collection and disposal of solid waste materials.

- **SECTION 3**        **DEFINITIONS**

The following terms as used in this local law shall have the following enforcement meaning. Additions or changes in definition, may be made necessary by changing Cattaraugus County or State of New York requirements, recycling market conditions, or environmental needs.

The Village Board is hereby empowered to adopt any necessary additions or changes by resolution.

**Ashes** All substances or material which remain after combustion.

**Bulky Materials** Mattresses, furniture, appliances other than white goods.

**Cardboard** Stiff pulp or paperboard commonly used to make packaging or shipping containers and known as “cardboard boxes” usually corrugated; however shall not include ordinary lightweight paper board containers such as cereal and food packaging or other tabletop items.

**Collection** Activity related to pick-up of garbage, trash, and recyclable for transportation to disposal sites.

**Construction and Demolition Debris** Waste resulting from construction, remodeling, repair and demolition of structures, road building, and land clearing. Such wastes include, but are not limited to bricks, concrete, and other masonry materials, soil, rock, lumber, road spoils, paving material, and tree and brush stumps.

**Curb-line** Location of the property to be served between the curb and the sidewalk. If no curb is constructed, it is identified as the point inside the place where the curb would be located, if constructed. In no case shall it involve the street. If no sidewalk exists, it is identified to be the point outside the place where sidewalk would be located if constructed. In no case shall it include the street, or right-of-way.

**Garbage** Waste material subject to decomposition incident to ordinary domestic or business use including among other things, kitchen refuse, animal or vegetable matter and decaying substances.

**Glass** Transparent products made from a combination of silica, sand, soda ash and limestone used for packaging and containers of liquids and various matters. Not included are: Window gals, mirrors, light bulbs, or fluorescent tubes.

**Hazardous or Toxic Waste** Waste defined in Article 2-0903 of the New York Environmental Conservation Law, as amended, and the regulations thereunder, and in section 1004 of the Federal Resource Conservation and Recovery Act of 1976, as amended, 42 U.S.C. \*6903, and the regulations thereunder.

**Household batteries** Flashlight, lantern, watch, calculator type batteries.

**Household Hazardous Waste** Household waste which, but for its point of generation, would be a hazardous waste under 42 U.S.C. \*6903 or 6 NYCRR Part 371, including pesticides as defined in Article 33 of the Environmental Conservation Law.

**Newspaper** Paper commonly known as “newsprint” but not including shiny advertising inserts.

**Non-recyclable plastic** Plastic toys, hard breakable plastic, hard plastic lids and caps, polystyrene foam containers.

**Person** Any individual, institution, group of individuals, partnership, firm, corporation, association, stock company, or any interstate body.

**Recyclable** Those items or materials appearing on the official list of mandatory recyclable materials as adopted by the Village Board.

**Refuse** Waste material, not otherwise specifically defined.

**Scrap Metal** Products made of metal, including and not limited to, white goods, car parts, bicycles, tire rims and other mostly metal items.

**Solid Waste** Garbage, trash, refuse, and other discarded materials resulting from domestic household and institutional activity; or from commercial and agricultural operations of a non-hazardous nature.

**Sticker** A self adhesive label available at the Cattaraugus Village Hall. A fee is charged for the stickers, and they are numbered, registered, and not transferable. They may be redeemed at cost, by the original purchaser.

**Storage** The containment of solid waste, or hazardous waste for a period of over 30 days, in such a manner as not to constitute disposal of such waste.

**Tin Cans** Cans made of steel coated with tin. Aluminum is not included.

**Trash** Miscellaneous materials such as rags, and paper products. Paper products include items such as cardboard, towels, letters, cereal boxes, wrapping paper, magazines, and paper plates. Also included would be non-recyclable plastics, window glass, crockery, and similar materials. Not included would be white goods, and bulky materials. Yard waste, and ashes are not included. Construction and demolition debris are not included. Hazardous or toxic waste is not included.

**White Goods** Washing machines, clothes dryers, refrigerators, freezers and similar items that have recyclable value.

**Yard Waste** Grass clippings, leaves, and cuttings from shrubs, hedges and trees.

- **SECTION 4      ADMINISTRATION**

The Village Public Works Department shall administer the collection of garbage, trash, and recyclable materials. Except for stores, collection days shall be Tuesdays. The collection day for stores is Friday. If this schedule is amended, public notice will be given.

- **SECTION 5      UNLAWFUL DUMPING, OR BURNING**

Except when neatly placed for collection according to the Solid Waste Management and Recycling Rules and Regulations, and as determined by the Cattaraugus Village Board, no person shall place, throw, deposit, or dump any garbage, trash, bulky material, white goods, abandoned vehicle, household appliance, hazardous waste, debris of any nature upon any sidewalk, street, highway or, other public ground or private property within the limits of the Village of Cattaraugus. In the event that any such material is found to contain the name, address or other reliable identification connecting the material to the person, such finding shall create a prima facie presumption that such material was placed at its location by such person. In the event that identification cannot be determined by inspection, it will be presumed that the material is the responsibility of the occupant of single family dwellings, or the owner of all other buildings or real property where such placement has been made. If placement is made on a public or private right-of-way, the closest private real property will be deemed to be the location of the violation.

No person shall openly burn, or cause to be openly burned, any garbage, trash, cardboard, construction and demolition debris, hazardous or toxic waste, refuse or yard waste within the Village limits.

- **SECTION 6      STORAGE OF CERTAIN ITEMS**

It shall be a violation for persons, owners or occupants of buildings to store their bulky materials, white goods, solid waste, tires, or barrels, except in a fully enclosed storage structure. This does not apply to those items properly placed for immediate collection.

- **SECTION 7      GARBAGE, TRASH, AND RECYCLABLES FROM OUTSIDE THE VILLAGE**

It shall be a violation for persons to purchase, or otherwise obtain and use the Village Stickers in order to have the Village collect trash and garbage that originates from outside the Village. It is also a violation for persons to place for collection, recyclable that originate from outside the Village.

- **SECTION 8      DEPOSIT OF MATERIALS INTO TRASH RECEPTACLES**

**LOCATED ON VILLAGE PROPERTY IS RESTRICTED**

It shall be a violation to place any materials into trash receptacles located on Village property unless such waste generated at that location. Permitted waste would include picnic waste.

- **SECTION 9**      **MISUSE OF STICKERS**

It shall be a violation to attempt to duplicate, counterfeit, or reuse a sticker. It is a violation to provide a sticker to an unqualified user, or transfer a sticker to any person to whom such sticker was not issued.

- **SECTION 10**    **MATERIALS SUBJECT TO MANDATORY RECYCLING**

For the purpose of being able to react promptly to recycling requirements of Cattaraugus County, the State of New York, recycling market conditions, or environmental needs, the Village Board is hereby empowered to adopt by resolution as official list of mandatory recycle materials. Said list may be changed from time to time by resolution of the Board. Failure to recycle materials on this official list, except where otherwise excepted by this local law, shall be a violation of this local law.

- **SECTION 11**      **MIXING OF RECYCLABLES WITH GARBAGE, TRASH OR REFUSE**

It shall be a violation to mix garbage, trash, or other refuse, with material that are place for recycling. It is a violation to put recyclable materials in bags or containers that have a sticker applied.

- **SECTION 12**    **RULES AND REGULATIONS PERTAINING TO MATERIALS PREPARATION**

The Village Board is hereby empowered to adopt, by resolution, rules and regulations pertaining to solid waste management in regard to materials preparation requirements, and such other rules and regulations as may be necessary to effectively and efficiently ensure sound management of the local law. The provisions of this local law shall incorporate by reference such rules and regulations as are in effect, and compliance with such rules and regulations. Said rules and regulations may be changed from time to time by resolution of the Board. Failure to comply with said rules and regulations, except where otherwise exempted in this local law, shall constitute a violation of this local law.

- **SECTION 13**    **ALTERNATE DISPOSAL METHODS ALLOWED**

Nothing in this Local Law shall be deemed to prohibit any person from contracting with a private hauler for removal of solid waste, construction and demolition debris, and recyclables. Nothing in this local law shall be deemed to prohibit any person from legally

disposing, or causing to be legally disposed of, these materials at a Cattaraugus County transfer station, or with a private firm properly authorized to dispose of such materials.

- **SECTION 14     FEE SCHEDULE**

The Village Board shall establish by resolution, the fee to be charged for the purchase of stickers. Said fees may be changed from time to time by resolution of the Board.

- **SECTION 15     UNCONSTITUTIONALITY OF ILLEGALITY CLAUSE**

If any clause, sentence, paragraph, word, section or part of this local law shall be adjudged by any court of competent jurisdiction to be unconstitutional, illegal or invalid, such judgment shall not effect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, word, section, or part thereof directly involved in the controversy in which said judgment shall have been rendered.

- **SECTION 16     ENFORCEMENT AND PENALTIES**

The provisions of this local law shall be enforceable by the Village Superintendent of Public Works, the Mayor, any member of the Village Board, any police officer, or any agent duly authorized by resolution of the Village Board

Any person who shall violate any provision of this local law shall be punished by a fine not to exceed One Hundred Fifty Dollars (\$150.00) or imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment; for conviction of a second violation both of which were committed within a period of one year, such fine shall not exceed Two Hundred Dollars (\$200.00) or imprisonment for a period not to exceed fifteen (15) days or both such fine and imprisonment; for conviction of any additional violations, all of which were committed within a period of one year, such fine shall not exceed Two Hundred Fifty Dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment.

## **Local Law #1-92   Yard Maintenance**

A Local Law to provide for yard/lot control of vegetation, and planting, maintenance, and removal of trees and shrubs, and appointment of a Tree Board, in the Village of Cattaraugus.

Be it enacted by the Board of Trustees as follows:

### ***ARTICLE I***

- **SECTION A     UPKEEP**

1. Every owner or occupant of any land/premises in the Village of Cattaraugus shall keep such land/premises free from long and/or rank growth of weeds, grass, and shrubbery, and noxious vegetation.

2. The area between the street line, and/or curb, and/or sidewalk, shall be properly graded to the approval of the Highway Superintendent, and the grass shall be cut at least once a month during May through October
3. The grass shall be cut on all land, other than that mentioned above in paragraph (A) (2), at least once a month during May through October, although naturally wooded and/or undeveloped areas at least two hundred (200) feet from an occupied structure may be exempt from this paragraph (A) (3), if waived by the Highway Superintendent.
4. **No person shall install any kind of tapping device, on any tree in the Village right-of-way.**
5. **No person shall insert nails, bolts, screws, and cables or in any way use Village trees as an anchoring device.**
6. **No person shall sever roots or apply chemicals or herbicides to any Village tree.**
7. **No person shall plant poplar, Willow or evergreen trees within the Village right-of-way.**

• SECTION B      PENALTIES

Upon default of the owners or occupants to comply with the requirements of above Section A, after the Village has given ten (10) day written notice to correct such violation(s), the Village may perform the same and assess the cost thereof against the subject real property, which shall constitute a lien and charge thereon until paid, and placed on the next subsequent Village Tax Bill, and /or such violation shall be punished by a fine not to exceed One Hundred Fifty Dollars (\$150.00) or imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment; for conviction of a second violation both of which were committed within a period of one year, such fine shall not exceed Two Hundred Dollars (\$200.00) or imprisonment for a period not to exceed fifteen (15) days or both such fine and imprisonment; for conviction for any additional violations, all of which were committed within a period of one year, such fine shall not exceed Two Hundred and Fifty Dollars (\$250.00) or imprisonment for a period not to exceed fifteen (15) days or by both such fine and imprisonment.

**ARTICLE II**

• SECTION A      DEFINITIONS

As used in this local law the following terms shall have the meanings indicated in this section.

1. Tree shall also include a shrub, bush, or other woody vegetation.
2. Street Tree shall mean a tree standing within the bounds or right-of-way of a public street, highway, road, avenue, alley or other public way.
3. Park Tree shall mean a tree standing on land within a public park or other area owned by the village, whether within or without the corporate limits of the village, other than a street.
4. Village shall mean the Village of Cattaraugus, New York.
5. Board of Trustees shall mean the board of trustees of the Village of Cattaraugus.

- SECTION B GRANT OF AUTHORITY

1. The Board of Trustees may provide for the planting, trimming, protection, removal and preserving of trees and shrubs in streets, parks and other public places of the village; may prohibit any injury, defacement, mutilation or destruction of trees, shrubs or grass plots in public streets and places, arks or playgrounds; may furnish and install shade trees between sidewalk line and curb line and assess the abutting property owners for the cost thereof; may, in order to make the streets more safe f travel, protect pavement, sidewalks, curbs, gutters and pipes within the public street, and for the general beautification of the streets of the Village, with the consent of the owner of the abutting premises, enter upon such abutting premises to plant suitable trees. Such planting work may be done by employees of the village or by contract and such trees shall thereafter be maintained by the owner of the abutting premises.
2. The Village Board is hereby empowered to adopt, by resolution, rules and regulations pertaining to trees and shrub management and such other rules and regulations as may be necessary to effectively and efficiently ensure around management of this local law. The provisions of this local law shall incorporate by reference such rules and regulations as are in effect, and compliance with such rules and regulations. Said rules and regulations may be changed from time to time by resolution by the Board. Failure to comply with said rules and regulations, except where otherwise excepted in this local law, shall constitute a violation of this local law.

