

TREE LOCAL LAW

I. Title

This local law shall be known and may be cited as the Urban Tree Local Law of the Village of Gowanda, New York.

II. Findings

- A. Preliminary survey of trees in the Village of Gowanda indicated a significant decline in the number of certain species of trees on public land.
- B. Documentation of tree conservation in support of the Village of Gowanda Master Plan, Environmental Goal, "to preserve and maintain the quality of the community's natural resources" had not been formalized.

III. Purpose and Intent

This local law establishes policies, regulations and standards necessary to ensure that the Village will continue to realize the benefits provided by its urban trees. The provisions of this local law are enacted to:

- A. Establish and maintain the maximum sustainable amount of tree cover on public and private lands in the Village;
- B. Maintain Village trees in a healthy and non-hazardous condition through good arboricultural practices;
- C. Establish and maintain appropriate diversity in tree species and age classes to provide a stable and sustainable urban forestation.
- D. Protect and enhance the Village's small town characteristics by assuring that decisions with regard to urban trees are consistent with the Village Master Plan.

IV. Definitions

- A. Specific definitions as applies to this local law:
 - 1. "Tree" shall mean any living, self supporting, woody perennial plant which has a minimum trunk caliper of two (2) inches measured at a point of six (6) inches above the ground and which normally attains a height of at least ten (10) feet at maturity, usually with one (1) main stem or trunk and many branches.

2. "Street Tree" shall mean a tree standing within the public area as next defined.
 3. "Public Area" shall be defined by that area between the edge of boundary of the road to the street side edge or boundary of the present (or future) sidewalk.
 4. "Park Tree" shall mean a tree standing on land within a public park or other area owned by the village within the corporate limits of the village other than a street;
 5. "Village" shall mean the Village of Gowanda, New York.
 6. "Board of Trustees" shall mean the Board of Trustees of the Village of Gowanda.
 7. "Tree Topping" is defined as the severe cutting back of limbs within the tree's crown to such a degree as to remove the normal canopy and disfigure the tree.
 8. "Diameter at Breast Height (DBH)" shall mean the diameter of a tree trunk measured at a height of four (4) feet above ground. If a tree splits into multiple trunks below 4 ½ feet, then the trunk is measured at its most narrow point beneath the split.
 9. "Caliper" shall mean the diameter of a tree trunk that is taken six (6) inches above ground for up to and including four-inch caliper size and twelve (12) inches above the ground for larger sizes.
 10. A "Heritage Tree" may be designated as such by the Village Tree Committee if it meets one or more of the following criteria: species rarity, old age, association with a historical event or person, abnormality or significant scenic enhancement.
- B. Determination of definitions: In the case of definitions not specifically addressed above, the New York Department of Environmental Conservation Region 9 Urban Forester, shall be requested to advise the Village Tree Committee as to the correct definitions in question. In addition, the forester shall advise the Village Tree Committee as to whether any specific woody plant shall be considered a tree or shrub.

V. Authority

The Village of Gowanda shall have control of all street trees, park trees and Heritage Trees, shrubs, and other plantings now or hereafter in any public area or scenic easement (Appendix A) within the Village limits, and shall plant, care for, maintain (including feeding and watering), remove and replace such trees, shrubs, and other plants consistent with the provisions of this local tree law and executed easements.

VI. Village Tree Committee

- A. A Village Tree Committee is hereby created. The Village Tree Committee shall consist of a minimum of three (3) members and an ex officio member who is a

Trustee of the Village Board. It is desirable that one member shall be the Village Street Department Superintendent and the other two (2) members shall be Village residents interested in trees as a major component of the Village's physical and aesthetic environment, and preferably with established professional competence in a pertinent discipline.

- B. The terms of office shall be three years or until their successors are appointed. The terms shall be staggered with at least one (1) new member joining the Committee each year.

VII. Responsibilities

- A. The Village Board of Trustees:
 - 1. Shall annually approve and fund the Annual Village Tree Plan.
 - 2. Shall serve as the final arbiter in non-misdemeanor dispute resolution as it relates to activities at the Tree Committee trees.
 - 3. Shall appoint at least one person annually to serve on the Village Tree Committee to fill the expiring term.
 - 4. Shall annually designate a Village Board Trustee to serve as the ex officio member of the Village Tree Committee.
 - 5. The Village Board shall have the right to review with respect to this local law the conduct, acts and decision of the (a) Village Street Department or, (b) the Village Tree Committee and make a final ruling.

- B. The Village Street Department Superintendent:
 - 1. Shall, by use of Village employees or approved private contractors, plant, maintain (including feeding and watering), and otherwise care for, or if necessary, remove, trees in any public place in the Village consistent with the approved annual comprehensive Village Tree Plan and this local law.
 - 2. Shall review, approve, condition or disapprove permit (Appendix B) applications (in conjunction with the Village Code Enforcement Officer where applicable) relative to Village trees consistent with the approved annual Village Tree Plan.
 - 3. May remove or cause or order to be removed any tree or part thereof on public property which is in an unsafe situation or condition that could jeopardize public health or safety.
 - 4. Shall keep the Village Tree Committee informed, in writing, of actions taken by the Village Street Department relative to sections 1, 2 and 3 above.

- C. The Village Tree Committee:
 - 1. Within a reasonable time after appointment, shall meet, organize and adopt governing rules and procedures.
 - 2. May appoint subcommittees as deemed necessary in order to perform the duties set forth.

3. Shall hold regular and special meetings as said Committee shall deem advisable and necessary in order to perform the duties set forth. A journal of proceedings and activities is to be recorded.
4. Shall study the problems and determine the needs of the Village in connection with the village's urban forestry program, requesting the assistance of the DEC Region 9 Urban Forester as deemed necessary.
5. Shall submit to the Village Board of Trustees at the last Board meeting in December a comprehensive Village Tree Plan for approval. That plan shall include as a minimum, the care,, preservation, pruning, planting, replanting, removal or disposition of trees or shrubs in public parks and other Village public areas. The plan shall also include public education initiatives.
6. Shall establish and maintain the Village Tree Inventory.
7. Shall, working with the Erie and Cattaraugus County Foresters and others, as appropriate, establish and amend as necessary, the list of type and kind of trees acceptable for planting in the Village public areas (Appendix C).
8. Shall assist the officials of the Village, as well as residents, in dissemination of information regarding the selection, planting and maintenance of trees within the Village, whether on public or private property,
9. Shall make, from time to time, recommendations to the Village Board of Trustees as to desirable legislation concerning the tree program and associated activities.
10. Shall oversee the implementation and execution of the official comprehensive Village Tree Plan as approved and funded.
11. May identify trees both public and private as "Heritage Trees" and organize "Heritage Tree" programs.

D. The Village Property Owners:

1. Must file an application and obtain a permit (Appendix B) prior to planting, trimming, topping, removing or otherwise treating trees or shrubs in any public areas.
2. Shall notify the Village Street Department Superintendent when a problem or potential hazard with respect to trees in a public area occurs.
3. Shall maintain trees on private property in such a manner:
 - a. That they do not obstruct the view of a traffic control device in the controlled direction;
 - b. So that they do not constitute a hazard to the life or property of the users of public streets or other public places (including, but not limited to: (1) minimum clearance for sidewalk overhand shall be ten (10) feet; (2) minimum clearance for streets overhand is twelve (12) feet except truck thoroughfares which shall have a clearance of sixteen (16) feet; © so to preclude potential threat of spread of disease to other trees in the Village as investigated with the assistance of the Urban Forester.

