

# Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE  
41 STATE STREET, ALBANY, NY 12231

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~

~~City~~

Town

~~Village~~

of Duaneburg

Local Law No. 3 of the year 2005

A local law TO ACCEPT SEWER USE LAW WITH AMENDMENTS TOWN OF  
(Insert Title)  
DUANESBURG

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

~~County~~

~~City~~

Town

~~Village~~

of Duaneburg as follows:

See Attached

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

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

**1. (Final adoption by local legislative body only.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ 3 \_\_\_\_\_ of 20<sup>05</sup> of the ~~(County)~~~~(City)~~(Town)~~(Village)~~ of \_\_\_\_\_ Duaneburg \_\_\_\_\_ was duly passed by the \_\_\_\_\_ Duaneburg Town Board \_\_\_\_\_ on July 14, 2005, in accordance with the applicable provisions of law.  
(Name of Legislative Body)

**2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer\*.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**3. (Final adoption by referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

**4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)**

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_, and was (approved)(not approved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_ 20 \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_ 20 \_\_\_\_\_, in accordance with the applicable provisions of law.  
(Name of Legislative Body)  
(Elective Chief Executive Officer\*)

\_\_\_\_\_ Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

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

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on \_\_\_\_\_ 20\_\_\_\_, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_ 20\_\_\_\_, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph \_\_\_\_\_, above.



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

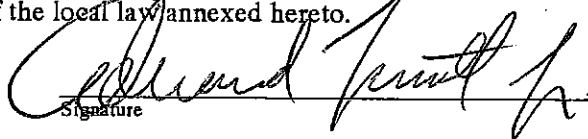
(Seal)

Date: July 26, 2005

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF Schenectady

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.



Attorney for the Town  
Title

~~County~~  
~~City~~ of Duanesburg  
~~Town~~  
~~Village~~

Date: 7/27/05

### Section 611 A – Building Lateral / Street Lateral Connection

#### Amend item (2)

For vacant parcels within the sewer district that do not have frontage on a Town, County or State Road, it shall be the property owners responsibility to extend the sewer to their property at such time they have a valid building permit for the lot. The property owner shall also be responsible to obtain any necessary easements for the sewer pipe Installation.

#### Add item:

(7) Residential Grinder pump units are installed as part of new Sewer District Construction projects for homes that cannot connect to the system by gravity. The cost of the pump, basin, forcemain, control panel and electrical connection to the existing breaker panel in the home is borne by the District as well as future pump maintenance. An easement agreement must be signed by the property owner for this work to be done. The homeowner is required to make the building lateral connection to the grinder pump basin. In the event that the homes electric service or breaker panel are not large enough to accommodate the 30 Amp 2 pole breaker, the homeowner will be responsible for any necessary upgrades to their existing facilities.

Re-number Section 616 – Costs Borne by Owner to become Section 617.

#### Add the following Section:

### Section 616 – Backflow Prevention

When a building has plumbing facilities in the basement such as washing machine drain line, sinks, toilets, shower, etc., a backflow prevention device is strongly recommended to be installed to protect these units from a sewer line backup into the building. The property owner shall be responsible for the proper maintenance of a backflow prevention device, if installed. The Town shall not be held responsible for repairs or cleanup costs resulting from a sewage backup into the building under any circumstances.

### **TOWN OF DUANESBURG SEWER USE LAW ADDENDUM NO. 2**

A) Amend Section 1103 to establish the fees for permits for the Mariaville Lake Sewer District No. 2 in the year 2005 as follows;

- The permit fee for residential, commercial, or industrial laterals shall be set at \$30.00.
- The connection fee shall be set at \$1,000 per user, except that the connection fee shall be waived for properties within the district if the permit is obtained before June 30<sup>th</sup>, 2006.

- The Administrative Surcharge Fee for 2005 shall be prorated by month in accordance with table 1 shown on the next page. (attached)

The above fees along with the prorated O&M costs for the remainder of the year shall be paid at the time of permit application.