- SECTION C VILLAGE TREE BOARD

1. There is hereby created a village tree board which shall consist of five member. Of the persons first appointed or the Board of Trustees, the term of one shall expire at the end of the current official year, the term of two shall expire at the end of the next official year, an the term of two shall expire at the end of the second official year after the current official year. Their successors shall be appointed for terms of three official years each. The tree board shall elect one of its members chairman, keep minutes of its proceedings and subject to the approval of the Board of Trustees, adopt rules and regulations in respect to the conduct of its meetings and in respect to any subject matter over which it has jurisdiction.
2. It shall be the duty of the village tree board:
  - A. To study the problems and determine the needs of the village in connection with its tree planting program.
  - B. To recommend the type and kind of trees to be planted in the village.
  - C. To assist the officials of the village, as well as its residents, in dissemination of information regarding the selection, planting and maintenance of trees within the

village, whether the same be on public or private property, and to make recommendations from time to time to the board of trustees as to desirable legislation concerning the tree program and activities of the village.

- D. To hold meetings at which the subject of trees insofar as it relates to the village may be discussed by the members of the tree board, the officers and personnel of the village and any other person interested in the village's tree program.
- E. To prepare, amend, update, and interpret a plan for the care, preservation, pruning, planting, replacing, removal or disposition of trees and shrubs in the public parks, along the public streets and in other public places of the village, and annually to present such plan to the board of trustees for its consideration, modification, approval and funding; which plan as so approved and funded shall constitute the official comprehensive village tree plan.
- F. To supervise the implementation of the official comprehensive village tree plan as so approved and funded; and to carry out any other function imposed upon it by this local law or delegated to it by the Board of Trustees.

- **SECTION D TREE TOPPING, INJURY OR DESTRUCTION**

It shall be unlawful for any person, firm, corporation or public official or employee to top, injure, or destroy any street tree, park tree or other tree on public property. Topping is defined as the severe cutting back of limbs to stubs larger than three inches in diameter within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree. If, however, a tree is severely damaged by storm or other cause, or if located under utility wires or other obstruction where other pruning practices or relocation of such wires or obstruction is not practical, the Village Tree Board may grant an exemption from the provisions of this section under such terms and conditions as it may specify.

- **SECTION E REMOVAL OF DEAD OR DISEASED TREES ON PRIVATE PROPERTY.**

It is required that the owners of land remove any dead or diseased tree on private property where such tree constitutes a hazard to the life or property of the users of the public streets or other public places, or harbors insects or disease which constitutes a potential threat to other trees within the village within such reasonable time, of not less than thirty days, as may be specified in a notice served upon such owner either personally or by registered or certified mail addressed to his last known address; and upon default may cause such dead or diseased tree to be removed by the village and the cost of such removal shall constitute a lien removed and may be levied on the village tax roll and collected in the manner provided by law for the collection of delinquent water rents.

- **SECTION F REVIEW BY THE BOARD OF TRUSTEES**

The conduct, acts and decisions of the Village Tree Board shall be subject to review by the Board of Trustees, either on its own motion or by appeal by an officer of the Village or by any person aggrieved by any ruling or decision of such Tree Board.

- SECTION G PENALTIES

Any person, firm, or corporation violating any provision of this local law or rule, regulation, resolution hereunder, shall on conviction be subject to a fine of not to exceed two hundred and fifty dollars (\$250.00)

- SECTION H SEPARABILITY

If any part or provision of this local law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the part, provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this local law or the application thereof to other person or circumstances and the Board of Trustees hereby declares that it would have enacted this local law or the remainder hereof without the invalid part, provision or application as the case may be, had the invalidity of such provision or application thereof been apparent. Ordinance numbers 16, 17, 18 or existing Village Ordinances are hereby deleted and superseded by this local law.

- SECTION I EFFECTIVE DATE

This local law shall take effect immediately, and upon filing with the New York Secretary of State.

## **LOCAL LAW #2-92**

A local Law entitled Cross Connection Control of the Village of Cattaraugus

Be it enacted by the Village Board of the Village of Cattaraugus as follows:

- SECTION I **CROSS-CONNECTION CONTROL - GENERAL POLICY**

1.1 **Purpose:** The purpose of this law is:

1.1.1 To protect the public drinkable water supply of the Village of Cattaraugus from the possibility of contamination by isolating within its customers private water system(s) such contaminants or pollutants which could backflow into the public water supply system; and

- 1.1.2 To comply with the requirements of the New York State Sanitary Code Part 5, Section 5-1.31.
- 1.2 **Responsibility:** The Village Water Department Superintendent shall be responsible for the protection of all Village of Cattaraugus water distribution systems from contamination due to the backflow of contaminants through the water service connection. If, in the judgment of said superintendent, an acceptable backflow prevention device is required at any village water service connection to any customer's premise, for the safety of the water system, the water department superintendent or his designated agent shall give notice, in writing, to said customer to install such an acceptable backflow prevention device at each service connection to this premise. The customer shall install, at such reasonable time as determined by the Water Department Superintendent, such approved device or devices at his own expense; and failure or refusal or inability on the part of the customer to install said device or devices shall immediately constitute a ground for discontinuing water service to the premises until such devices have been properly installed.
- **Section 2. Definitions**
    - 2.1 **Cross Connection:** The term "cross connections" as used in this Local Law shall mean any unprotected connection between any part of a water system used or intended to be used as a supply of water for drinking purposes to a source or systems containing water or substance that is not or cannot be approved as equally safe, wholesome and potable for human consumption.
    - 2.2 **Acceptable Backflow Prevention Device:** Acceptable Backflow Prevention Device is an acceptable air gap, reduced pressure zone device or double check valve assembly as used to contain potential contamination within a facility. In order for the reduced pressure zone device or the double check valve assembly to be acceptable it must be listed on the most current version of the New York State Department of Health List of Acceptable Devices.
    - 2.3 **Aesthetically Objectionable Facility:** Aesthetically objectionable facility is one in which substances are present which, if introduced into the public water supply system, could be a nuisance to other water customers, but may not adversely affect human health. Typical examples of such substances are: food dyes, hot water, stagnant water from fire lines in which no chemical additives are used.
    - 2.4 **Air Gap:** Air gap means the unobstructed vertical distance through the free atmosphere between the lowest opening from any pipe or faucet supplying water to a tank, plumbing fixture or other device and the flood level rim of said vessel. An approved air gap shall be at least double the diameter of the supply pipe, measured vertically above the top of the rim of the vessel and in no case less than one inch.
    - 2.5 **Approved:** Approved means accepted by the Village of Cattaraugus Water Department Superintendent as meeting an applicable specification stated or cited in this local law or as suitable for the proposed use.

- 2.6 **Auxiliary Water Supply:** Auxiliary water supply means any water supply on or available to the premises other than a Village of Cattaraugus approved public water supply. These auxiliary waters may include water from other purveyor's public potable water supply or any natural sources such as a well, spring, stream or used waters. These waters may be contaminated or they may be objectionable and constitute an unacceptable water source over which the over which the water purveyor does not have sanitary control.
- 2.7 **Backflow:** Backflow means a flow condition, induces by a differential in pressure, that causes the flow of water or other liquids and/or gasses into the distribution pipes of any Village of Cattaraugus water supply system from any source other than its intended sources.
- 2.8 **Certified Tester:** A Certified Tester is that individual or firm approved to accomplish the necessary inspections and operational test of backflow prevention devices.
- 2.9 **Contamination:** Contamination means the presence in water of a substance that tends to degrade its quality.
- 2.10 **Customer:** Customer means a water user serviced by the Village of Cattaraugus water supply system.
- 2.11 **Customer's Water System:** Customer's water system means the piping used to convey water supplied by the Village of Cattaraugus water supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control points of the Village Water Department. The control point is either curb valve or the main valve located in the public right-of-way that isolates the customer's facilities from the Village distribution system.
- 2.12 **Degree of Hazard:** Degree of hazard means whether a facility is rated as Hazardous, Aesthetically Objectionable or Non-hazardous.
- 2.13 **Double Check Valve Assembly:** Acceptable double check valve assembly means an assembly composed of two single, independently acting check valves, including tightly closing shutoff valves located at each end of the assembly and suitable connections for testing the water-tightness of each check valve.
- 2.14 **Hazardous Facility:** Hazardous facility is one in which substances may be present which if introduced into the public water system would or may endanger or have an adverse effect on the health of other water customers. Typical example: Laboratories, sewage treatment plants, chemical plants, hospitals, mortuaries.
- 2.15 **Non-Hazardous Facility:** Non-Hazardous facility is one which does not require the installation of an acceptable backflow prevention system.
- 2.16 **Public Water Supply System:** A public water supply system means the Village of Cattaraugus water supply system, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This includes the distribution system up to its connection with the customer's water system.

- 2.17 **Reduced Pressure Zone Device:** An acceptable Reduced Pressure Zone Device means a device containing a minimum of two independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow and at the cessation of normal flow the pressure between these two check shall be less than the upstream (supply) pressure. In case of leakage of either check valve, the differential relief valve, by discharging to the atmosphere, shall operate to maintain the pressure. The unit must include tightly closing shutoff valves located at each end of the device, and each device shall be fitted with properly located test cocks.
- 2.18 **Superintendent:** Superintendent means the Superintendent of the Water Department of the Village of Cattaraugus or other person duly authorized by the Village Board to act in such capacity.

- **Section 3. Requirements.**

- 7.1 The Customer's water system shall be open for inspection at all reasonable times to authorized representatives of the Village of Cattaraugus.
- 7.2 The Village of Cattaraugus shall rate a customer's water system according to its degree of hazard to the public water supply system. Some of the factors to be considered are the use and availability of contaminants, and the type of fire fighting system in use.
- 7.3 An acceptable backflow prevention device shall be installed on each service line to the customer's water system at or near the property line or immediately inside the building being served, but in all cases, before the first branch line leading off the service line, as follows:
- 7.3.1 Whenever a customer's water system is rated hazardous, an acceptable reduced pressure zone device or air gap shall be installed.
- 7.3.2 Whenever a customer's water system is rated aesthetically objectionable, as a minimum, an acceptable double check valve assembly shall be installed.
- 7.4 The design of the installation of an acceptable backflow prevention device must be prepared in accordance with New York State laws and regulations. Also refer to the New York State Cross Connection Control Manual. The design must be approved by the Superintendent and all agencies required by the applicable New York State and Village of Cattaraugus law and regulations.
- 7.5 It shall be the duty of the customer at any premises where backflow prevention devices are installed to have certified inspections and operational tests made at least once a year. In those instances where the Superintendent deems the hazard to be great enough, he may require certified inspections at more frequent intervals. Certified inspections and operations test must also be made when any backflow prevention device is to be installed, repaired, overhauled or replaced, in

addition to the requirement of an annual certified inspection and operations test. All inspections and tests shall be at the expense of the customer and shall be performed by the device manufacturer's representative, Village of Cattaraugus personnel, or by a certified tester approved by the Water Department Superintendent. The Village Water Department shall make available the names, addresses and telephone number of these persons who are certified as testers for the backflow prevention devices. The customer shall notify the Superintendent in advance, in writing, when the tests are to be undertaken so that he or his representative may witness the tests if the Superintendent so desires. These devices shall be repaired, overhauled, or replaced at the expense of the customer whenever said devices are found to be defective. Records of tests, repairs and overhauls shall be kept and made available to the Water Department Superintendent. Copies of all testing and maintenance records shall be sent to the Superintendent immediately after the work is performed.

- 7.6 Where a residential customer maintains an auxiliary water supply in addition to the public water supply, the two systems must not be interconnected. Where the two systems are interconnected, the following options will be deemed appropriate with existing New York State policies and recommendations and with this local law.
- 7.6.1 Disconnection of the auxiliary water supply from the public water supply. An inspection to determine compliance will be made initially and at least every three years thereafter or whenever the property is sold. The inspection may be made by the water supplier or the local building code inspector.
  - 7.6.2 Installation of an acceptable Reduced Pressure Zone (RPZ) device on the public water supply connection.
  - 7.6.3 Proper abandonment of the auxiliary water supply.
  - 7.6.4 Sampling for the auxiliary water supply to quality in accordance with Sections 5-1.50 and 5-1.51 of the New York State Sanitary Code. Sampling frequency will be specified by the State or local health department. Where water quality does not meet the standards, one of the first three alternatives would apply.

- **Section 4. Enforcement and Penalties.**

- 4.1 A violation of the provisions of Section 3 of this local law is a misdemeanor punishable by a fine not to exceed One Thousand Dollars (\$1,000.00) or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. In lieu of, or in addition to such fine and imprisonment or both, each such violation shall be subject to a civil penalty not exceeding One Thousand Dollars (\$1,000.00) for any one case, to be recovered in an action or proceeding brought by the Village of Cattaraugus in a court of competent

jurisdiction. Each day of a continuing violation shall be subject to a separate such fine, imprisonment or civil penalty.

4.2 The Village of Cattaraugus may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with this local law or restrain by injunction any violation of this local law, notwithstanding the provisions of subsection 4.1 hereof for a penalty or other punishment.

4.3 Where any violation of this local law causes expense to the Village, such violation may also be punishable by a civil suit against the violator, brought by the Attorney for the Village in the name of the Village in a court of competent jurisdiction, to recover such additional cost.