E. Public Utilities shall:

1. Annually notify the Village Board in writing of any general tree trimming or underground work that the Utility plans to undertake in the Village of Gowanda.

2. Present to the Village Board, at least two (2) weeks in advance, when tree trimming or underground activities are scheduled, the Utility's plan and schedule for such trimming so that the quality of work can be monitored.
 3. Shall, when the Utility performs trimming, cut only those branches which need to be trimmed guided by accepted arborial practices and that all other branches be left alone to preserve the beauty of the Village trees.
- F. Village Clerk shall:
1. Keep a record of all such applications for permit and permits issued relative to this ordinance.
 2. Distribute copies of such permits to the Superintendent of the Village Street Department and to the Village Tree Committee within five working days.
 3. Send copies of this ordinance and future amendments via registered mail to the Public Utilities servicing the Village.
- G. Village Code Enforcement Officer: Shall review applications for construction from property owners, approve, disapprove, or condition permits (Appendix B) that affects trees in the public areas. This shall be coordinated with the Superintendent of Village Streets Department. This includes but is not limited to such actions as trenching, excavating, fencing and hardscaping.

VIII. Tree Management

- A. Tree Protection: In order to maintain the Village trees, protection of maturing and mature trees shall a priority. This is to include:
1. The Village shall have the right to plant, prune, maintain and remove trees in public areas, consistent with the approved Village Tree Plan, or as may be necessary to ensure public safety.
 2. No person other than those authorized by this local law or authorized by properly executed permit (Appendix B), shall trim, prune, climb, injure or remove any living tree from any public area or cut or break any branch or root thereof nor place paving or other hard surfacing over the area surrounding the roots of a tree located in a public area.
 3. The accidental severe damaging or killing of a public tree during the course of construction activity or utility activity shall be treated as a "REMOVAL" and be subject to actions per the removal section of this ordinance.
- B. Tree Topping: Except as otherwise provided in the "Permits" section of this local law, it shall be unlawful for any person, firm, corporation, public utility, or Village department, to any street tree or park tree, or any tree on public land within the Village. Trees severely damaged by storms or other causes, or certain trees under utilities where pruning practices are impractical, may be exempt from this section of this local law upon the joint determination of the Superintendent of Village Streets Department and the Village Tree Committee.

C. Tree Removal:

1. It shall be a violation of the provisions of this section for any person to remove, without property executed permit, any tree located in a public area.
2. The Village shall have the right to remove or cause the removal, without permit, tree or trees in public areas consistent with the Village Tree Plan and as may be necessary to ensure public safety.
3. Trees removed by the Superintendent of Village Streets Department and the Village Tree Committee or by natural causes shall be replaced on a one-for-one basis within one year of the removal.
4. The Village shall have the right to request the removal of any dead or diseased tree on private property within the Village, when such tree constitutes a hazard to life and property or has an insect or disease which constitutes a potential threat to other trees within the Village. The Village must give written notice to the owner of such trees. Action shall be taken by said owner within 60 days after the notification. In the event of failure of the owners to comply with such notice, the Village may take the authority to remove such tree or trees and charge the cost of the removal on the owner's property tax notice.

D. Stump Removal: All stumps of removed street and park trees in public places shall be ground to a minimum of 6 inches depth below the surface of the ground. All grindings shall be removed. The stump hole shall be filled with subsoil and top soil so to be level with the surface of the ground after settling.

E. Pruning:

1. The Village shall have the right to prune street trees and park trees located in public areas as enumerated in the Village Tree Plan or as may be necessary to ensure public safety or to preserve or enhance the symmetry and beauty of such public area.
2. All pruning work on Village street and park trees shall be completed by qualified personnel in accordance with the International Society of Arboriculture "Tree Pruning Guidelines," 1995 and ANSI A300-1995 for Tree Care Operation, Tree, Shrub and other Woody Plant Maintenance Standard Practices both as amended.
3. Village residents must obtain a permit (Appendix B) per this ordinance prior to performing any pruning of trees in public areas. This pruning section of the local law must be adhered to when Village residents do or cause such pruning to be done. When Village residents do the pruning, the cost shall be borne by the resident.
4. General Specifications:
 - a. No more than 25% of the live crown shall be removed unless limbs present a hazard.
 - b. All cuts shall be made with sharp pruning tools as close as possible to the branch or parent limb, without cutting into the branch collar or leaving a protruding stub.
 - c. Drop crotch pruning should be avoided.

- d. Safety pruning is to alleviate hazards, prune storm damage, provide adequate clearance for permanent structures or elevate for under canopy clearance.
 - e. Maintenance pruning is to alleviate hazards, improve structural integrity, thin to improve light distribution, and to decrease wind resistance and improve tree health.
 - f. Training pruning is to promote a single central leader, strong scaffold branch structure and suitable permanent branch selection for clearance requirements at maturity of vigorously growing trees.
 - g. Generally branches which rub, abuse or cross a more important limb should be removed.
- E. Tree Species: The Village Tree Committee develops and maintains a list of desirable trees for planting along streets in two size classes based upon mature height: small (under 20 feet in height) and medium and large (over 20 feet in height). See Appendix C, as amended of this Local Law.
- F. Tree Spacing:
1. Spacing between new Street Trees shall be no closer than the following: (a) for smaller trees – 15 feet; (b) for medium and large trees – 25 feet.
 2. Distance from curb and sidewalk: The distance new trees may be planted from curbs or curb lines and sidewalks will be in accordance with the species listed in Appendix C as amended of this local law and no new trees may be planted closer to any curb or sidewalk than the following: small trees – 2 feet; medium trees – 3 feet; and large trees – 4 feet.
 3. Distance from street corners: No new trees shall be planted closer than 35 feet of any street corner, measured from the point of nearest intersecting curbs or curb lines.
 4. Utilities: No new street trees other than those listed as small trees in Appendix C as amended of this ordinance may be planted under or within 10 lateral feet of any overhead utility wires, or over or within 5 lateral feet of any underground water, sewer or telephone line.
 5. Street trees on private property: No new tree shall be planted by the Village on private property within 8 feet of a sidewalk and in a location where the tree's expected mature height would equal to the height of the overhead high voltage wires.

IX. Harming Public Trees Forbidden

It shall be a violation of this local law for any persons to abuse, destroy or mutilate any tree, plant or shrub in a public area or to attach or place a rope, wire (other than one used to support a young or broken tree), sign, poster, handbill or other things to on any tree growing in a public area.

X. Interference's

No person, firm or corporation shall interfere with the Superintendent of the Village Street Department or persons acting under his authority while engaged in planting, mulching, watering, fertilizing, pruning or removing any tree, plant or shrub in any public area within the village.

XI. Enforcement

The Village Police, acting upon the complaint of either the Superintendent of the Village Street Department or the Village Code Enforcement Officer, shall be authorized to issue notice to appear before the Town Justice to persons or commercial enterprises through to be in violation of this Local Law. The Village Attorney is hereby authorized to appear on behave of the Village.

XII. Penalties

Every violation by any person, firm, association or corporation of any of the provisions of this local law shall be deemed as to be an offense thereof, such person, firm, association or corporation if found guilty of violation of the Local Law shall be subject to a fine as follows:

- A. First offense not to exceed \$250.00
- B. Second offense not to exceed \$430.00
- C. Third offense not to exceed \$450.00

(Civil penalties not to exceed \$350.00 per tree)

XIII. Review Process

Any Village property owner may appeal any ruling or order of the Village Street Department or the Village Tree Committee to the Village Board which may hear the appeal and make the final decision relative to the appeal.