Year	Month	Permit Fee	Administrative Surcharge	Prorated O & M	Connection Fee	Total Permit Fee
2005	July	30	0	230	0	260
	August	30	20	210	0	260
	September	30	40	190	0	260
	October	30	60	170	0	260
	November	30	80	150	0	260
	December	30	100	130	0	260
2006	January	30	120	110	0	260
	February	30	140	90	0	260
	March	30	160	70	0	260
	April	30	180	50	0	260
	May	30	200	30	0	260
	June	30	220	10	0	260
	July	30	0	0	1000	1030

Amend the User Unit Schedule provided in Appendix B to add Classification #18, Bed and Breakfast and classification #19 Significant Commercial User Note 6, each of which are attached.

## APPENDIX B USER UNIT SCHEDULE

CLASSIFICATION #	CLASSIFICATION DESCRIPTION	# OF USER UNITS (EDU's) PER CLASSIFICATION
1.	Commercial/Industrial Enterprise: a) less than 5 employees b) 6 - 10 employees c) 11 - 20 employees d) (1-1/2 EDU's for every 10 or portion thereof)	1 Unit 1½ Units 3 Units
2.	Single Family Residence (see note 1)	1 Unit
2a.	Two Family Residence	2 Units
2b.	For each additional apartment unit above two (see note 2)	½ Unit

3.	Library	1 Unit
4.	Convenient/Deli Store	1½ Units
5.	Beauty or Barber Shop	1 Unit
6.	Restaurant/Bar a) 0 - 45 Occupancy b) 46 - 90 Occupancy c) 91 - 135 Occupancy d) (2 EDU's for every 45 or portion thereof)	2 Units 3 Units 5 Units
7.	Commercial Laundromat (per five washers or portion thereof)	2 Units
8.	Post Office	1 Unit
9.	Nursing/Adult Homes (Single Family Residence plus charge per bed)	1 Unit plus ¼ Unit for each bed.
10.	Motel, Hotel (per room) w/o Restaurant	¼ Unit
11.	Fire Department	1 Unit
12.	Churches	½ Unit
13.	Church Hall	1 Unit
14.	Rectory	1 Unit
15.	School (see note 3)	1 Unit for 10 persons
16.	Vacant Lot (see Note 4)	½ Unit
17.	Vacant Commercial/Business Parcel (See Note 5)	1 Unit for every 4 Acres
18.	Bed and Breakfast	1 Unit plus ¼ Unit for each bedroom
19.	Significant Commercial User (See Note 6)	1 Unit per 75,000 gallons metered usage

**Note 1:** A single property which is used as **both: 1. a residence and 2. a business**, in which its only employees are the property owner and immediate family members, all of whom reside on the premises, shall be treated the same as residential properties with a "Home Occupation" and shall be classified under Item 2 on the above schedule and, therefore, assigned 1 EDU. If public bathroom facilities are provided as part of the home occupation, or if significant additional wastewater is generated above normal residential usage, then the Town Board may assess additional units in accordance with the Table above.

**Note 2:** To qualify for the 1/2 unit reduction for 3 or more apartment units, all units must be in the same building.

**Note 3:** Under Classification #15, School, the number of persons to be used to determine the number of units will include students only.

**Note 4:** The term "vacant lot" as used in the foregoing schedule shall refer to any lot which meets the building and zoning code requirements for a single family residence.

Note 5: If a parcel within the Sewer District boundaries is also in a General Business District zoning of the Village of Delanson or a Commercial Zone of the Town of Duaneburg and larger than 4.0 acres, then this parcel shall be assigned 1.00 EDU's for each 4 acres. Parcels over 4 acres shall be incrementally assigned additional EDU's by dividing the acreage by 4. If a property in the Commercial or General Business District is used solely for residential use, then the EDU charge for this parcel shall follow residential calculations for EDU's. If said parcel is occupied for General Business purposes, then the EDU charge shall be the larger of either the EDU charged as calculated by No. 17, or as per the User Unit Schedule as applicable to the current use of the property.

Note 6: A Significant Commercial user (SCU) shall refer to any commercial user that is not specifically identified in the User Unit Schedule under another classification number. The SCU shall be charged a minimum of one EDU and one EDU for every additional 75,000 gallons or portion thereof for sewage it generates. The SCU shall install and maintain a sewage flow meter for the purpose of billing sewer charges. The Sewer District shall have the right to inspect and record readings from the meter at any time, but not less than once per year.