- **Section 5. Law in Force**

5.1 This local law will be effective upon its proper filing as required by law.

## **Local Law #1-94**

A local law to impose a tax on the gross income or gross operating income of corporations and person furnishing utility services in the Village of Cattaraugus, New York, as authorized by Section 5-530 of the Village law of the State of New York.

Be it enacted by the Village Board of Trustees:

- SECTION I SHORT TITLE

### ***Utility Tax***

- SECTION II IMPOSITION OF TAX

Pursuant to the authority granted by Article 5, Section 5-530 of the Village law of the State of New York, from and after January 1, 1994, there is hereby imposed:

A. A tax equal to one percentum of the gross income of every utility doing business in the Incorporated Village of Cattaraugus which is subject to the supervision of the New York State Department of Public Service and which has an annual gross income in excess of Five Hundred Dollars (\$500.00) except motor carriers or brokers subject to such supervision under Article 3-B of the Public Service Law.

B. A tax equal to one percentum of the gross operating income of every other utility doing business in the Incorporated Village of Cattaraugus which has annual gross operating income of excess of Five Hundred (\$500.00).

- SECTION III DEFINITIONS

As used in this Chapter:

- A. The word “utility” includes:
1. Every person subject to the supervision of the State Department of Public Service, except:
    - a) Persons engaged in the business of operating or leasing, sleeping and parlor railroad cars, and
    - b) Persons engaged in the business of operating or leasing railroads other than street surface, rapid transit, subway and elevated railroads.
- Omnibus corporations subject to supervision under Article 3-A of the Public Service Law.
2. Every person who furnishes gas, electric, steam, water, refrigerator, telephone or telegraph service by means of mains, pipes or wires, regardless of whether such activities are the main business of such persons or are only incidental thereto, or of whether use is made of the public streets.
- B. The word “person” means: persons, corporations, companies, associations, joint-stock associations, co-partnerships, estates, assignee, or rents, any person acting in a fiduciary capacity, or any other entity: and persons, their assignees, lessees, trustees or receivers, appointed by any Court whatsoever, or by any other means: except the state, municipality, public districts, and corporations and associations organized and operated exclusively for religious, charitable or educational purposes. No part of the net earnings of which inures or the benefit of any private shareholder or individual.
- C. The words “gross income” shall include:
1. In the case of an utility engaged in selling telephone or telephone service, only receipts from local exchange service wholly consummated within the Village.
  2. In the case of a utility engaged in selling telegraphy or telegraph service, only receipts from transactions wholly consummated within the Village.
- D. The words “gross income” in the case of any utility other than described in subdivision C hereof shall include:
1. Receipts received in or by reason of any sale conditional or other wise (except sales hereinafter referred to with respect to which it is provided that profits from the sale shall be included in gross income) made or services rendered for ultimate consumption for use by the purchaser in the Village including cash, credits and property of any kind or nature (whether or not such sale is made or such service is rendered for profit) without any deduction therefrom on account of the cost of the property sold. The cost of the material used, labor or services or other costs, interest or discount paid, or any other expense whatsoever.
  2. Profits from the sale of securities.
  3. Profits from the sale of real property growing out of the ownership or use of our interest in such property.

4. Profits from the sale of personal property (other than property of a kind which would properly be included in the inventory of a taxpayer if on hand at the close of a period for which a return is made).
5. Receipts from interest, dividends, and royalties, derived from sources within the Village (other than such as are received from a Corporation, a majority of whose voting stock is owned by the taxpaying utilities), without any deduction therefrom from any expenses whatsoever incurred in connection with the receipt thereof.
6. Profits from any transaction (except sales for resale and rentals) with the Village whatsoever.

E. The words “gross operating income” mean and include:

Receipts received in or by reason of any sale, conditional or otherwise made for ultimate consumption or use by the purchaser of gas, electricity, steam, water, refrigeration, telephone or telegraphy, or in or by reason of the furnishing of such consumption or use of gas, electric, steam, water, refrigerator, telephone, telegraph service in the Village including cash, credit, and property of NY kind or nature, without deduction therefrom on account of the cost of the property sold, the cost of materials used, labor or services or other costs, interest or discount paid, or any other costs, interest or discount paid, or any other expense whatsoever.

- SECTION III APPLICATION

- A. Apply only within the territorial limits of the Village of Cattaraugus.
- B. Not apply and the tax shall not be imposed on any transaction originating or consummated outside of the territorial limits of the Village of Cattaraugus notwithstanding that some acts be necessarily performed with respect to such transaction within such limits; and
- C. Be in addition to any and all other taxes and fees imposed by any other provisions of law.
- D. Apply to all subject income received on and after January 1, 1994.

- SECTION IV DISPOSITION OF REVENUES

All revenues resulting from the imposition of the tax imposed by this chapter shall be paid into the Treasury of the Village and shall be credited to and deposited in the general fund of the Village.

- SECTION V COLLECTION AND ENFORCEMENT

The Village Treasurer shall be the chief enforcement officer of this Chapter and shall make and be responsible for all collections hereunder. He or she shall also have the power and authority to make any rules or regulations or directives, not inconsistent with law, which his or her discretion, are reasonably necessary to facilitate the administration of this Chapter and the collection of the taxes imposed hereby. Copies of all such rules and regulations and directives, as may from time to time be promulgated, shall be sent by registered mail to all

utilities subject to this Chapter which register as such with the Village Treasurer. All such rules, regulations and directives shall be deemed a portion of this Chapter.

- SECTION VI RETURNS: FILINGS: CONTENTS

- A. Time of Filing

- Every utility subject to a tax hereunder shall file on or before December 1<sup>st</sup> and June 1<sup>st</sup> a return for the six (6) calendar months preceding each return date, including any period for which the tax imposed hereby or amendment thereof is effective. However, any utility whose average gross income or gross average operating income for the aforesaid six (6) months period is less than Three Thousand Dollars (\$3,000.00) may file a return annually on May 1<sup>st</sup> for the twelve (12) calendar months preceding each return date, including any period for which the tax imposed hereby or any amendment thereof is effective. Any utility, whether subject to tax under this law or not, may be required by the Village Treasurer to file an annual return.

- A. Contents

- Returns shall be filed with the Village Treasurer on a form to be furnished by the Treasurer for such purpose and shall show thereon the gross income or gross operating income for a period covered by the return and such other information, data, or matter as the Village Treasurer may require to be included therein. Every return shall have annexed thereto a certification by the head of the utility making the same or of the owner or a co-partner thereof, or of a principal corporate officer to the effect that the statements contained therein are true.

- SECTION VII PAYMENT

- At the time of filing a return as required by this Chapter, each utility shall pay to the Village Treasurer the tax imposed hereby for the period covered by such return. Such tax shall be due and payable at the time of the filing of the return or if a return is not filed when due, on the 1<sup>st</sup> day when the return is required to be filed.

- SECTION VIII PENALTIES AND INTEREST

- Any utility failing to file a return or a corrected return, or to pay any tax or any portion thereof within the time required by this law, shall be subject to a penalty of five percentum of the amount of tax due, plus one percentum of such tax for each month of delay or fraction thereof, excepting the 1<sup>st</sup> month after such return was required to be filed or such tax became due; but the Village Treasurer, if satisfied that the delay was excusable, may remit all or any portion of such penalty.

- SECTION IX TAX AS OPERATING COST

- The tax imposed by this Chapter shall be charged against and be paid by the utility and shall not be added as a separate item to bill rendered by the utility by customers or others but shall constitute a part of the operating costs of such utility.

- SECTION X

In case any return filed pursuant to this chapter shall be insufficient or unsatisfactory to the Village Treasurer, he or she may require at any time a further or supplemental return, which shall contain any data that may be specified by him or her and, if a corrected or sufficient return is not filed within twenty (20) days after the same is required by notice from the Treasurers, or, if no return is made for any period, the Village Treasurer shall determine the amount due from such information as he or she is able to obtain and if necessary, may estimate the tax on the basis of external indices or otherwise. He or she shall give notice of such determination to the utility liable for such tax.

- SECTION XI

Any final determination of the amount of any tax payable hereunder shall be reviewable for error, illegality or unconstitutionality or any other reason whatsoever by a proceeding under Article 78 of the Civil Practice Law and Rules. If the proceeding is commenced within ninety (90) days after the giving of such notice of such final determination, provided, however, that any such proceeding under this Article 78 shall not be instituted unless the amount of any tax sought to be reviewed with such interest and penalties, thereon as may be provided by local law, ordinance or resolution, shall be first deposited and an undertaking filed in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed, the petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

- NOTICE

Any notice authorized or required under the provisions of this chapter may be given by mailing the same to the utility for which it is intended, in a postpaid envelope, addressed to such utility at the address given by it in the last return filed by it under this Chapter, or if no return has been filed, then to such address as may be obtainable. The mailing of such notice shall be presumptive evidence of the receipt of the same by the utility to which addressed. Any period of time, which is determined according to the provisions of this Section by giving of notice shall commence to run from the date of mailing of such notice.

- REFUNDS

If within one (1) year from the giving of notice of any determination or assessment of any tax or penalty the person liable for the tax shall make application for a refund thereof, and the Village Treasurer or the Court shall determine that such tax or penalty or any portion thereof was erroneously charged, the Village Treasurer shall refund the amount so determined. For like cause and within the same period, a refund may be so made on the initiative of the Village Treasurer. However, no refund shall be made of a tax or penalty paid pursuant to a determination if the Village Treasurer as herein before provided, on his or her own motion, shall have reduced the tax or penalty or it shall have been established proceeding in the manner was erroneous or illegal. An application for a refund, made as herein before provided, shall be deemed an application for the revision of any tax or penalty complained of and the Village Treasurer may receive an additional

evidence with respect thereto. After making his or her determination, the Village Treasurer shall give notice thereof, to the person interested, and he or she shall be entitled to commence a proceeding to review such determination in accordance with the provisions of the following Section hereof.

- REVIEW OF PROCEEDINGS FOR REFUNDS

Where any tax imposed hereunder shall have been erroneously, illegally or unconstitutionally collected and application for the refund thereof duly made to the Village Treasurer, and he or she shall have made a determination denying such refund, such determination shall be reviewable by a proceeding under Article 78 of the Civil Practice Law and Rules, provided, however, that such proceeding is instituted within ninety (90) days after the giving of the notice of such denial, that a final determination of tax due was not previously made and that an undertaking is filed with the Village Treasurer in such amount and with such sureties as a Justice of the Supreme Court shall approve to the effect that if such proceeding be dismissed or the tax confirmed. The petitioner will pay all costs and charges which may accrue in the prosecution of such proceeding.

- LIMITATION

Except in the case of a willfully false or fraudulent return with the intent to evade the tax, no assessment or additional tax shall be made with respect to taxes imposed under this law after expiration of more than three (3) years from the date of filing of a return, provided, however, that where no return has been filed as required hereby, the tax may be assessed at any time.

- POWERS OF THE VILLAGE TREASURER

In addition to any other powers herein given, and in order to further payment of the tax imposed hereby, the Village Treasurer shall have the power to :

- (a) Prescribe the form of all reports and returns required to be made hereunder.
- (b) take testimony and proofs under oath, with reference to any matter hereby entrusted to him or her;
- (c) subpoena and require the attendance of witnesses and the production of books, papers records and documents.

- ENFORCEMENT

Whenever any person shall fail to pay any tax or penalty imposed by this Chapter, the Village Attorney shall, upon the request of the Village Treasurer, bring an action to enforce payment of the same. The proceeds of any judgment obtained in any such action shall be paid to the Village Treasurer. Each such tax and penalty shall be a lien upon the

property of the person liable to pay the same, in the same manner and to the same extent that the law and penalty imposed by Section 180-6-a of the Tax Law is made a lien.

- **EFFECTIVE DATE**

This local law shall take effect immediately upon filing in the office of the Secretary of State.

## **Local Law #2-94**

*Superceding Dog Control Ordinance of 5/25/65*

### **ARTICLE 1: PURPOSE AND DEFINITIONS**

- **Section 1. Purpose:**

The purpose for the adoption of the Local Law shall be to promote public health, safety and welfare of the community, including the protection and preservation of the property of the Village and its inhabitants, and of peace and good order, by regulating and controlling the activities of domestic animals. In so far as this Law pertains to dogs, this Law is adopted pursuant to Article 7 of the Agriculture and Markets Law of the State of New York.

- **Section 2. Definitions:**

- A. **Animals:**

Animals shall include, but not limited to, horses, cattle, goats, swine, sheep, poultry, fowl, pigeons, snakes, dogs, ducks, geese and any other domestic animal including cats.

- B. **At Large:**

At Large shall mean elsewhere than on the premises of the owner or harbinger and unrestrained by an adequate collar or leash, or container, or unaccompanied by its owner or responsible person.

- C. **Owner:**

Owner shall mean a person who harbors or keeps any animal. In the event any animal found to be in violation of this Local Law is owned by a person under 18 years of age, the head of the household in which said person resides shall be deemed to be the owner or person harboring such animal and responsible for the purpose of this Local Law.

- D. **Restrained Animal:**

Restrained Animal shall mean an animal in the custody of a Peace Officer, Dog Control Officer or other person or employee of any duly incorporated society for the prevention of cruelty to animals; or in the custody of any person and controlled by a leash, collar or container.