XIV. Emergencies/Hazards

- A. Upon determination by the Village Street Department Superintendent that a specific private tree constitutes a public hazard, he shall give written notice to the owner of the property upon which said hazard exists to trim, remove or otherwise control such tree in such a manner that will abate such hazard. Failure to comply

with such written notice within 15 days thereafter is a violation of this local law. The review process does apply to this section.

- B. In the event of an emergency or imminent danger to life or property, the provisions of this local law relating to permit applications shall not be applicable.

XV. Permits

The purpose of this clause is to provide for Village review and approval of any activity which could be detrimental to public trees or result in a net loss of trees.

- A. Activities that require permits:
 1. A Village property owner seeking to maintain Street Trees adjacent to the owner's property. (This work would be done at the owner's expense.)
 2. A Village property owner desiring to do grading or trenching near Street Trees.
 3. A Village property owner desiring to install pavement, brick pavers or other hardscape materials over Street Tree root zones.
 4. A Village property owner seeking permission to maintain or remove a specifically designated heritage, historic, or landmark tree on private property.
 5. A Village property owner seeking to plant a tree/trees in a public right-of-way.
 6. The Village as part of its Tree Plan wishing to obtain a non-exclusive planting easement from a Village property owner for permission to plant an appropriate tree (from Appendix C) in the area between the inside edge of the sidewalk (or where that would be located) to either the front of the building or the back property line whichever is the case.
- B. The Superintendent of the Village Street Department may grant a permit or a permit with conditions for XI 1 and 5 providing: (a) the property owner has established to the Superintendent's satisfaction there is a need for the work; (b) that the persons who are to perform the work are qualified to do so; and (c) that any potential detriment to the Village Street Tree population detailed by the proposed work is justified on an individual case.
- C. The Village Code Enforcement Officer, subject to the approval of the Superintendent of the Village Street Department, must approve a permit or a permit with conditions for XV 2 and 3 providing: (a) the property owner has established to the Superintendent's and Code Enforcement Officer's satisfaction there is a need for the work; (b) that the persons who are to perform the work are qualified to do so; (c) that any potential detriment to the Village Street Tree population detailed by the proposed work is justified on an individual case; and (d) that utility location restrictions have been met.
- D. Copies of the approved permits will be forwarded by the Village Clerk to the Village Tree Committee within five working days.

- E. All work performed on Village Street Trees pursuant to a permit issued under this section shall be completed within a sixty day period from the issuance of said permit.
- F. For any such permit granted under this section, except XV, 6, the cost shall be borne by the property owner and such service shall not be performed by the Village.

XVI. Severability

Should any part or provision of this local law be declared by a court of competent jurisdiction to be invalid, the same shall not affect the validity of the local law as a whole or any part thereof other than the part held to be invalid.

XVII. Evaluation

The Village Tree Committee shall collect and maintain records and data necessary to objectively evaluate whether progress is being made toward the stated purpose as listed in Section III, Purpose and Intent, of this local law. The annual evaluation shall be submitted in conjunction with the submittal of the Comprehensive Village Tree Plan as required by Section VII C, Responsibilities of the Tree Committee, of this local law.

XVIII. Disclaimer

Nothing contained in this local law shall be deemed to impose any liability upon the Village, its employees, its Board of Trustees or the Village Tree Committee, nor to relieve the owner of any private property from the duty to keep any tree, shrub or plant upon his property or under his control in such condition as to prevent it from constituting a hazard or an impediment to travel or vision upon any street, sidewalk, park, alley or public place within the Village.

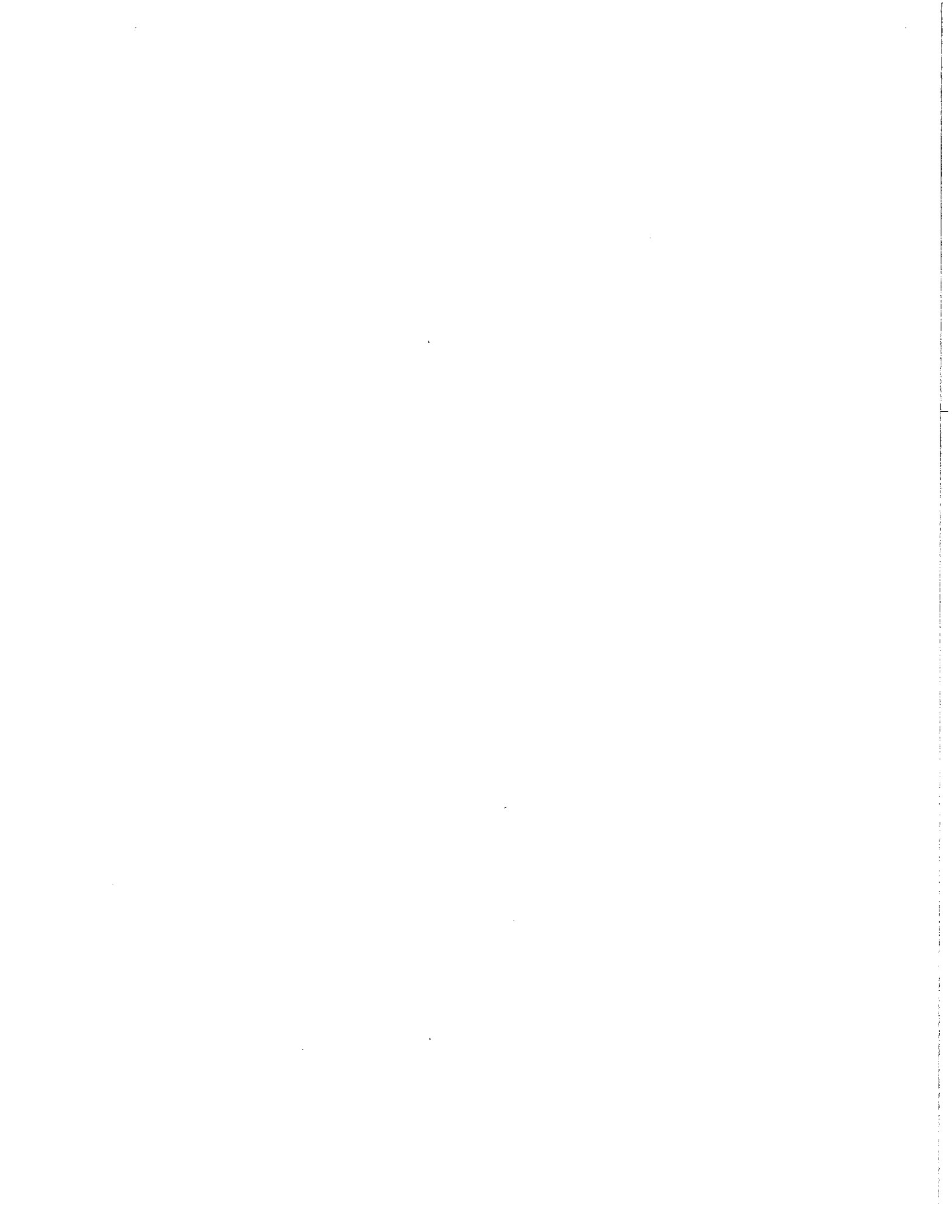
XIX. Effective Date

Approved April 23, 2002 Supersedes Municipal Code Article VI sections 44.61, 44.62, 44.63 and 44.64, 1995

This local law becomes effective upon filing with the Secretary of the State of New York.

