

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT THE QUEENSBURY TOWN BOARD WILL HOLD A PUBLIC HEARING ON MONDAY, NOVEMBER 16, 2020, BEGINNING AT 7:00 P.M. AT THE QUEENSBURY ACTIVITIES CENTER, 742 BAY ROAD, QUEENSBURY, NEW YORK, AT WHICH ALL INTERESTED PARTIES SHALL HAVE AN OPPORTUNITY TO BE HEARD CONCERNING ADOPTION OF PROPOSED LOCAL LAW NO.: ___ OF 2020. LOCAL LAW NO. ___ WOULD AMEND THE CURRENT QUEENSBURY TOWN CODE RELATING TO SEWER AND WATER SERVICE AND CHARGES. AMONG OTHER THINGS, IT WOULD (A) ELIMINATE THE WASTEWATER’S DEPARTMENT INVOLVEMENT IN CONSTRUCTING SEWER LATERALS WHICH WOULD BECOME THE SOLE RESPONSIBILITY OF THE PROPERTY OWNER (CODE SECTIONS 136-55 AND 136-95); (B) ALLOW THE WASTEWATER DIRECTOR TO WAIVE THE REQUIREMENT FOR SEPARATE BUILDING SEWERS (CODE SECTION 136-56); (C) PROVIDE THAT THE TOWN BOARD MAY MAKE CHANGES TO SEWER RENTS BY RESOLUTION UPON FIVE (5) DAYS’ PUBLIC NOTICE (CODE SECTIONS 136-137 AND 136-137.2) AND (D) ALLOW WATER SERVICE TO BE DISCONTINUED UPON RESOLUTION OF THE TOWN BOARD WITHOUT A HEARING (CODE SECTION 173-29).

THE PROPOSED LOCAL LAW IS AVAILABLE ON THE TOWN’S WEBSITE AT WWW.QUEENSBURY.NET AND IS ALSO ON FILE AND MAY BE REVIEWED IN THE TOWN CLERK’S OFFICE, 742 BAY ROAD, QUEENSBURY. TO OBTAIN FURTHER INFORMATION OR COPIES OF THE PROPOSED LOCAL LAW, PLEASE CONTACT THE QUEENSBURY TOWN CLERK’S OFFICE AT (518) 761-8234.

BY ORDER OF THE QUEENSBURY TOWN BOARD.

PUBLICATION DATE: NOVEMBER 6TH, 2020

**CAROLINE H. BARBER
TOWN CLERK
TOWN OF QUEENSBURY**

LOCAL LAW NO.: ____ OF 2020

A LOCAL LAW AMENDING CHAPTERS 136 “SEWERS AND SEWAGE DISPOSAL” AND 173 “WATER” OF QUEENSBURY TOWN CODE

BE IT ENACTED BY THE TOWN BOARD OF THE TOWN OF QUEENSBURY AS FOLLOWS:

Section 1. Intent; Authority – The Town Board wishes to achieve greater flexibility in establishing sewer rents, enforcing compliance requirements with Town water regulations and other aspects of the Town’s sewer and water services. This Local Law is adopted pursuant to New York Municipal Home Rule Law.

Section 2. CHAPTER 136 of the Queensbury Town Code, entitled “Sewers and Sewage Disposal” is hereby amended as follows:

A. Section 136-55, entitled “Installation of lateral”, is amended to read as follows:

§ 136-55. Installation of lateral.

Where a new building is constructed and there is no Town service lateral from the main to the property line, the installation of this lateral and the tapping of the main will be the responsibility of the property owner. The cost of this work, including excavation, pipe work, backfill, replacement of pavement, etc., will be paid by the property owner. The property owner or contractor must provide plans and specifications to the Town Wastewater Department for approval prior to any site disturbance. Once the plans are approved, the property owner or contractor must obtain all required permits, including any permits needed for construction within a public right-of-way or under a public road. Construction must be scheduled in consultation with the Wastewater Department so that a Town representative can be present during construction. No actual connection to the Town’s sewer system may be made until the Wastewater Director has issued a permit to connect.

B. Section 136-56, entitled “Separate building sewers required”, is amended to read as follows:

§ 136-56. Separate building sewers required.