### **ARTICLE 2: ANIMALS IN GENERAL**

- **Section 1. Animals at Large:**  
No person or persons shall harbor or permit the running at large of domestic animals, whether licensed or not, within the limits of the Village of Cattaraugus, under the following provisions.
- **Section 2.**  
Owners and harborers of domestic animals, described in Section 1 or any other animals, shall not permit such animals to be at large elsewhere than on the premises of such owner or on the premises of another person, without knowledge, consent and approval of said person. The owner, or person having custody or control of such animals shall effectively control and restrain such animals by adequate collar, leash or container, when such animals are on the premises of another person with the knowledge and approval of said person.
- **Section 3.**  
No person shall harbor or maintain within the Village of Cattaraugus any animal which habitually and unreasonably, barks or cries or disturbs the peaceful living of any person.
- **Section 4.**  
No person owning, harboring, keeping or having the custody and control of an animal shall suffer, permit or allow to urinate, defecate, or commit any other nuisance, or to damage property of the public or of any other in any park, public building, street, parking lot or upon any public sidewalk or any private property.
- **Section 5.**  
No person, firm or corporation being the owner or having control or custody of any domestic animal, shall suffer or permit such animal(s) or fowl to run at large within the Village of Cattaraugus. The fact that an animal is at large in the Village shall be presumptive evidence that the animal has been permitted to be at large, with the knowledge of the owner or person harboring the animal.
- **Section 6. Animals Committing Certain Acts; Owner permitting.**  
The owner of any domestic animal shall be held in violation of this article if such animal whether or not such animal is tagged or licensed and whether or not muzzled:
  1. Engages in habitual loud barking or howling or conducts itself in such a manner to habitually annoy any person.
  2. Chases or otherwise harasses any person in such a manner to cause intimidation or to put such person in reasonable apprehension of bodily harm or injury.
  3. Habitually chases and barks at motor vehicles.
- **Section 7. Hitching, Tying Animals in Public Places.**

No person shall leave any animal in any street or other public place unless the same shall be securely hitched or confined, or unless some proper person be left in charge thereof. No person shall hitch any other domestic animal to any ornamental tree, tree box, lamp post or hydrant in any street or public place. No person shall leave any animal standing in any street or other public place for longer than (5) hours.

- **Section 8. Enclosures for Animals; Conditions, Locations, Regulated.**

No person shall keep or maintain any animal within the Village of Cattaraugus unless the place where the same is kept shall at all times be in a sanitary condition and free from offensive odors. NO coop or yard in which animals are kept shall be permitted or maintained at a distance of less than one hundred (100) feet from any other dwelling other than that of the owner of said animal. All collections or accumulation from any animal or hennery park, and all stable refuse or manure in or about any animal park, barn, stable, yard or appurtenance thereof, must be removed before the same shall become offensive. Upon order of the Village Board of Trustees or of a public health officer, any such manure or refuse shall be kept under cover or otherwise disposed of as stated in said order. A person shall have two (2) days to comply with said order, unless an extension is requested and given by the Village Board.

### **ARTICLE THREE**

- **Section 1.**

Each owner who harbors an animal in violation of any provision of this Local Law shall be notified officially in writing by the Village Clerk of any complaint. Such notice shall be served personally upon the owner in violation. The animal or fowl involved shall thereafter be confined at once and the owner shall be allowed three (3) days immediately following the issuance of the notice in which to eliminate the violation.

The owner of an animal for violation of this Local Law following the expiration of the time limit set in the official notification of complaint, shall then receive a court appearance ticket and each twenty-four hour period of violation following the expiration of the time limit specified in the notice shall constitute a separate violation.

### **ARTICLE FOUR. ENFORCEMENT AND RECLAMATION**

- **Section 1.**

Any animal at large contrary to the provisions and intent of this Local Law within the limits of the Village of Cattaraugus shall be subject to seizure and impounding by the Village or its authorized representatives.

- **Section 2.**

The Village of Cattaraugus shall make suitable arrangements by contract or otherwise for impounding and disposing of, animals at large within the Village of Cattaraugus in violation of this Local Law.

- **Section 3.**

After any such seizure and impounding, such animal or fowl so seized and impounded shall be held for a period of five (5) days, except dogs bearing a license tag shall be held for seven (7) days, during which time the owner of such dog or other animal may recover the same by procuring a license, if required by law, and paying the sum of \$10.00 for the seizure and impounding of such animal, and the further sum of \$5.00 per day for each day or part thereof, after seizing and impounding for the keeping, feeding and caring for such dog, or other animal while in custody which said sum shall be paid to the Village Clerk or authorized person or agency in charge of the impounding of such animal.

- **Section 4.**

If any animal so impounded is not redeemed as provided in this Local Law, the Police Department or person designated by the Village for the purpose of seizing such animal may order the destruction of such animal and provided that such animal is redeemed by lawful owner or his duly authorized agent, then the person duly authorized by the village as the keeper of said animal may deliver to a proper person upon payment of the impounding fee and keep and producing a license for the animal required.

- **Section 5.**

The person in charge of the dog, or other domestic animal so impounded shall keep a record setting forth the date of the impounding of the animal and the date and manner of its disposal and if redeemed, the name of the person by whom redeemed, the address of such person and the amount of all fees received or collected for or because of the impounding, together with the number of any tag or license exhibited upon the redemption of such animal. The sum received for seizure and impounding shall be paid to the Village Clerk.

- **Section 6.**

The Dog Control Officer shall take care of dogs only. Any other domestic animal will be handled by the Village Police Department, Cattaraugus County Sheriff's Department or State Police or by the SPCA.

- **Section 7.**

A violation of this Local Law shall constitute an offense and shall be punishable by a fine of not less than ten (\$10.00) dollars but no more than twenty-five (\$25.00) dollars for each

violation, or by imprisonment for a term not to exceed five (5) days, for each violation. These penalties shall be in addition to any other penalty provided by law.

This ordinance shall take effect on October 1, 1994.

**VILLAGE OF CATTARAUGUS  
14 MAIN STREET  
CATTARAUGUS, NEW YORK 14719**

**LOCAL LAW 2-94 ANIMAL CONTROL**

SECTION(S) \_\_\_\_\_  
VIOLATION(S) \_\_\_\_\_

DATE \_\_\_\_\_  
TO \_\_\_\_\_

This is your official notification that the Village of Cattaraugus has received a complaint about your animal(s). As the owner or harbinger of this animal(s) you are in violation of the above Village Local Law. Per this Local Law, (Copy Enclosed) you have (3) days in which to eliminate the violation.

In the event that you fail to comply within (3) days after receiving this notice, you will be subjected to a court appearance ticket. Note that each 24 hour period of violation following the expiration of the (3) three days constitutes a separate violation. The notification of this violation remains in effect for (1) one year from this date.

Clerk, Village of Cattaraugus, NY

**VILLAGE OF CATTARAUGUS  
NOTICE OF COMPLAINT**

SECTION(S) \_\_\_\_\_  
VIOLATION(S) \_\_\_\_\_

DATE \_\_\_\_\_  
TO \_\_\_\_\_

I hereby am requesting a complaint be issued to the above harborer of an animal(s), that is in violation of Section \_\_\_of the Village of Cattaraugus Local Law 2-94 and authorize the Village Clerk to notify the said owner officially in writing of my complaint, to be delivered by the Dog Control Officer or other appointed person.

Signed\_\_\_\_\_

**Local Law #1-2000**

**TERMINATION OF VILLAGE'S ASSESSING UNIT**

**ARTICLE 1: LEGISLATIVE INTENT**

- **Section A. Purpose:**

The intent of the Board of Trustees of the Village of Cattaraugus is to implement section 1402(3) of the Real Property Tax Law providing for the voluntary termination of the Village's status as an assessing unit, as provided in the Village Law and the Real Property Tax Law. It is also the intent of the local law to abolish the position of Assessor and to terminate any and all responsibility as provided by law for the review of the assessments of real property located within the Village of Cattaraugus.

- **Section B.**  
On or after the effective date of this local law, the Village of Cattaraugus shall cease to be an assessing unit.
- **Section C.**  
The position of Assessor (Board of Assessors) in the Village of Cattaraugus is hereby abolished.
- **Section D.**  
The position of Board of Assessment Review in the Village of Cattaraugus is hereby abolished.
- **Section E.**  
On or after the effective date of this local law, taxes in the Village of Cattaraugus shall be levied on a copy of the applicable part of the assessment roll of the Town of New Albion with the taxable status date of such Town controlling for village purposes.
- **Section F.**  
Within five days of the effective date of this local law, the Board of Trustees of Village of Cattaraugus shall file a copy of such local law with the Clerk and Assessor of the Town of New Albion and with the State Board of Real Property Services.
- **Section G.**  
The local law shall take effect immediately upon filing with the Secretary of State, provided, however, that such local law is subject to a permissive referendum and the village clerk shall forthwith proceed to notice such fact and conduct such referendum if required by petition.

## **Local Law #1-2001**

### **CHANGING LEVEL OF EXEMPTION FOR VETERANS**

#### **Section A. Legislative Intent**

The intent of the Board of the Village of Cattaraugus is to increase each existing §458 (1) or §458 (2) veterans exemption in proportion to the change in level of all assessments resulting from a revaluation or update in real property in the Town of New Albion.

**Section B.** On or after the effective date of this local law, the Town of New Albion shall notify the Town Assessors to adjust eligible fund exemptions in proportion to the change in level of assessment as per §458 (5) “change in level”. The cumulative change in level factor to be used in re-computing the exemption should be measured from the assessment roll immediately preceding the assessment roll on which that exemption was initially granted. No refunds or retroactive entitlements will be allowed.

**Section C.** Once the change in level factor has been certified by the State Board of Real Property Services, each veterans exemption should be increased or decreased in proportion to that change in level. If the assessor receives the certification after completion, verification, and filing of the assessment roll, the assessor, must certify the amount of the exemption as recomputed to the local official having custody and control of the roll, and such official must enter the recomputed exemption on the roll.

**Section D.** Within five days of the effective date of this local law, the Board of the Village of Cattaraugus shall file a copy of such local law with the Clerk and Assessor of the Town of New Albion, with the State Board of Real Property Services and with the Office of the Secretary of State.

**Local Law #1-2002      VILLAGE OF CATTARAUGUS WATER POLICY**  
*(Superceded by Local Law #3-2005)*

**General Provisions**

Scope – This section provides the General Terms, Conditions, and Policies for furnishing and receiving water service. These terms, conditions and policies are a part of all oral or written proposals, offers, agreements and contracts for furnishing and receiving water service relating to the Village of Cattaraugus. A copy of this document shall be available for public inspection during regular Village office hours at 14 Main Street, Cattaraugus, NY.

**Initiating and Terminating Service**

B. Service Application –

Each New Customer desiring water service must make application and may be required to sign an application form prior to service connection. (**Appendix A**)

Application for water service may be made at the Village Office, 14 Main Street, Cattaraugus, NY.

The Village may, in some circumstances, accept application for service from a second party, with the understanding that the first party will sign an application within fifteen (15) days. Such second party shall be responsible for payment of services unless and until an appropriate written and signed service application is made by the first party and accepted by the Village for the entire service period.

At the time of application, all New Customers shall be informed of connection fees and of any additional charges for services after regular service hours. Any claimed or actual failure to inform shall not, however, relieve the new customer of any such fees or charges.

Large industrial or commercial contracts may be written on a special form and shall contain such provisions and stipulations as may be necessary or desirable to protect the interests of both the Village and the customer.

#### Agreement –

Acceptance of service is subject to current Village policies, laws, rates, service requirements and regulations, with or without a written application or contract.

An application can be made by any owner of rental property for the provision of uninterrupted service to such property between tenancies. The owner agrees to pay for water service charges during this period and until a tenant assumes responsibility for water services under these policies.

#### Initiation of Service

Service will be initiated when the customer has met all Village requirements and has submitted:

Proper application  
Valid service and mailing address.  
Payments of any outstanding accounts  
Payments of any deposits or fees as required.

When new installations, conversions or upgrades of Village facilities are required to provide service, requirements will vary as follows:

Newly constructed or upgraded services will require evidence of state, city or county plumbing inspection.

The Village Board may, at its option, require the presence of a responsible person in the building at the time the water is turned on. If required, and arrangements are made to have such person present at a predetermined time, and such person is not present, the Village, at its option, may charge a fee commensurate with that listed in the Village's Schedule of Charges and Fees to arrange a subsequent time to turn on the water. Only assigned Village personnel may initiate a water service connection.

#### Disconnection of Service

Service may be disconnected by the Village Board, for good cause, including (but not limited to):

- Violation of service requirements or regulations, rate schedules, contracts or plumbing codes.
- Failure to pay fees or deposits.
- Theft or illegal diversion of water.
- Customer system leaks of which the Village becomes aware and which cause or may result in significant water loss and or property damage.
- Failure to pay water charges when due.

The Village may also refuse or disconnect water service used in a manner, which is seriously detrimental to the service being rendered to other customers.

When disconnection occurs, the customer will be given a notice concerning such action and the process for reconnection of service. In the customer's absence, the notice will be left in a prominent place on the premises. Notice will also be mailed. The nature of the notice required and the period of time before disconnection shall be reasonable under the particular circumstances with special consideration for the potential dangers to life and property.