XX. Appendixes:

- A. Easement Form
- B. Permit Form
- C. Approved Trees List



**VILLAGE OF GOWANDA LOCAL TREE LAW
APPENDIX A**

NON-EXCLUSIVE PLANTING EASEMENT

**VILLAGE OF GOWANDA HIGHWAY DEPARTMENT
PERMISSION TO PLANT TREE**

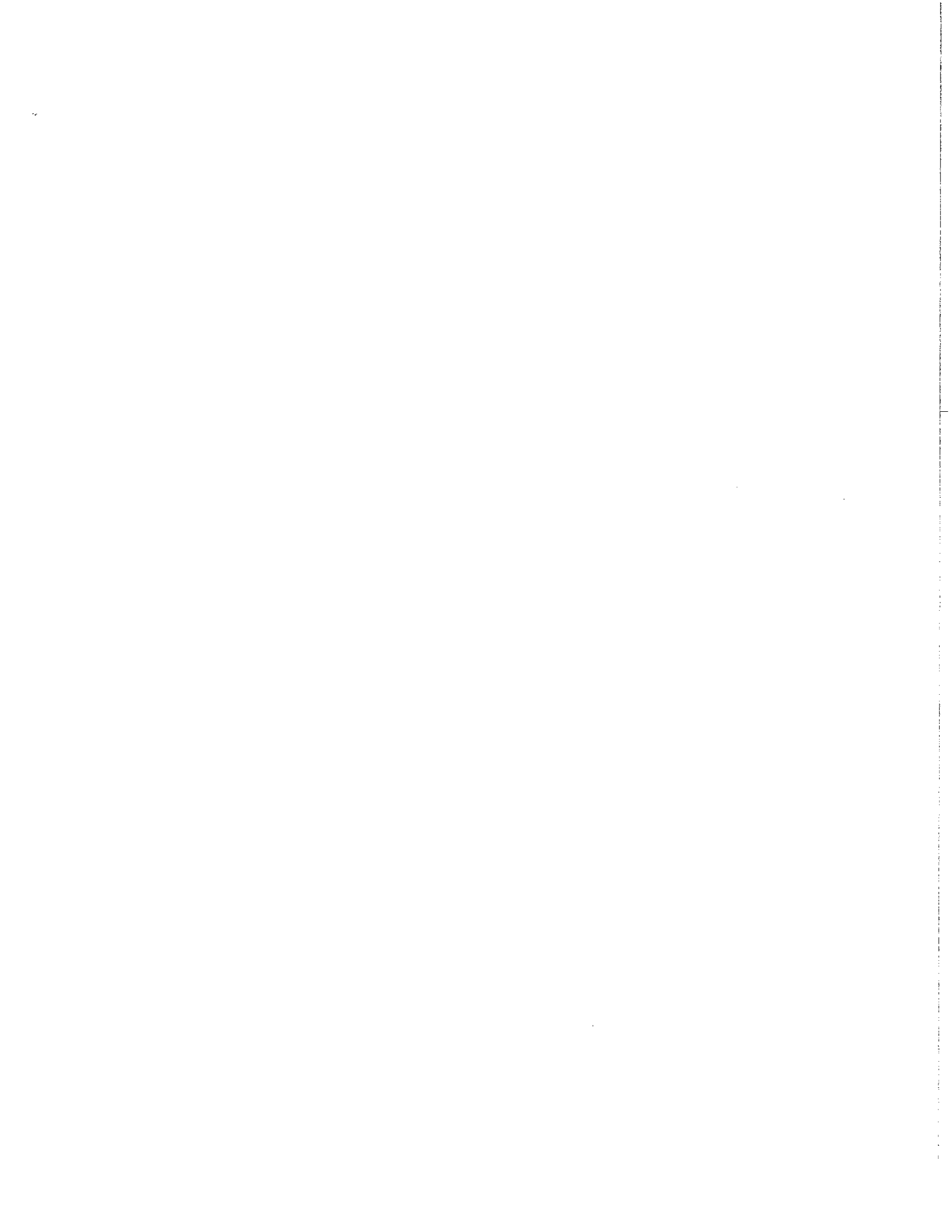
The undersigned owner of private lands located at (address): _____

herby grants permission and gives consent to the Superintendent of the Village of Gowanda Highway Department to plant tree(s) on (my) (our) premises in connection with the tree planting local law and plan for the Village of Gowanda.

This permission is granted with the understanding that such work shall be limited to an area within 12 (twelve) feet of the right-of-way, (I) (We) agree that the Village shall be liable for the maintenance, replacement, or removal of such tree(s). (I)(We) further agree that the Village of Gowanda Highway Department may enter (my) (our) premises, through said Department's agents or contractors to perform normal maintenance or replacement as required. (I)(We) will obtain written permission from said Department and per the Village Local Tree Law before causing said tree(s) to be removed.

In the Presence of:

Dated _____



**VILLAGE OF GOWANDA LOCAL TREET LAW
APPENDIX B**

TREE PLANTING, MAINTENANCE, REMOVAL PERMIT

**VILLAGE OF GOWANDA PROPERTY OWNER
PERMIT REQUEST**

The undersigned owner of private lands located at (address): _____

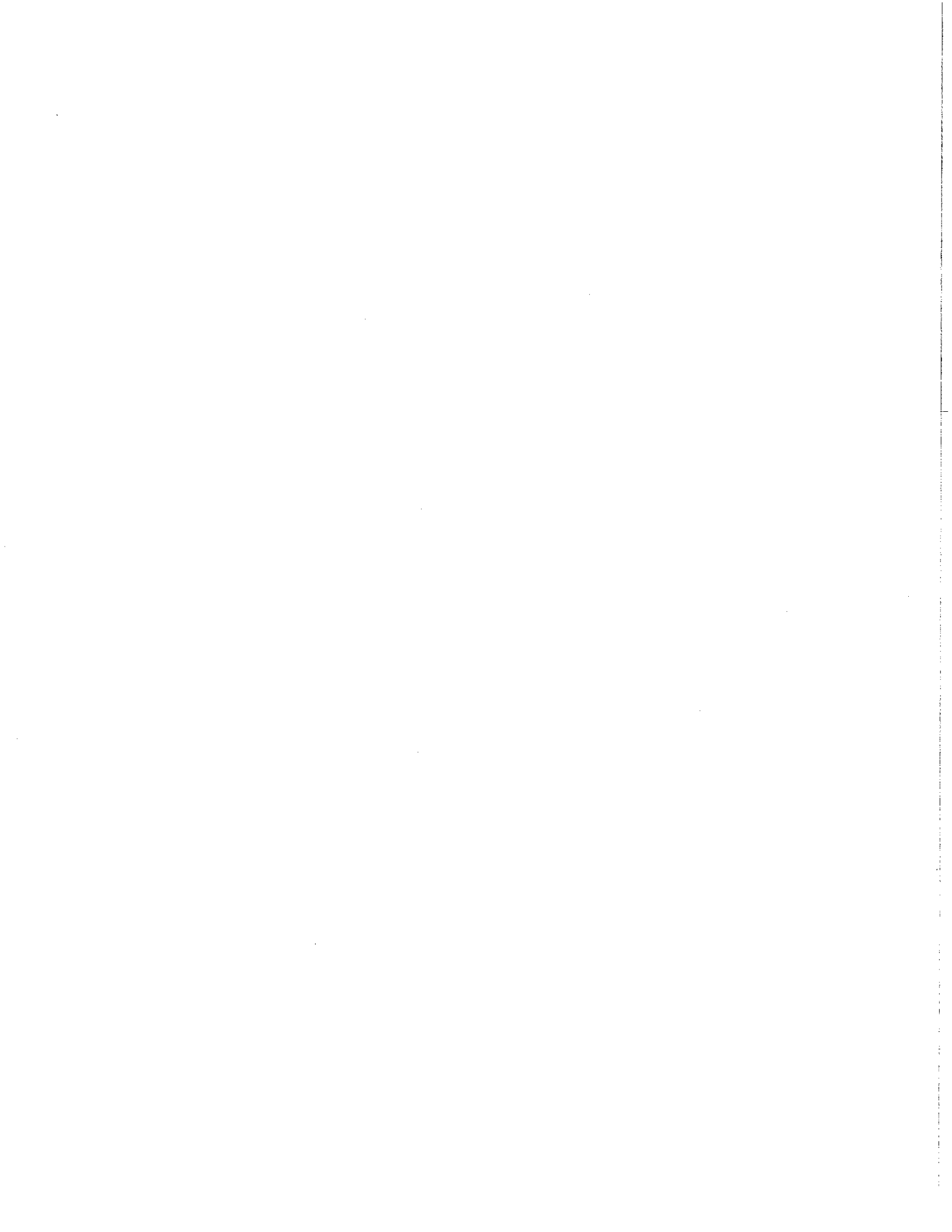
herby requests permission to (check appropriate box):