A separate and independent building sewer shall be provided for every building, except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, easement, courtyard or driveway, the front building sewer may be extended to the rear building and the whole considered as one building sewer. The Town does not, and will not, assume any obligation or responsibility for damage caused by or resulting from the use of any single connection aforementioned.

Notwithstanding the above, the Wastewater Director may waive the requirement for separate building sewers upon application by the property owner and determination in the Director’s sole discretion that the Town’s wastewater system will not be adversely affected. Any application for waiver must include a formal agreement between the parties proposing to use the shared sewer connection. The agreement must include provisions relating to how responsibilities for the shared lines and costs will be allocated between the parties. Any agreement related to allocation of costs will not affect the Town Board’s right to establish rates. Approval of the agreement must be received from both Town Counsel and the Wastewater Director prior to any such waiver. Such agreement must be recorded in the Warren County Clerk’s Office referencing the entire property(ies) and a copy provided to the Town Wastewater Department as the final requirement for receiving a valid waiver.

C. Section 136-95, entitled “Sewer taps in streets”, is amended to read as follows

§ 136-95. Sewer taps in streets.

Where it is necessary to tap the existing sanitary sewer in the street because no Town service lateral has been previously installed, it will be necessary to make these connections, excavations, backfillings, etc., in accordance with Town law or state or County Public Works Department regulations, as jurisdiction may apply. Work done in streets and other public rights-of-way shall be the responsibility of the property owner,

including the installation of the service lateral to the property line. All of this work, including any permit fees or expenses, shall be paid for by the owner. See also §136-55.

D. The introductory paragraph of **Section 136-137**, entitled “Charges established”, is amended to read as follows:

§ 136-137. **Charges established.**

There is hereby established and imposed a scale of sewer rents for services rendered by the sewer system to the real property within the limits of the following sewer districts as set forth below. Subsequent changes to the rates of the sewer rent shall be made by resolution of the Town Board after public hearing on five (5) days' notice.

E. **Section 136-137.2**, entitled “Properties not served by municipal water supply”, is amended to read as follows

§ 136-137.2 **Properties not served by municipal water supply.**

In all sewer districts, for all occupied residential properties which are not served by the municipal water supply and therefore do not have water meter readings on which to base sewer rents, charges pursuant to § 136-135 hereof shall be \$440 per year for each residential unit, billed on a quarterly basis at the rate of \$110 per quarter. Subsequent changes to the rates of the sewer rent shall be made by resolution of the Town Board after public hearing on five (5) days' notice. For purposes of this section, a "residential unit" is defined as a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking and sanitation.

Section 3. CHAPTER 173 of the Queensbury Town Code, entitled “Water” is hereby amended as follows:

A. Paragraph A of **Section 173-29**, entitled “Penalties for offenses; discontinuance of service”, is amended to read as follows:

§ 173-29. **Penalties for offenses; discontinuance of service.**

A. The Town Board of the Town of Queensbury may discontinue water service and shut off the supply from any premises, the owner or occupant of which has failed to comply with the provisions of this article and the Town's Water Department current Design and Construction Standards or any rules and regulations relating to the character and construction and maintenance of pipes and connections and the use of the water and payment of water bills. In the event of such a failure to comply, the Town Board may adopt an order requiring that any overdue bill be paid or other offense cured within thirty (30) days or water service to the premises may be shut off and discontinued. The Water Superintendent shall then serve the Town Board order on the property owner(s) and the occupant(s) of the premises by registered mail and by regular mail to the address used to send real property taxes to the premises. If the overdue bill is not paid or other offense cured within thirty (30) days after such service by mail of the order, the Water Superintendent may shut off and discontinue water service to the premises. Such service will not be resumed until the cause for such discontinuance is removed and the expense of shutting off and turning on the water is paid.. This remedy may be used alone or in conjunction with any other remedies set forth herein.

Section 4. Severability – The invalidity of any clause, sentence, paragraph or provision of this Local Law shall not invalidate any other clause, sentence, paragraph or part thereof.

Section 5. Repealer – All Local Laws or Ordinances or parts of Local Laws or Ordinances in conflict with any part of this Local Law are hereby repealed. In particular, this Local Law is specifically intended to supersede the amended provisions of the current Town of Queensbury Code.

Section 6. Effective Date – This Local Law shall take effect upon filing by the office of the New York State Secretary of State or as otherwise provided by law.