The termination of service for any cause shall not release the customer from the obligation to pay for water received and any fees owed.

#### E. Reconnection

1. When service is disconnected for noncompliance with service requirements or regulations, nonpayment or fraudulent use, the service will not be reconnected until the situation is corrected to the Village Board's satisfaction. Before reconnection, the customer will be advised of current fees and charges for service restoration. **(Appendix B)** Only authorized Village personnel may initiate and turn-on service to a water service connection. Appropriate charges, as specified in Appendix B for turning on or reconnecting service will be assessed as

applicable. For those customers having water service on taxable Village property once past due fees have been re-levied to the Village tax bill (including re-connect fee) the service will be re-connected and the balance of the customers account returns to zero.

F. Termination of Service by a Customer

1. Except as may be otherwise provided for by a special contract or agreement with the Village, when a change of occupancy or of legal responsibility takes place for water service to any premise being served by the Village of Cattaraugus, the customer may terminate service by notification in person, by telephone or in writing to the Village Clerk. The Village reserves the right to read the meter(s) for a final bill within a one-week period from the date of notification to terminate, and such reading(s) may be adjusted for consumption, if any, used by subsequent customer(s). The final reading may be estimated by mutual consent of the customer and the Village. Under some circumstances the Village may, at its option, require written authorization from the customer paying for water service before discontinuing such water service.

## Service and Equipment Requirements

Plumbing and Equipment: The customer shall install, own and maintain all plumbing and equipment beyond the delivery point, excepting meters and special facilities installed or furnished by the Village. The customer's plumbing is to conform to:

- 1). Village service requirements and regulations.
- 2). Municipal, County and State Requirements.
- 3). Accepted modern standards as set forth in the Uniform Plumbing Code.

Requirement of Adjacency to Village Main – In order to be served by the Village's water system, the customer's property must lie adjacent to a Village water main. If the customer desires water service, and if the customer's property lies remote from a suitable Village main, the customer shall be required to extend the main through or past his/her property and pay for all costs associated with the main extension.

## Placement of Service Equipment –

1. It is preferable that water services not be over 300 feet from the meter to the point of use in order to maintain adequate pressure. Service over 300 feet in length are permitted, however, the Village will not guarantee adequate pressure for these services.

2. The customer's service pipe shall be extended eighteen (18) inches beyond the meter. The water service pipe shall be installed at a location mutually agreeable between the Village and the Customer. The Village will install the meter, meter box and tailpiece assembly.
3. Private service line shall not cross other parcels, nor shall they be constructed in public right-of-way or in private rights-of-way solely dedicated to another property without the express approval of the Village Board.
4. Evidence of permission to make such crossings shall be provided to the Village Board at the time of application. Village and all necessary permits, easements or other authorization shall be obtained at customer expense.

Responsibility for Maintenance - The Village is responsible for maintaining its facilities and equipment to the point of delivery. The customer owns and maintains equipment beyond the point of delivery.

Safeguard of District Facilities - The customer shall provide space for, and exercise proper care to protect any of the Village's facilities on the customer's premises. This shall include meters and other facilities installed by and remaining the property of the Village. Any person knowingly and maliciously damaging or tampering with Village meters and other equipment, reconnecting a previously disconnected meter for the purpose of restoring utility service or tampering with any Village equipment with the intent of defrauding or illegally diverting utility service shall be prosecuted. In addition, in the event of unauthorized connection, and loss or damage to Village property, the Village may collect from the customer the charge for estimated un-metered water and the cost of facility repairs and replacement. The Village shall also bill the customer for reasonable administrative costs that include all time and expense by Village personnel to resolve the situation. This charge will be in addition to the charge for estimated un-metered water.

1. The Village may refuse or disconnect service to customers when conditions are known by the Village to be defective or out of compliance with codes, regulations or requirements. The Village is not liable for loss or damage to persons or property resulting from defects or negligence:
  - By the customer beyond the point of delivery, or
  - In the customer's installation, facilities, or equipment.
2. When an individual's action might endanger Village property or interrupt water

service, prearrangements can be made for a crew or serviceman to standby. Cost for this service may be charged to the responsible party.

3. Should loss or damage occur to Village property, the responsible party may be charged for repair or replacement cost, administrative time and expense and estimated loss of un-metered water. However, if a Village employee is at the site and approves the method and work, the charge to the customer may be modified or waived.

#### Access to Premises

The customer is to provide Village representatives with safe, clear access and entry to customer premises for service related work. The Village's facilities must remain unobstructed and accessible at all reasonable times so the Village may:

- Install, inspect, maintain or remove equipment or plumbing.
- Read, connect, disconnect or inspect metering devices.
- Inspect customer owned cross-connection control devices.
- Inspect all customer water facilities to ensure there are not cross-connections. At any time a cross-connection is discovered and the customer does not immediately remedy it, the Village reserves the right to terminate water service to the customer until such cross-connection is removed.

For locked Village equipment, the customer will provide the Village with an access key. When necessary for customer convenience, the Village may install an accessible key box, for which a standard fee will be charged the customer.

The customer shall provide space and protection for Village facilities on the customers premises, including meters, and other equipment installed by and belonging to the Village.

Although the customer is responsible at all times for maintaining customer-owned equipment, the Village may inspect customer equipment before or after service connection. However, such inspection, or lack of inspection, shall not be construed as placing upon the Village any responsibility for the condition, or maintenance of the customer's plumbing, nor does it guarantee the absence of cross-connection in the customer's service.

#### Separate Service for each Lot, Property, or Residence

Each lot, property, or residence will be required to have a separate water service, except as provided for in this subsection. Customers shall not extend a service line to an additional residence without the written consent of the Village.

Either a joint meter or individual meters may serve each multi-family residential structure for each unit, at the option of the property owner.

Either joint meters or individual meters may serve commercial, industrial, institutional, or governmental properties or structures for each tenant, at the option of the owner.

If joint metering is used, the customer shall be the property owner or another person who agrees to be responsible for the entire billing. When two or more parties or families are supplied with water from the same service pipe, if either of said parties fails to pay the water charges when due, or to comply with these ordinances, the Village Board shall have the right to withhold all supply from such service pipe until charges shall be paid or the ordinance complied with.

- H Multiple Meters – When a customer’s service requires application of more than one rate schedule, one meter will be installed for each applied schedule. Each meter will be billed separately unless otherwise specified in a special contract. The customer will be responsible for purchasing and installing any additional meters desired for customer purposes, and for placing such meters on the customer side of the Village’s meter. Such meters shall be as approved in advance by the Village, and shall be installed at the customer’s sole expense, and in a manner and location as approved by the Village. The builder of a multiple unit complex is required to permanently and accurately number meters and corresponding building units.
- I Cross-Connection Prevention – Cross Connection between the Village’s water service and any other source of water are prohibited, unless authorized by the District in combination with the use of a backflow-prevention assembly. Service connections and individual customer plumbing systems shall be constructed and maintained so as to prevent backflow of potentially contaminated water into the potable water system. (See Cross-Connection Policy).
- J Relocation of Delivery Points
  - 1. A customer’s delivery point may be relocated at the customer’s request, subject to advance payment of the estimated cost of relocating the Village’s service pipe, meter and other facilities. The customer shall be responsible for

relocation of the service line to the new location. The Village will disconnect the old service at the meter and connect the new service. The Village may reduce the costs to be charges to the customer for relocating any of the Village's facilities, as requested by a customer, to the extent that such relocations may benefit the Village. In determining the amount of such reduction, the Village will give consideration to the remaining in physical life of facilities or equipment replaced, the improvement to the system operations, and any increased revenue that will accrue to the Village as a result of such relocations.

2. A customer shall be responsible for the relocation of a meter box when property alternation have been made which leave meter access or location unacceptable to the Village. The Village may disconnect service when the meter box is not satisfactorily relocated.

K. System Disturbances

1. Water service shall not be utilized in such a manner as to cause severe disturbances or pressure fluctuations to other customers of the Village. If any customer uses equipment that is detrimental to the service of other customers of the Village, the Village may require the customer to install, at his own expense, equipment to control such disturbances.

L. Freezing

1. It shall be the customer's responsibility to protect from freezing all piping, fixtures and appurtenances on the customer's side of the point of delivery. Any damage resulting from freezing shall be considered the responsibility of the customer.

M. Interruption of Service

1. It is the Village's intent to provide adequate and continuous service with minimum interruption. However, the Village:
  - a). Does not guarantee against occasional curtailment or failure of water service;
  - b). Shall not be liable for resulting injury, loss or damage; and
  - c). Shall not be considered in breach of contract for temporary interruption of service.

2. Repairs or improvements to facilities requiring temporary service interruption will be expedited and timed to minimize customer inconvenience. When possible, a preceding notice will be posted in the local Penny saver or sent to the customer.
3. If the customer's water service fails, the customer shall endeavor to determine if the cause is on the Village's side or the customer's side of the meter.
4. When the Village responds to a customer call after service hours (Weekdays (8:00 AM to 4:00 PM) and the problem is found to be with customer equipment, the customer will be charged a set fee for such response. **(Appendix B).**
5. When the Village responds to a customer call, and the problem is found to be with customer equipment, the water service person may make repairs at the customer's request, if possible, following the customer's execution of a Field Work Order agreeing to pay actual time and materials to make the repair. **(Appendix C)** The charges will be included on the customer's next regular water bill. The water service person is not obligated to work on customer equipment.

N. Village Representation by Employees

1. Except as specifically authorized in these policies and regulations, no promise, agreement or representation of any employee or agent of the Village, with reference to the furnishing of water service by the Village, shall be binding on the Village, and in no event shall the same be binding on the Village unless the same shall be in writing signed by the Mayor or his/her designee.
2. No inspector, agent or employee of the Village may ask, demand, receive or accept any personal compensation for any service rendered to a customer in connection with supplying or furnishing water service by the Village.

**IV. Meter Reading, Billing, Payment and Collections**

A. Meter Reading

1. Meters will be read on a quarterly basis in February, May, August and November.
2. The Village may alter or re-route its meter reading and billing cycle dates when such alteration or re-routing is in the best interest of the Village.
3. Opening or closing readings may be prorated.

4. Special meters may be installed on any account when the nature of the customer's equipment and operation so indicates for correct rate schedule application and/or service improvements.

B. Multiple Delivery Points

1. The rates of the Village are based upon the supply of service to the entire premises through a single delivery and metering point. Separate supply for the same customer at other points will be separately metered and billed. Unless otherwise specified, the Village will not totalize metering of separate points of supply or services.

C. Billing

1. Bills will be sent to the mailing address furnished by the customer. Failure to receive a bill will not release the customer from the obligation to pay for services provided.
2. Bills will issued quarterly based and generally will be based on exact meter readings. Bills may be estimated when:
  - a). Meter is not accessible to meter reader.
  - b). Meter is under snow or water.
  - c). Meter is malfunctioning.
  - d). Other circumstances beyond the Villages control interfere with the meter reading.
3. In the event that bills are estimated, an adjustment will be made at the time of the next regular billing that is based on the actual meter reading.
4. The Village will send bills and notices by first class mail. A customer, who does not provide a proper mailing address or a means of receiving mail, may be subject to disconnection.

D. Payments

1. The customer's obligation to pay a bill accrues on the date the bill is issued. Payment is due by the due date on the bill. Payments will be considered made when received by the Village office. Payments are to be accompanied by a billing remittance slip. All persons or parties obtaining the right to use water shall pay the minimum charge therefore to the Village of Cattaraugus, quarterly in advance in each and every year on the first day of December, March, June and September. The minimum charge shall be payable in

advance or before the water is turned on. Where bills are not paid within 30 days after they are due, a penalty Of 10% of the amount of the charge will be added.

2. When it has been determined that a customer has received un-metered service or when the customer has caused the service furnished to be improperly or inaccurately metered, the Village may render bills for such service based upon its reasonable estimate of the service actually furnished for the full period during which the service was un-metered or improperly metered.
3. However, in those cases where the premises have been remodeled resulting in a situation whereby more than one customer is served by one meter, no adjustments will be made and the account customer of the premises shall be required to assume responsibility for the billing effective the last regular reading date unless another person agrees in writing to assume full responsibility for the billing.
4. A customer may be eligible for an adjustment to their water billing in the event of a loss of water through abnormal conditions when the cause is deemed by the **Village Board** to have been undetectable and not resulting from a lack of normal maintenance by the customer. No adjustments shall be made in water charges for losses resulting from customer negligence, improper operation of plumbing by the customer, an/or failure of the customer's plumbing system. The section of service line, and any leaks resulting from such taps (such as but not limited to irrigation, swimming pools, outdoor hose bibs, would not be eligible. The date that qualifies as "official notification" of a leak varies depending upon the circumstances. Only the Village Board may make alternations to a customers bill.
  - a). If a Village employee identifies a potential leak, written notification will be mailed to the customer. A door hanger may also be left in a prominent place at the residence. The date of the letter will serve as the "official notification date.
  - b). If the customer contacts the Village regarding the possibility of a leak, a visit to the site address will be initiated. Upon verification of a qualifying leak, a letter will be mailed to the customer. The date of the letter will serve as the "official notification" date.