- Plant Street Tree(s) in the public right-of-way per the Village Local Tree Law.
- Maintain a Street Tree(s) adjacent to owner's property (in tree lawn).
- Grade or trench near a Street Tree (must have utility approvals first).
- Install hardscape over Street Tree(s) root zone.
- Maintain a tree on owner's property that has been designated a "Landmark" Tree.
- Remove a Street Tree(s) adjacent to owner's property (in tree lawn).
- Remove a tree on owner's property that has been designated a "Landmark" Tree.

Property Owner: _____

Dated _____

Attachments: _____



APPENDIX C VILLAGE OF GOWANDA APPROVED TREE LIST

Shape: R = Rounded; U = Upright; V = Vase; C = Columnar

Branching: D = Dense; O = Open

Leaf: C = Coarse; F = Fine

SPECIES	CULTIVAR	COMMON NAME	DESIGN GROUP	RESTRICTIONS
<i>Small Trees: Under wires</i>				
Acer campestre		Hedge Maple	RDF	Park Only
Acer tartaricum		Tartarian Maple	UD	Salt Sensitive
Amelanchier	Various	Serviceberry*	UD	
Carpinus caroliniana		American Hornbeam*	RDF	
Cornus florida		Flowering Dogwood*	R	Park Only
Cornus kousa		Kousa Dogwood	V	Park Only
Cornus mas		Cornelian Cherry Dogwood		Park Only
Corylus Colurna		Turkish Filbert		Trail Only
Crataegus punctata inermis	Ohio Pioneer	Ohio Pioneer Thornless Hawthorn	RD	Park Only
Maackia amurensis		Amur Maackia	RO	
Malus (disease resistant)	Harvest Gold	Crabapple	UD	
Malus (disease resistant)	Snowdrift	Crabapple	RDF	
Prunus species	Various	Flowering Cherry	V	
Sorbus intermedia		Swedish Mountain Ash	RDC	
Syringa reticulata	Ivory Silk	Japanese Tree Lilac	UD	
<i>Medium to Large Trees: Somewhat Restricted Underground and Overhead</i>				
Acer rubrum	Red Sunset	Red Maple*	RDC	Salt Sensitive
Acer psuedoplatanus		Sycamore Maple	RDG	
Aesculus x carnea		Red Horse Chestnut	RO	
Betula nigra	Heritage	Heritage River Birch		Park Only
Carpinus betulus	Fastigata	European Hornbeam	UD	

*Native

SPECIES	CULTIVAR	COMMON NAME	DESIGN GROUP	RESTRICTIONS
Celtis occidentalis	Prairie Pride	Hackberry	RDF	
Cercidiphyllum japonica		Katsura, Tree	UD	
Fraxinus Americana	Several	White Ash*	UO	
Fraxinus pennsylvanica	Several	Green Ash*	RDF	
Ginkgo Biloba	Male Only	Maidenhair Tree	UO	
Gleditsia triacanthos, inermis	Shademaster	Thornless Honeylocust*	RO	
Gymnocladus dioicus		Kentucky Coffeetree	RO	
Oystra virginiana		American Hophornbeam *	UD	
Phellodendron amurense	Male	Amur Corktree	RO	
Prunus sargentii		Sargent Cherry	UD	
Pyrus calleryana	Several	Callery Pear	UO/D	
Quercus coccinea		Scarlet Oak	UO	
Quercus muehlenbergii		Chinkapin Oak*	RO	
Quercus robur	Fastigata	English Oak	C	
Styphnolobium japonica	Regent	Scholar Tree	RDF	Park Only
Ulmus parvifolia	Dynasty/ Kings Choice	Chinese Elm	RDF	Disease resistant
Medium to Large Trees: Ample Underground and Overhead Spaces				
Acer rubrum	October Glory	Red Maple*	RDC	Salt Sensitive; Park Only
Liquidambar styraciflua		Sweetgum*	UD	Salt sensitive
Liriodendron tulipifera		Tulip Tree*	UD	Salt Sensitive; Park Only
Platanus x acerifolia	Bloodgood	London Plane Tree	RDC	
Quercus bicolor		Swamp White Oak*	ROC	Salt Sensitive
Quercus palustris		Pin Oak*	UD	Salt Sensitive
Quercus rubra		Northern Red Oak*	ROC	
Tilia Americana	Redmond	Basswood*	UD	Salt Sensitive; Park Only
Tilia tomentosa		Silver Linden	RDF	Salt Sensitive
Ulmus parvifolia	Sapporo Autumn Gold	Chinese Elm	V	