E. Reminder Notices

1. Reminder notices will be sent on past due accounts. An account is past due 30 days after the billing date.
- F. Disconnect Notices.
1. Disconnect notices for quarterly accounts will be mailed approximately 15 days after reminder notices. The notice will be for arrears only.
  2. A letter explaining the disconnect policy will accompany each Disconnect Notice.
  3. Disconnection will occur following the due date on the notice unless:
    - a. The delinquent payment has been received at the Village Office.
    - b. The Village Board has made a deferred payment agreement.
    - c. In certain instances, where health, safety or essential services would be otherwise jeopardized, or for purposes of economy, the Village may withhold disconnect notices.
- G. Collection
1. While considering individual customer needs, the Village is obligated to make prudent collections. Reasonable collection methods will be used, including disconnection of service or legal action.
- H. Extenuating Circumstances
1. The Village will pursue a solution with customers temporarily unable to pay on time due to extenuating circumstances. The availability and terms of a deferred payment plan will be based on a review of the individual customer's situation, including:
    - a. Amount and age of delinquency
    - b. Past payment record
    - c. Ability to pay
    - d. Demonstration of good faith.
  2. Service will not be terminated for inability to pay when termination would be especially dangerous to health of a resident, as determined by the Village so long as the customer has made application to appropriate agencies for assistance and payment is pending.
- I. Insolvent Accounts.

1. If the Village Board has reasonable cause to believe a customer to be insolvent, in financial difficulty or contemplating bankruptcy, appropriate action may be taken to secure payment of a charge due.

J. Transfer of Unpaid Balances

1. A water service customer's previous unpaid balance may be transferred into any current water/sewer service account of the same customer and same types as part of current obligation and subject to the Villages requirements for payment. The customer will be notified of:
  - a). Transferred balances
  - b). Date and location of service of unpaid account.
  - c). Impact of future service.

V. **Rates, Fees and Charges** – All rates, fees, service charges will be set by the Village Board. The Village Board, by resolution, may amend or change rates when determined to be necessary.

A. Service Connection Charge

1. A Service Connection Charge shall be charged to all New Customers connecting to Village facilities, and to all existing customers requesting additional service work. The amount of the SCC is shown in Appendix B.

B. Rate Schedules

1. The Village has rate schedules for particular types of service provided. A summary of these charges is provided in Appendix B.

C. Records Research Charge and Public Information Requests

1. The Village will make information and records available to the public for inspection and copying in accordance with the Freedom of Information Act. Information and records concerning water service, including rates, charges, connections, disconnections, construction, installations, engineering, policies and procedures may be obtained from the Village Office, 14 Main Street, Cattaraugus.  
No fee is charged for inspection of public records on the premises; however, the Village imposes a charge for providing copies of public records at \$ .25 per copy.

- D. After Hours Connection Charges – New or vacant account reconnection.
1. For connection requested to be completed after 4:00 PM on weekdays or during weekends or holidays, customers will be advised at all times that there will be an after hours connection charge. **(See Appendix B)**
  2. Established customers will be advised at all times of a charge, plus material cost, if a water serviceperson is dispatched to the customer's premise, at the customer's request, during other than normal business hours and it is determined that the problem is caused by a failure of the customer's facility.
- E. Returned Check Charge
1. A returned check charge may be made to each water service account for which payment has been received by any check or legal tender which is subsequently returned to the Village by the bank for irregularities, lack of sufficient funds in the payer's checking account or the customer having closed the account.
- F. Security Deposits
1. Security Deposits may be required of a customer at application or later for any of the following reasons:
    - a). Incomplete or improper application
    - b). Misrepresentation of identity
    - c). Tampering with District equipment
    - d). No established credit
    - e). Payment record
  2. A notice will be mailed to the customer when a security deposit is required showing amount and due date.
  3. Payment or acceptable collateral is due as stated in notification unless other arrangements are made within that period.

4. Amount of deposit will not exceed the actual or estimated maximum billing for two consecutive months within a 12-month period.
5. Refund or application of deposit plus interest may be made, based on evaluation of customer credit history, after 12 months experience with residential customers and 24 months with nonresidential customers.
6. At termination of service, an existing deposit will be refunded, plus interest, less outstanding amounts due.
7. Transfers: When a customer relocates and reapplies for service e, an existing deposit may be carried over to service at the new location and may be adjusted, depending on the circumstances.

- G. Refund of Water Rent – No person or parties taking water will be refunded any moneys that have been paid for water because they did not use the water for a portion

of the time for which the minimum charge had been paid, unless the party so taking water shall notify the Village Clerk in writing to shut off the water; and if any moneys are refunded it shall only be refunded for the portion of time that the water shall be so shut off by the Superintendent as determined by the Village Board. A service charge will be made to the Village for turning off or turning on of water by the Superintendent (Appendix B)

## **VI Violations**

- A. Unauthorized Taking of Water – Tampering with Equipment, Unauthorized Connection to the District’s System.
1. When appropriate, the Village will seek prosecution for theft of water, destruction of Village property and other violations of law affecting delivery of its service, and may pursue collection for losses, damages, and costs related to such actions to the full extent provided by law.

## **VII Hydrant Use**

- A. 1. No person shall operate or tamper with a fire hydrant connected to the Village’s water system, without the express written approval of the Village

or, in the case of an emergency threatening life or property, the approval of an authorized representative of the Fire Department. In addition, any person violating this provision shall pay for the amount of water used, as estimated by the Village Board and based on the applicable rate schedule.

2. No person shall obstruct free access to any public hydrant or stop cock of any kind.

### **VIII Liability**

All person or persons taking water from said system shall take the same subject to the Village Water Policy. The Village Board reserves the right to change the rules and regulations relating to the rates for water from time to time, as it thinks advisable, and to make special rates or contracts in all proper cases, to shut off the water for alterations, extensions, and repairs to the system, and to stop or restrict the supply of water whenever it may be found necessary. The Village of Cattaraugus shall not be liable under any circumstances for a deficiency or failure in the supply of water, whether occasioned by shutting off water to make alterations, extensions, or repairs, or for any other cause whatever; and any and all person taking water do hereby release and discharge the Village of Cattaraugus from all liability for a failure to supply water.

### **IX Appointment of Water Superintendent**

1. There shall be one agent or officer appointed by the Village Board to superintend and care for said water system, who shall be known as the superintendent and his compensations shall be established by the Village Board at the time of his appointment. Such Superintendent shall accept such office subject to removal there from at any time at the pleasure of the Board, either with or without cause. The Board may appoint an assistant Superintendent subject to the same conditions as the Superintendent.
2. It shall be the Superintendent's duty, among other things, to immediately report any knowledge that he may have of any person or persons using water from the water system that has not been paid for, and should he know of any person or person using water from said system that has not been paid for, and not immediately inform the Village Board of such fact, it shall be sufficient grounds for his/her removal from office.

### **X Collector**

1. The collector of water bills shall deposit the money in a depository designated by the Village Board to the credit of the Village Treasurer.

## **XI Enforcement**

1. Any policy, ordinance or regulation hereinbefore mentioned, for which there has not been a specific penalty prescribed for the violation thereof, may be enforced by cutting off the supply of water from the premises where the violation occurred.
2. All charges for water or service shall be a lien on the real property upon which the water is used.
3. All policies, ordinances heretofore adopted by the Board of Trustees of said village, known as water ordinances regulating the use of and charges for water are hereby repealed.

### **Local Law #2-2002 Amendment to 2-1982 Section 2. "Loitering"**

Repeals Section two of Local Law 2-1982.

#### **Section 2. Loitering**

1. It shall be unlawful for any person, regardless of age, to loiter in or upon any of the streets or sidewalks, alleys or public places out of doors in the Village of Cattaraugus, NY, for the purpose of begging, gambling, soliciting or interfering with the free passage any person.
2. It shall be unlawful for any person to remain or wander in or about any place without apparent reason and under circumstances, which justify suspicion, that he/she may be engaged in crime. If said person is unable to give a satisfactory explanation of his or her presence or upon inquiry by a police officer, fails to give a reasonably credible account of his conduct and purpose, said person is considered to be loitering.

3. Any person found guilty of loitering shall be guilty of a legal infraction, and may be fined upon conviction thereof for the first offense, the sum of twenty-five dollars (\$25.00) and any additional court fees. Upon conviction of the second offense, the sum of fifty dollars (\$50.00) and any additional court fees.
4. Any parent, guardian or other person having legal care and custody of any child under the age of sixteen (16) permitting a violation of this law after having been warned in writing of the fact that such minor has or have violated said law shall be guilty of a legal infraction, and can be punished as per item three (3) of this law.

This local law shall take effect ten (10) days after filing.

### **Local Law #3-2002      Zoning Text and Map – (See Zoning)**

### **Local Law #4-2002      Abolish Village Justice Position**

The office of Village of Cattaraugus Justice is hereby abolished to take effect upon the expiration of the current term of such office and subject to permissive referendum. (September 9, 2002)

### **Local Law # 1 – 2004    (AMENDED) See Local Law #1-2005**

Local Law #1-2004 A local law establishing Parking Regulations and Removal and Storage of Abandoned Vehicles.

1. Winter Parking - No vehicle shall be parked on any public highway within the corporate limits of the Village of Cattaraugus between the hours of Midnight and 6 AM during the period beginning November 1 and ending April 1 of each year.
2. Sidewalk, Crosswalks, Fire Hydrants - Parking on a sidewalk, within twenty (20) feet of a crosswalk, within fifteen (15) feet of a fire hydrant, in front of a driveway, with left side to curb, or where standing or parking is prohibited is a violation and is subject to penalties prescribed in this law.
3. Abandoned/Unattended Vehicles - When any vehicle is parked or abandoned on any highway within the Village of Cattaraugus during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed as directed by the Village Police Department or Department of Public Works. When any vehicle is found unattended on any highway within this Village where

stopping, standing or parking is prohibited, said vehicle may be removed as directed by the Village Police Department or Department of Public Works

4. Removal- After removal of any vehicle as provided in this law, the towing agency summoned by the Village Police Department or Public Works Department may store such vehicle in a suitable place at the expense of the owner. Such owner, or person in charge of the vehicle, may redeem the same upon payment to the towing agency of the amount of all expenses actually and necessarily incurred in effecting such removal.

5. Notice of Removal- The Village Public Works Department shall, without delay, report the removal and the disposition of any vehicle removed as provided in this law to the Village Police Department and it shall be the duty of such police department to ascertain, to the extent possible, the owner of such vehicle or person having same in charge, and notify person of the removal and disposition of such vehicle and of the amount which will be required to redeem same.

6. Delegation of Powers: The Village of Cattaraugus grants authority to issue parking tickets to the Village of Cattaraugus Police Department and the Village of Cattaraugus DPW.

7. Traffic Infraction Penalties: Any person convicted of a traffic infraction for a violation of this law which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall be punished by a fine of not more than ten (\$10.00) for a first conviction, and by a fine of not more than twenty-five (\$25.00) for a second conviction within one year, and by a fine of not more than fifty (\$50.00) dollars for a third conviction will in one year.

8. Any person who shall receive an appearance ticket for any of the aforementioned parking violations, shall respond as per Local Law to the Traffic Violations Bureau.

9. All parking regulations which were heretofore in existence in the Village of Cattaraugus, New York before the adoption of this Local Law are hereby repealed. The repeal of all prior ordinances and local laws shall not affect any punishment or penalty incurred, nor shall it have any effect on existing litigation and it shall not operate as an abatement of any action or proceeding now pending or which may be brought by virtue of the ordinance or local law or part thereof so repealed for any violation or act committed prior to the effective date of the repeal unless specifically abated.

10. This local law will take effect immediately upon filing with the Secretary of State.

## **Local Law # 2 – 2004 ( Repealed)**

A local law establishing a Traffic Violations Bureau.

1. Authorization – the Village of Cattaraugus, hereby establishes a Traffic Violations Bureau to assist the Court in the disposition of offenses in relation to traffic violations, pursuant to Article 14-B of the General Municipal Law.
2. Person in Charge; Hours – the Village of Cattaraugus Board hereby appoints the Village Clerk and her deputies as the Traffic Violations Bureau and designates the established Clerk’s Office Hours for the transaction of it official business.
3. General Procedure – the Traffic Violations Bureau shall be authorized to dispose of parking violations by permitting a person charged with a parking violations to answer within a specified time at the Traffic Violations Bureau, either in person or by written power of attorney, in such form as prescribed by the Court, by paying a prescribed fine and, in writing, waiving a hearing in Court, pleading guilty to the charge and authorizing the person in charge of the Bureau to make such a plea and pay such fine in Court. Acceptance of the prescribed fine and power of attorney by the Bureau shall be deemed complete satisfaction

for the violation, and the violator shall be given a receipt which so states. If a person charged with a parking violation does not answer as hereinbefore prescribed, within a designated time, the Bureau shall cause a complaint to be entered against him forthwith and a warrant to be issued for his arrest and appearance before the Court. Such Traffic Violations Bureau shall not be authorized to deprive a person of this right to counsel or to prevent him from exercising his right of appear in Court to answer to, explain or defend any charge of a violation of any parking ordinance, rule or regulation.

- 4. Fines – The court shall designate the fines to be paid for offenses, which will be satisfied at the Bureau as hereinbefore stated, provided that such fines are within the limits established as penalties for such offenses by the Village Board. Any person who shall have been, within the preceding 12 months, guilty of a number of parking violations in excess of such maximum number as may be designated by the Court, or of three or more violations other than parking violations, shall not be permitted to appear and answer to a subsequent violation at the Traffic Violations Bureau, but must appear in Court at a time specified by the Bureau.
- 5. Form of waiver and power of attorney - The waiver and power of attorney referred to in §371 of the General Municipal Law shall be in substantially the following form:

Date\_\_\_\_\_

I, the undersigned, for good and valuable consideration hereby waive a hearing in court and plead guilty to the traffic violation as charged on the reverse side hereof, and authorize the Clerk of the Village of Cattaraugus to enter my plea and pay my fine which is enclosed herewith.

This is my \_\_\_\_\_offense for this violation within the current calendar year.

Name\_\_\_\_\_Motor Vehicle License No.\_\_\_\_\_  
Address\_\_\_\_\_Operators License No.\_\_\_\_\_

- 6. Records; additional duties – A Traffic Violations Bureau as herein authorized shall keep a record of all parking violations of which each person has been guilty, whether such guilt was established in Court or in the Bureau, and also a record of all fines collected and the disposition thereof. It shall also perform such other or additional duties and keep such other or additional records as shall be prescribed by the Court and/or the local legislative body.

**Local Law 1-2005 – Amendments to Parking Regulations**

A local law establishing Parking Regulations and Removal and Storage of Abandoned Vehicles.

1. Winter Parking - No vehicle shall be parked on any public highway within the corporate limits of the Village of Cattaraugus between the hours of Midnight and 6 AM during the period beginning November 1 and ending April 1 of each year.
2. Sidewalk, Crosswalks, Fire Hydrants - Parking on a sidewalk, within twenty (20) feet of a crosswalk, within fifteen (15) feet of a fire hydrant, in front of a driveway, with left side to curb, or where standing or parking is prohibited is a violation and is subject to penalties prescribed in this law.
3. Abandoned/Unattended Vehicles - When any vehicle is parked or abandoned on any highway within the Village of Cattaraugus during a snowstorm, flood, fire or other public emergency which affects that portion of the public highway upon which said vehicle is parked or abandoned, said vehicle may be removed as directed by the Village Police Department or Department of Public Works. When any vehicle is found unattended on any highway within this Village where stopping, standing or parking is prohibited, said vehicle may be removed as directed by the Village Police Department or Department of Public Works
4. Removal – After removal of any vehicle as provided in this law, the towing agency summoned by the Village Police Department or Public Works Department may store such vehicle in a suitable place at the expense of the owner. Such owner, or person in charge of the vehicle, may redeem the same upon payment to the towing agency of the amount of all expenses actually and necessarily incurred in effecting such removal.
5. Notice of Removal – The Village Public Works Department shall, without delay, report the removal and the disposition of any vehicle removed as provided in this law to the Village Police Department and it shall be the duty of such police department to ascertain, to the extent possible, the owner of such vehicle or person having same in charge, and notify person of the removal and disposition of such vehicle and of the amount which will be required to redeem same.
6. Delegation of Powers: The Village of Cattaraugus grants authority to issue parking tickets to the Village of Cattaraugus Police Department and the Village of Cattaraugus DPW.
7. Traffic Infraction Penalties: Any person convicted of a traffic infraction for a violation of this law which is not a violation of any provision of the Vehicle and Traffic Law of the State of New York shall be punished by a fine of not more than ten (\$10.00) for a first conviction, and by a fine of not more than twenty-five (\$25.00) for a second conviction within one year, and by a fine of not more than fifty (\$50.00) dollars for a third conviction within one year.

8. Any person who shall receive an appearance ticket for any of the aforementioned parking violations, shall respond as per Local Law to the Traffic Violations Bureau.
9. All parking regulations which were heretofore in existence in the Village of Cattaraugus, New York before the adoption of this Local Law are hereby repealed. The repeal of all prior ordinances and local laws shall not affect any punishment or penalty incurred, nor shall it have any effect on existing litigation and it shall not operate as an abatement of any action or proceeding now pending or which may be brought by virtue of the ordinance or local law or part thereof so repealed for any violation or act committed prior to the effective date of the repeal unless specifically abated.
10. This local law will take effect immediately upon filing with the Secretary of State.

### **Local Law #2-2005      Repeal of Local Law #2-2004**

A local law to repeal Local Law #2-2004 dealing with the creation of a traffic bureau.

BE IT ENACTED by the Village Board of the Village of Cattaraugus, County of Cattaraugus, State of New York, as follows

Local Law #2-2004 creating a Village Traffic Bureau is hereby repealed.

### **Local Law #3-2005      Village Water Policy - Amended**

#### **I.      General Provisions**

- A. Scope – This section provides the General Terms, Conditions, and Policies for furnishing and receiving water service. These terms, conditions and policies are a part of all oral or written proposals, offers, agreements and contracts for furnishing and receiving water service relating to the Village of Cattaraugus. A copy of this document shall be available for public inspection during regular Village Office hours at 14 Main Street, Cattaraugus, NY, 14719

#### **II.     Initiating and Terminating Service**

- A.     Service Application –

1. Each New Customer desiring water service must make application and will be required to sign an application form prior to service connection. (**Appendix A**)
  2. Application for water service is made at the Village Office, 14 Main Street, Cattaraugus, NY. At the time of application, all New Customers shall be informed of connection fees and of any additional charges for services. Any claimed or actual failure to inform shall not, however, relieve the new customer of any such fees or charges. The property owner must make applications for service connection.
- B. Agreement –
1. Acceptance of service is subject to current Village policies, laws, rates, service requirements and regulations, with or without a written application or contract/sewer
  2. Property owners are responsible for the payment of all water charges. Rents, together with any penalty for nonpayment within the prescribed time period, will be a lien on the real property upon which or in connection with which the water is used. This lien will be superior to every other lien or claim except the lien of an existing tax.
- C. Initiation of Service
1. Service will be initiated when the customer has met all Village requirements and has submitted:
    - a) Proper application
    - b) Valid service and mailing address.
    - c) Payments of any outstanding accounts
    - d) Payments of any deposits or fees as required.
  2. When new installations, conversions or upgrades of Village facilities are required to provide service, requirements will vary as follows:
    - a) Newly constructed or upgraded services will require evidence of state, city or county plumbing inspection.
    - b) The Village Board requires the presence of a responsible person in the building at the time the water is turned on. If required, and arrangements are made to have such person present at a predetermined time, and such person is not present, the Village, at its option, may charge a fee commensurate with that listed in the Village's Schedule of Charges and Fees to arrange a subsequent

time to turn on the water. Only assigned Village personnel may initiate a water service connection.

D. Disconnection of Service

1. Service may be disconnected by the Village Board, for good cause, including (but not limited to):
  - a) Violation of service requirements or regulations, rate schedules, contracts or plumbing codes.
  - b) Failure to pay fees or deposits.
  - c) Theft or illegal diversion of water.
  - d) Customer system leaks of which the Village becomes aware and which cause or may result in significant water loss and or property damage.
  - e) Failure to pay water charges when due.
2. The Village may also refuse or disconnect water service used in a manner, which is seriously detrimental to the service being rendered to other customers.
3. When disconnection occurs, the customer will be given a notice concerning such action and the process for reconnection of service. In the customer's absence, the notice will be left in a prominent place on the premises. Notice will also be mailed. The nature of the notice required and the period of time before disconnection shall be reasonable under the particular circumstances with special consideration for the potential dangers to life and property.
4. The termination of service for any cause shall not release the customer from the obligation to pay for water received and any fees owed.

E. Reconnection

2. When service is disconnected for noncompliance with service requirements or regulations, nonpayment or fraudulent use, the service will not be reconnected until the situation is corrected to the Village Board's satisfaction. Before reconnection, the customer will be advised of current fees and charges for service restoration. Only authorized Village personnel may initiate and turn-on service to a water service connection. Appropriate charges, as specified in for turning on or reconnecting service will be assessed as applicable. For those customers having water service on taxable Village property once past due fees have been re-levied to the Village tax bill (including re-connect fee) the service will be re-connected and the balance of the customers account returns to zero.

- F. Termination of Service by a Customer
1. Except as may be otherwise provided for by a special contract or agreement with the Village, when a change of occupancy or of legal responsibility takes place for water service to any premise being served by the Village of Cattaraugus, the customer must terminate service by notification in writing to the Village Clerk. The Village reserves the right to read the meter(s) for a final bill within a one-week period from the date of notification to terminate, and such reading(s) may be adjusted for consumption, if any, used by subsequent customer(s). The final reading may be estimated by mutual consent of the customer and the Village. The Village requires written authorization from the customer paying for water service before discontinuing such water service.
  - 2.

## Service and Equipment Requirements

- E. Plumbing and Equipment: The customer shall install, own and maintain all plumbing and equipment beyond the delivery point, excepting meters and special facilities installed or furnished by the Village. The customer's plumbing is to conform to:
- 1). Village service requirements and regulations.
  - 2). Municipal, County and State Requirements.
  - 3). Accepted modern standards as set forth in the Uniform Plumbing Code.
- F. Requirement of Adjacency to Village Main – In order to be served by the Village's water system, the customer's property must lie adjacent to a Village water main. If the customer desires water service, and if the customer's property lies remote from a suitable Village main, the customer shall be required to extend the main through or past his/her property and pay for all costs associated with the main extension.

### Placement of Service Equipment –

1. It is preferable that water services not be over 300 feet from the meter to the point of use in order to maintain adequate pressure. Service over 300 feet in length are permitted, however, the Village will not guarantee adequate pressure for these services.

2. The customer's service pipe shall be extended eighteen (18) inches beyond the meter. The water service pipe shall be installed at a location mutually agreeable between the Village and the Customer. The Village will install the meter, meter box and tailpiece assembly.
  3. Private service line shall not cross other parcels, nor shall they be constructed in public right-of-way or in private rights-of-way solely dedicated to another property without the express approval of the Village Board.
  5. Evidence of permission to make such crossings shall be provided to the Village Board at the time of application. Village and all necessary permits, easements or other authorization shall be obtained at customer expense.
- G. Responsibility for Maintenance - The property owner is responsible for maintaining its facilities and equipment from the point of delivery to the meter.
- H. Safeguard of District Facilities - The customer shall provide space for, and exercise proper care to protect any of the Village's facilities on the customer's premises. This shall include meters and other facilities installed by and remaining the property of the Village. Any person knowingly and maliciously damaging or tampering with Village meters and other equipment, reconnecting a previously disconnected meter for the purpose of restoring utility service or tampering with any Village equipment with the intent of defrauding or illegally diverting utility service shall be prosecuted. In addition, in the event of unauthorized connection, and loss or damage to Village property, the Village may collect from the customer the charge for estimated un-metered water and the cost of facility repairs and replacement. The Village shall also bill the customer for reasonable administrative costs that include all time and expense by Village personnel to resolve the situation. This charge will be in addition to the charge for estimated un-metered water.
1. The Village may refuse or disconnect service to customers when conditions are known by the Village to be defective or out of compliance with codes, regulations or requirements. The Village is not liable for loss or damage to persons or property resulting from defects or negligence:
    - By the customer beyond the point of delivery, or
    - In the customer's installation, facilities, or equipment.
  3. Should loss or damage occur to Village property, the responsible party may be charged for repair or replacement cost, administrative time and expense and

estimated loss of un-metered water. However, if a Village employee is at the site and approves the method and work, the charge to the customer may be modified or waived.

I. Access to Premises

1. The customer is to provide Village representatives with safe, clear access and entry to customer premises for service related work. The Village's facilities must remain unobstructed and accessible at all reasonable times so the Village may:
  - Install, inspect, maintain or remove equipment or plumbing.
  - Read, connect, disconnect or inspect metering devices.
  - Inspect customer owned cross-connection control devices.
  - Inspect all customer water facilities to ensure there are not cross-connections. At any time a cross-connection is discovered and the customer does not immediately remedy it, the Village reserves the right to terminate water service to the customer until such cross-connection is removed.
2. For locked Village equipment, the customer will provide the Village with an access key.
3. The customer shall provide space and protection for Village facilities on the customers premises, including meters, and other equipment installed by and belonging to the Village.
4. Although the customer is responsible at all times for maintaining customer-owned equipment, the Village may inspect customer equipment before or after service connection. However, such inspection, or lack of inspection, shall not be construed as placing upon the Village any responsibility for the condition, or maintenance of the customer's plumbing, nor does it guarantee the absence of cross-connection in the customer's service.

J. Separate Service for each Lot, Property, or Residence

1. Each lot, property, or residence will be required to have a separate water service, effective June 1, 2004, except as provided for in this subsection. Customers shall not extend a service line to an additional residence without the written consent of the Village.
2. Either a joint meter or individual meters may serve each multi-family residential structure for each unit, at the option of the property owner.

3. Either joint meters or individual meters may serve commercial, industrial, institutional, or governmental properties or structures for each tenant, at the option of the owner.

H Multiple Meters – When a customer’s service requires application of more than one rate schedule, one meter will be installed for each applied schedule. Each meter will be billed separately unless otherwise specified in a special contract. The customer will be responsible for purchasing and installing any additional meters desired for customer purposes, and for placing such meters on the customer side of the Village’s meter. Such meters shall be as approved in advance by the Village, and shall be installed at the customer’s sole expense, and in a manner and location as approved by the Village.