*Native

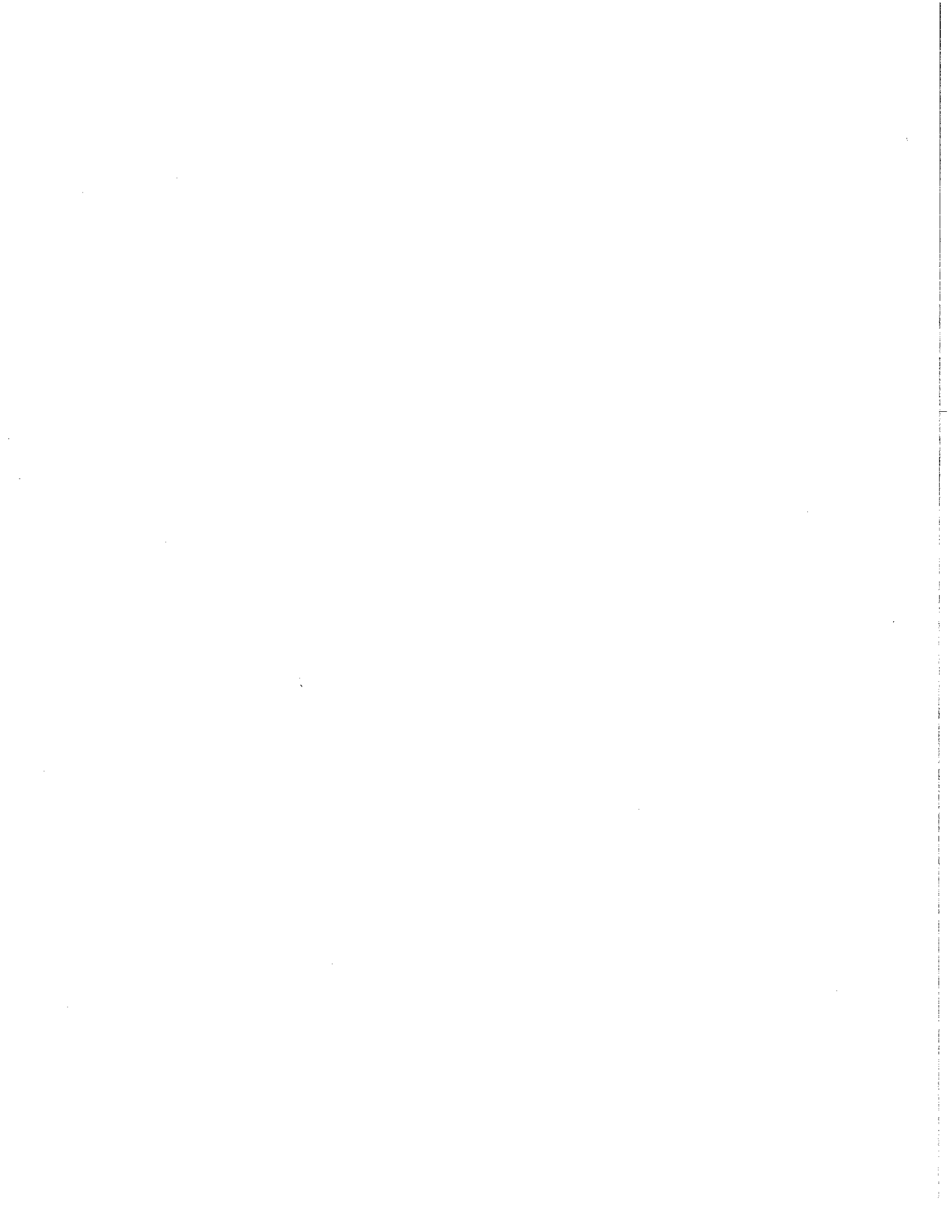
SPECIES	CULTIVAR	COMMON NAME	DESIGN GROUP	RESTRICTIONS
Park Trees: Few Restrictions				
Acer Platanoides		Norway Maple	RDC	
Acer Saccharum	Several	Sugar Maple	RDC	Salt Sensitive
Acer		Weeping Japanese Maple		
Picea species		Spruces (Serbian, Norway, etc.)		
Pinus species		Pines (White, etc.)*		
Quercus macrocarpa		Bur Oak*	ROC	
Quercus robur		English Oak	ROC	
Quercus rubra		Northern Red Oak*	ROC	
Tsuga Canadensis		Hemlock*		
Ulmus species	Several	Elm Hybrids	V	Disease Resistant
Zelkova serrata	Several	Japanese Zelkova	Medium V	

*Native

High Hazard Trees for the Village of Gowanda

High hazard species grow quickly and compartmentalize wounds poorly. For these reasons, they tend to fail more often than other species.

SPECIES	CULTIVAR	COMMON NAME	DESIGN GROUP	RESTRICTIONS
Acer saccharinum		Silver Maple		
Acer negundo		Boxelder Ash-leaf Maple		
Ailanthus altissima		Tree of Heaven		
Fagus Species	Several	Beech		Disease Prone
Populus deltoids		Cottonwood		
Populus tremuloides		Quaking Aspen		
Salix spp		Willows		
Ulmus pumila		Siberian elm		



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

County
City of GOWANDA
Town
Village

Local Law No. 1 of the year 1997

A local law Increasing License Fees and Prohibiting Open Burning
(Insert Title)

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

County
City of GOWANDA
Town
Village as follows:

Section 16.6 of the Village of Gowanda Municipal Code is amended to add the following:

The fee for a permit under this section shall be a one-time fee of \$25.00

Section 26.34 of the Municipal Code is amended to add Section 26.34A (d) as follows:

For an accessory building not on a permanent foundation - \$10.00

Chapter 76 of the Municipal Code is added as follows:

Section 76 - Title - this chapter may be cited as the Open Burning Local Law of the Village of Gowanda

Section 76.2 - Definitions - as used in this chapter unless the context or subject matter otherwise requires:

The definitions of garbage, refuse, trash or ashes are the same as contained in Section 72.2 of the Municipal Code.

Section 76.3 Open Burning Prohibited

A. Burning

Causing, suffering, allowing or permitting open burning of garbage, refuse, trash or ashes without a permit from the New York State Department of Environmental Conservation is prohibited in the Village of Gowanda

B. Penalty

Each violation of Section 76.3A shall constitute a violation pursuant to the Penal Law. The fine for a first violation under this chapter shall be \$75.00, the fine for a second violation, \$150.00; and a third violation, \$300.00

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



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

County
City of GOWANDA
Town
Village

Local Law No. 2 of the year 19 97

A local law AMENDING THE ZONING MAP OF THE VILLAGE OF GOWANDA ON ALDRICH
(Insert Title) STREET EXTENSION

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

County
City of GOWANDA as follows:
Town
Village

SECTION 1. AMENDING ZONING MAP

The Zoning Map of the Village of Gowanda is hereby amended and changed so that the following described property reputedly owned by William Gugino and heretofore occupied as a vacant parcel located in an R-2 District, Residential District, is hereby reclassified to the B-1 District, General Business District:

ALL THAT TRACT OR PARCEL OF LAND situate in the Village of Gowanda, Town of Collins, County of Erie and State of New York, bounded and described as follows:

BEGINNING in the eastern boundary line of Aldrich Street Extension at its intersection with their rear lot line of the houses on Caroline Road; thence easterly along the rear lot lines of the houses on Caroline Road a distance of 210 feet; thence southerly at right angles a distance of 190 feet; thence westerly a distance of 210 feet to the easterly boundary line of Aldrich Street Extension; thence northerly along the eastern boundary line of Aldrich Street Extension 190 feet to the point or place of beginning.

SECTION 2. ADDITIONAL REQUIREMENTS ON B-1 DISTRICT CLASSIFICATION

- A. Applicant to submit plan to the Village Building Inspector concerning the landscape area between the rear yards of Caroline Road and the property to be rezoned for a buffer. No construction of any building shall be closer to the rear lot line of the residents on Caroline Road than ten feet.
- B. Permitted use is a funeral home.

SECTION 3. EFFECTIVE DATE

This Local Law shall take effect upon filing with the Secretary of State.

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 1997 of the ~~(County)(City)(Town)~~(Village) of GOWANDA was duly passed by the Village Board on June 24, 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ and was deemed duly adopted on _____ 19____, (Elective Chief Executive Officer*) in accordance with the applicable provisions of law.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was (Elective Chief Executive Officer*) submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 19____ in accordance with the applicable provisions of law.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after (Name of Legislative Body) disapproval) by the _____ on _____ 19____. Such local law was subject to (Elective Chief Executive Officer*) permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.~~

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

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 19 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the ~~(special)~~(general) election held on _____ 19 _____, became operative.

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19 _____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 19 _____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
KATHLEEN V. MOHAWK

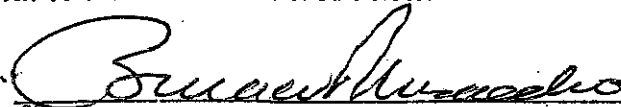
Date: June 25, 1997

(Seal)

(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 CATTARAUGUS

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


Signature BRUCE W. MUSACCHIO

Village Attorney
Title

County _____
City _____ of GOWANDA
Town _____
Village _____

Date: June 25, 1997



**Village of Gowanda
Local Law No. 1 of the year 2012**

A local law authorizing a property tax levy in excess of the limit established in General Municipal Law §3-c.

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Gowanda to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law §3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Gowanda, County of Cattaraugus/Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2012 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-2.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm, or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm, or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective Date

This local law shall take effective upon filing with the Secretary of the State.

Local Law Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 1 of the year 20 12

A local law Authorizing a Property Tax Levy in Excess of the Limit
(Insert Title)

Established in General Municipal Law §3-c

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

County City Town Village
(Select one.)

of Gowanda as follows:

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 20 12 of the ~~(County)(City)(Town)~~(Village) of Gowanda was duly passed by the Village of Gowanda Board of Trustees on March 27, 2012, in accordance with the applicable provisions of law.

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

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

3. (Final adoption by referendum.)

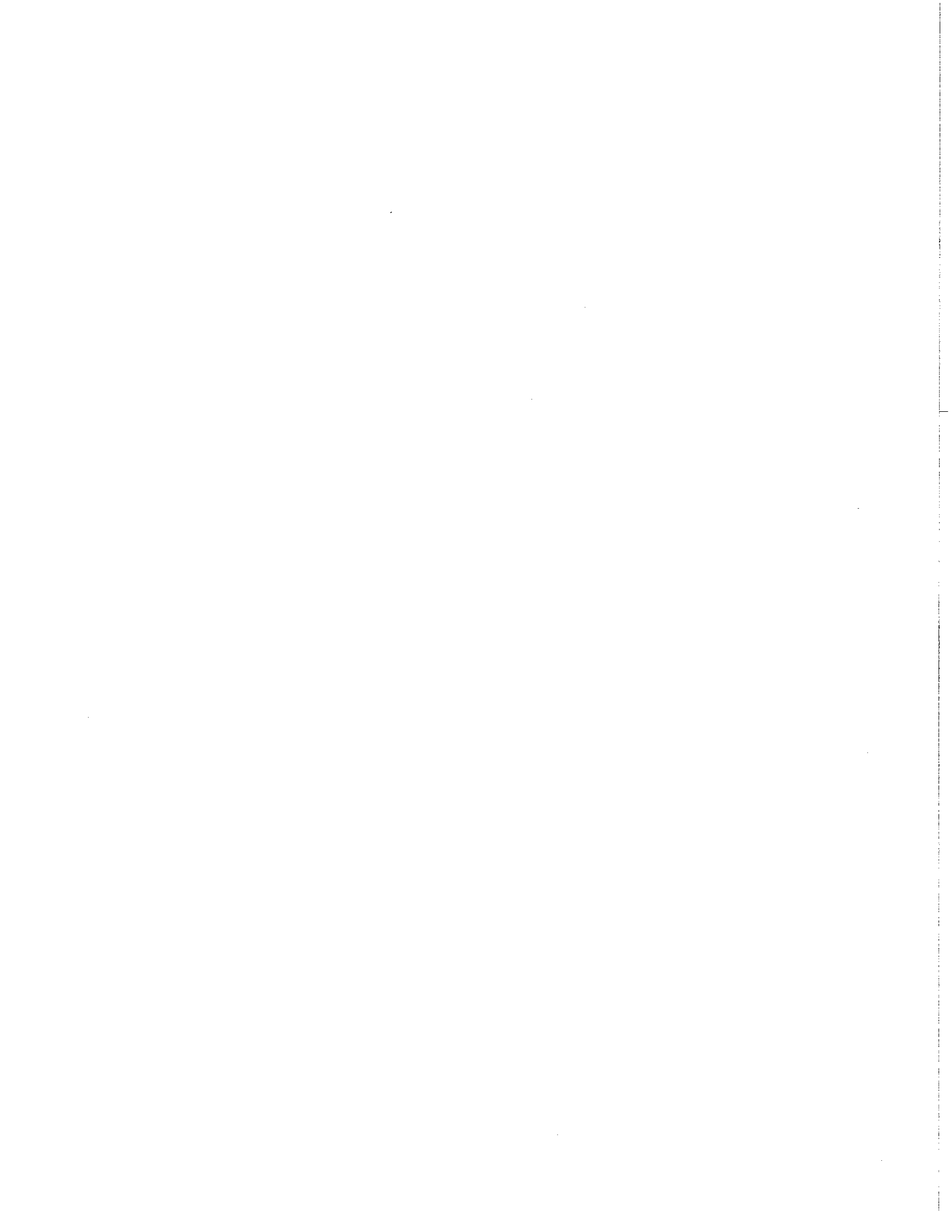
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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



LOCAL LAW NO. 2 OF THE YEAR 2012

VILLAGE OF GOWANDA

A LOCAL LAW AMENDING CHAPTER 60 ENTITLED "TRAFFIC AND VEHICLES" OF THE VILLAGE OF GOWANDA MUNICIPAL CODE.

BE IT ENACTED by the Board of Trustees of the Village of Gowanda, New York as follows:

SECTION 1. Amending Chapter 60 of the Municipal Code that Chapter 60 entitled "Traffic and Vehicles: is amended as follows:

That §60.32 entitled "Maximum school speed limits" is hereby amended to read as follows:

§60.32 Maximum speed limits in the following designated areas:

Maximum speed limits at which vehicles may proceed on or along highways within the Village per New York State Vehicle and Traffic Law, Section 1643, are hereby established as follows:

- A. Twenty-five (25) miles per hour on Aldrich Street between the intersections of College Street and St. Jon's Street playground adjacent to said street.
- B. Twenty-five (25) miles per hour on East Main Street from the intersection of Routes 39 and 62 to the intersection of Perry Street.
- C. Twenty-five (25) miles per hour on North Water Street from North Chapel Street to Aldrich Street, alongside Hillis Field.

Section 2. EFFECTIVE DATE.

This local law shall take effect immediately on December 11, 2012 after filing in the office of the Secretary of State.

Local Law Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 2 of the year 20 12

A local law Amending Chapter 60 Entitled "Traffic and Vehicles" of the
(Insert Title)
Village of Gowanda Municipal Code

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

County City Town Village
(Select one.)

of Gowanda as follows:

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

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

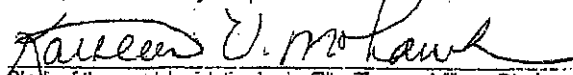
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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.