The builder of a multiple unit complex is require to permanently and accurately number meters and corresponding building units.

I. Cross-Connection Prevention – Cross Connection between the Village’s water service and any other source of water are prohibited, unless authorized by the District in combination with the use of a backflow-prevention assembly. Service connections and individual customer plumbing systems shall be constructed and maintained so as to prevent backflow of potentially contaminated water into the potable water system. (See Cross-Connection Policy).

J. Relocation of Delivery Points

3. A customer’s delivery point may be relocated at the customer’s request, subject to advance payment of the estimated cost of relocating the Village’s service pipe, meter and other facilities. The customer shall be responsible for relocation of the service line to the new location. The Village will disconnect the old service at the meter and connect the new service. The Village may reduce the costs to be charges to the customer for relocating any of the Village’s facilities, as requested by a customer, to the extent that such relocations may benefit the Village. In determining the amount of such reduction, the Village will give consideration to the remaining in physical life of facilities or equipment replaced, the improvement to the system operations, and any increased revenue that will accrue to the Village as a result of such relocations.

4. A customer shall be responsible for the relocation of a meter box when property alternation have been made which leave meter access or location unacceptable to the Village. The Village may disconnect service when the meter box is not satisfactorily relocated.

K. System Disturbances

2. Water service shall not be utilized in such a manner as to cause severe disturbances or pressure fluctuations to other customers of the Village. If any customer uses equipment that is detrimental to the service of other customers of the Village, the Village may require the customer to install, at his own expense, equipment to control such disturbances.

L. Freezing

2. It shall be the customer's responsibility to protect from freezing all piping, fixtures and appurtenances on the customer's side of the point of delivery. Any damage resulting from freezing shall be considered the responsibility of the customer.

M. Interruption of Service

6. It is the Village's intent to provide adequate and continuous service with minimum interruption. However, the Village:
  - a). Does not guarantee against occasional curtailment or failure of water service;
  - b). Shall not be liable for resulting injury, loss or damage; and
  - c). Shall not be considered in breach of contract for temporary interruption of service.
7. Repairs or improvements to facilities requiring temporary service interruption will be expedited and timed to minimize customer inconvenience. When possible, a preceding notice will be posted in the local Penny saver or sent to the customer.
8. If the customer's water service fails, the customer shall endeavor to determine if the cause is on the Village's side or the customer's side of the meter.
9. When the Village responds to a customer call after service hours (Weekdays 8:00 AM to 4:00 PM) and the problem is found to be with customer equipment, the customer will be charged a set fee for such response. **(Appendix B).**
10. When the Village responds to a customer call, and the problem is found to be with customer equipment, the water service person may make repairs at the

customer's request, if possible, following the customer's execution of a Field Work Order agreeing to pay actual time and materials to make the repair. **(Appendix C)** The charges will be included on the customer's next regular water bill. The water service person is not obligated to work on customer equipment.

N. Village Representation by Employees

3. Except as specifically authorized in these policies and regulations, no promise, agreement or representation of any employee or agent of the Village, with reference to the furnishing of water service by the Village, shall be binding on the Village, and in no event shall the same be binding on the Village unless the same shall be in writing signed by the Mayor or his/her designee.
4. No inspector, agent or employee of the Village may ask, demand, receive or accept any personal compensation for any service rendered to a customer in connection with supplying or furnishing water service by the Village.

**IV. Meter Reading, Billing, Payment and Collections**

A. Meter Reading

5. Meters will be read on a quarterly basis in February, May, August and November.
6. The Village may alter or re-route its meter reading and billing cycle dates when such alteration or re-routing is in the best interest of the Village.
7. Opening or closing readings may be prorated.
8. Special meters may be installed on any account when the nature of the customer's equipment and operation so indicates for correct rate schedule application and/or service improvements.
9. At a minimum each meter must be read at least once yearly.
10. At a minimum, each outdoor reader will be compared to indoor reader bi-annually.

B. Multiple Delivery Points

2. The rates of the Village are based upon the supply of service to each unit located on the premises even though supplied through a single delivery and metering point. Separate supply for the same customer at other points will be separately metered and billed. Unless otherwise specified, the Village will not totalize metering of separate points of supply or services.

C. Billing

5. Bills will be sent to the mailing address furnished by the customer. Failure to receive a bill will not release the customer from the obligation to pay for services provided.
6. Bills will issued quarterly based and generally will be based on exact meter readings. Bills may be estimated when:
  - a). Meter is not accessible to meter reader.
  - b). Meter is under snow or water.
  - c). Meter is malfunctioning.
  - d). Other circumstances beyond the Villages control interfere with the meter reading.
7. The Village will send bills and notices by first class mail. A customer, who does not provide a proper mailing address or a means of receiving mail, may be subject to disconnection.

D. Payments

5. The customer's obligation to pay a bill accrues on the date the bill is issued. Payment is due by the due date on the bill. Payments will be considered made when received by the Village office. Payments are to be accompanied by a billing remittance slip. All persons or parties obtaining the right to use water shall pay the minimum charge therefore to the Village of Cattaraugus, quarterly in advance in each and every year on the first day of December, March, June and September. The minimum charge shall be payable in advance or before the water is turned on. Where bills are not paid within 30 days after they are due, a penalty Of 10% of the amount of the charge will be added.
6. When it has been determined that a customer has received un-metered service or when the customer has caused the service furnished to be improperly or inaccurately metered, the Village may render bills for such service based upon its reasonable estimate of the service actually furnished for the full period during which the service was un-metered or improperly metered.
7. However, in those cases where the premises have been remodeled resulting in a situation whereby more than one customer is served by one meter, no adjustments will be made and the account customer of the premises shall be required to assume responsibility for the billing effective the last regular

reading date unless another person agrees in writing to assume full responsibility for the billing.

- E. A customer may be eligible for an adjustment to their water billing in the event of a loss of water through abnormal conditions when the cause is deemed by the **Village Board** to have been undetectable and not resulting from a lack of normal maintenance by the customer. No adjustments shall be made in water charges for losses resulting from customer negligence, improper operation of plumbing by the customer, and/or failure of the customer's plumbing system. The section of service line, and any leaks resulting from such taps (such as, but not limited to irrigation, swimming pools, outdoor hose bibs), would not be eligible. The date that qualifies as "official notification" of a leak varies depending upon the circumstances. Only the Village Board may make alternations to a customer's bill.
1. If a Village employee identifies a potential leak, written notification will be mailed to the customer. A door hanger may also be left in a prominent place at the residence. The date of the letter will serve as the "official notification date.
  2. If the customer contacts the Village regarding the possibility of a leak, a visit to the site address will be initiated. Upon verification of a qualifying leak, a letter will be mailed to the customer. The date of the letter will serve as the "official notification" date.
  3. Neither the Mayor nor the Village Clerk are authorized to make adjustments in water bills after issuance. Therefore, billing disputes must be brought to the attention of the Village Board. Customers will be given the opportunity to be heard at a regular meeting of the Village Board, or may contact the Board in writing with their request
- F. Reminder Notices
2. Reminder notices will be sent on past due accounts, except during the last quarter of billing. An account is past due 30 days after the billing date. During the final quarterly billing a notice will be placed in the Village Newspaper notifying delinquent customer accounts that balances due will be re-levied to the Village Taxes.
- G. Disconnect Notices.
4. Disconnect notices for quarterly accounts will be mailed approximately 15 days after reminder notices. The notice will be for arrears only.

5. A letter explaining the disconnect policy will accompany each Disconnect Notice.
  6. Disconnection will occur following the due date on the notice unless:
    - a. The delinquent payment has been received at the Village Office.
    - b. The Village Board has made a deferred payment agreement.
    - c. In certain instances, where health, safety or essential services would be otherwise jeopardized, or for purposes of economy, the Village may withhold disconnect notices.
- H. Collection
2. While considering individual customer needs, the Village is obligated to make prudent collections. Reasonable collection methods will be used, including disconnection of service or legal action.
- I. Extenuating Circumstances
3. The Village will pursue a solution with customers temporarily unable to pay on time due to extenuating circumstances. The availability and terms of a deferred payment plan will be based on a review of the individual customer's situation, including:
    - a. Amount and age of delinquency
    - b. Past payment record
    - c. Ability to pay
    - d. Demonstration of good faith.
  4. Service will not be terminated for inability to pay when termination would be especially dangerous to health of a resident, as determined by the Village so long as the customer has made application to appropriate agencies for assistance and payment is pending.
- J. Insolvent Accounts.
2. If the Village Board has reasonable cause to believe a customer to be insolvent, in financial difficulty or contemplating bankruptcy, appropriate action may be taken to secure payment of a charge due.
- V. **Rates, Fees and Charges** – All rates, fees, service charges will be set by the Village Board. The Village Board, by resolution, may amend or change rates when determined to be necessary.
- A. Service Connection Charge

2. A Service Connection Charge shall be charged to all New Customers connecting to Village facilities, and to all existing customers requesting additional service work. The amount of the SCC is shown in Appendix B.

B. Rate Schedules

2. The Village has rate schedules for particular types of service provided. A summary of these charges is provided in Appendix B.

C. Records Research Charge and Public Information Requests

2. The Village will make information and records available to the public for inspection and copying in accordance with the Freedom of Information Act. Information and records concerning water service, including rates, charges, connections, disconnections, construction, installations, engineering, policies and procedures may be obtained from the Village Office, 14 Main Street, Cattaraugus.

No fee is charged for inspection of public records on the premises; however, the Village imposes a charge for providing copies of public records at \$ .25 per copy.

D. After Hours Connection Charges – New or vacant account reconnection.

3. For connection requested to be completed after 4:00 PM on weekdays or during weekends or holidays, customers will be advised at all times that there will be an after hours connection charge. **(See Appendix B)**
4. Established customers will be advised at all times of a charge, plus material cost, if a water serviceperson is dispatched to the customer's premise, at the customer's request, during other than normal business hours and it is determined that the problem is caused by a failure of the customer's facility.

E. Returned Check Charge

1. A returned check charge may be made to each water service account for which payment has been received by any check or legal tender which is subsequently returned to the Village by the bank for irregularities, lack of sufficient funds in the payer's checking account or the customer having closed the account.

- F. Refund of Water Rent –
1. No person or parties taking water will be refunded any moneys that have been paid for water because they did not use the water for a portion of the time for which the minimum charge had been paid, unless the party so taking water shall notify the Village Clerk in writing to shut off the water; and if any moneys are refunded it shall only be refunded for the portion of time that the water shall be so shut off by the Superintendent as determined by the Village Board. A service charge will be made to the Village for turning off or turning on of water by the Superintendent (Appendix B)

## **VI Violations**

- A. Unauthorized Taking of Water – Tampering with Equipment, Unauthorized Connection to the District’s System.
2. When appropriate, the Village will seek prosecution for theft of water, destruction of Village property and other violations of law affecting delivery of its service, and may pursue collection for losses, damages, and costs related to such actions to the full extent provided by law.

## **VII Hydrant Use**

- A. 1. No person shall operate or tamper with a fire hydrant connected to the Village’s water system, without the express written approval of the Village or, in the case of an emergency threatening life or property, the approval of an authorized representative of the Fire Department. In addition, any person violating this provision shall pay for the amount of water used, as estimated by the Village Board and based on the applicable rate schedule.
2. No person shall obstruct free access to any public hydrant or stop cock of any kind.

## **VIII Liability**

All person or persons taking water from said system shall take the same subject to the Village Water Policy. The Village Board reserves the right to change the rules and regulations relating to the rates for water from time to time, as it thinks advisable, and to make special rates or contracts in all proper cases, to shut off the water for alterations, extensions, and repairs to the

system, and to stop or restrict the supply of water whenever it may be found necessary. The Village of Cattaraugus shall not be liable under any circumstances for a deficiency or failure in the supply of water, whether occasioned by shutting off water to make alterations, extensions, or repairs, or for any other cause whatever; and any and all person taking water do hereby release and discharge the Village of Cattaraugus from all liability for a failure to supply water.

## **IX Appointment of Water Superintendent**

1. There shall be one agent or officer appointed by the Village Board to superintend and care for said water system, who shall be known as the superintendent and his compensation shall be established by the Village Board at the time of his appointment.
2. Such Superintendent shall accept such office subject to removal there from at any time at the pleasure of the Board, either with or without cause. The Board may appoint an assistant Superintendent subject to the same conditions as the Superintendent.
3. It shall be the Superintendent's duty, among other things, to immediately report any knowledge that he may have of any person or persons using water from the water system that has not been paid for, and should he know of any person or person using water from said system that has not been paid for, and not immediately inform the Village Board of such fact, it shall be sufficient grounds for his/her removal from office.

## **X. Collector**

1. The collector of water bills shall deposit the money in a depository designated by the Village Board to the credit of the Village Treasurer.

## **XI Enforcement**

4. Any policy, ordinance or regulation hereinbefore mentioned, for which there has not been a specific penalty prescribed for the violation thereof, may be enforced by cutting off the supply of water from the premises where the violation occurred.
5. All charges for water or service shall be a lien on the real property upon which the water is used.
6. All policies, ordinances heretofore adopted by the Board of Trustees of said village, known as water ordinances regulating the use of and charges for water are hereby repealed.