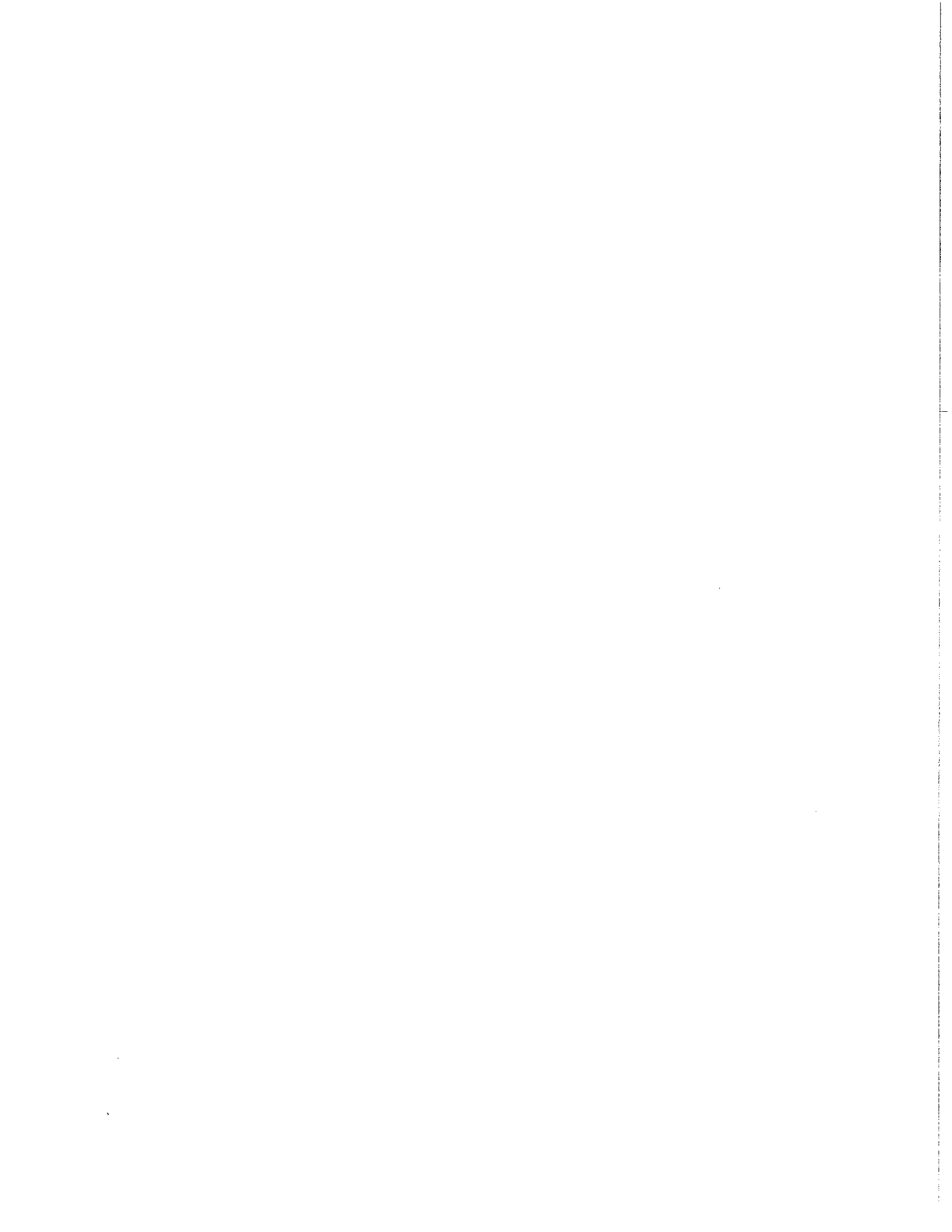
~~(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)~~

~~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: January 11, 2013



Local Law No. 1 of the year 2013

Village of Gowanda

County of Cattaraugus/Erie

**A local law authorizing a property tax levy in excess of the limit established in
General Municipal Law §3-c**

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Gowanda to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Gowanda, County of Cattaraugus/Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2013 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

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

Local Law Filing

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

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

- County
- City of Gowanda
- Town
- Village

Local Law No. 1 of the year 20¹³

A local law Authorizing a Property Tax Levy in Excess of the Limit
(Insert Title)
Established in General Municipal Law §3-c

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

- County
- City of Gowanda as follows:
- Town
- Village

(Delete this line of text and enter text of local law here)

(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. 1 of 20 13 of the ~~(County)(City)(Town)~~(Village) of Gowanda was duly passed by the Board of Trustees on March 26 20 13, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general) (special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

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

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

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

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

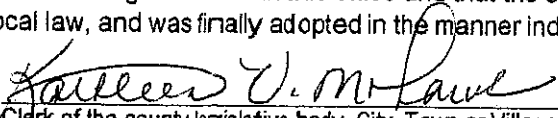
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 _____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1, above.


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

Date: April 3, 2013

(Seal)

(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 _____

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

Signature

Title

County _____
City of _____
Town _____
Village _____

Date: _____

LOCAL LAW NO. 2 OF THE YEAR 2013

A LOCAL LAW PER REAL PROPERTY TAX LAW, §1402(3)

RELATING TO THE TERMINATION OF THE VILLAGE OF GOWANDA

AS AN ASSESSING UNIT

A local law relating to the termination of the Village of Gowanda as an assessing unit for Village real property tax purposes.

Section 1. Legislative intent. The intent of the Board of Trustees of the Village of Gowanda 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 this 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 Gowanda.

Section 2. On or after the effective date of this local law, the Village of Gowanda shall cease to be an assessing unit.

Section 3. The position of Assessor in the Village of Gowanda is hereby abolished.

Section 4. The Board of Assessment Review in the Village of Gowanda is hereby abolished.

Section 5. On or after the effective date of this local law, taxes in the Village of Gowanda shall be levied on a copy of the applicable part of the assessment rolls of the Towns of Collins and Persia with the taxable status date of such Towns controlling for village purposes.

Section 6. Within five days of the effective date of this local law, the Board of Trustees of the Village of Gowanda shall file a copy of such local law with the Clerk and Assessor of the Towns of Collins and Persia and with the Office of Real Property Tax Services.

Section 7. This 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 Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 2 of the year 2013

A local law per Real Property Tax Law §1402(3) Relating to the
(insert title)
Termination of the Village of Gowanda as an Assessing Unit

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

County City Town Village
(Select one.)

of Gowanda as follows:

(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. 2 of 20 13 of the ~~(County)(City)(Town)~~(Village) of Gowanda was duly passed by the Board of Trustees on May 28 20 13, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20 _____, in accordance with the applicable provisions of law.

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 20 13 of the ~~(County)(City)(Town)~~(Village) of Gowanda was duly passed by the Board of Trustees on May 28 20 13, and was (approved)(not approved) *(Name of Legislative Body)* ~~(repassed after disapproval)~~ by the Mayor of the Village of Gowanda on May 28, 2013. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of June 4, 20 13, in accordance with the applicable provisions of law.
(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.)~~

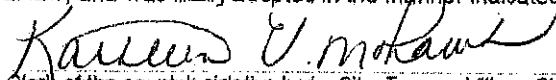
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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 4 above.


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

Date: 6/6/2013

(Seal)

LOCAL LAW NO. 3 OF THE YEAR 2013
A LOCAL LAW PER REAL PROERTY TAX LAW, §1402(3)
RELATING TO THE TERMINATION OF THE VILLAGE OF GOWANDA AS
AN ASSESSING UNIT

A local law relating to the termination of the Village of Gowanda as an assessing unit for the Village real property tax purposed.

Section 1. Legislative intent. The intent of the Board of Trustees of the Village of Gowanda 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 Law. It is also the intent of this 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 Gowanda.

Section 2. On or after the effective date of this local law, the Village of Gowanda shall cease to be an assessing unit.

Section 3. The position of Assessor in the Village of Gowanda is hereby abolished.

Section 4. The Board of Assessment Review in the Village of Gowanda is hereby abolished.

Section 5. On or after the effective date of this local law, taxes in the Village of Gowanda shall be levied on a copy of the applicable art of the assessment rolls of the Town of Collins and Persia with the taxable status date of such Town's controlling for Village purposes.

Section 6. Within five days of the effective date of this local law, the Board of Trustees of the Village of Gowanda shall file a copy of such local law with the Clerk and Assessor of the Towns of Collins and Persia and with the Office of Real Property Tax Services.

Section 7. This 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 Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 3 of the year 2013

A local law per Real Property Tax Law §1402(3) Relating to the
(Insert Title)
Termination of the Village of Gowanda as an Assessing Unit

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

County City Town Village
(Select one.)

of Gowanda

as follows:

(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 13 of the ~~(County)(City)(Town)~~(Village) of Gowanda was duly passed by the Board of Trustees on May 28 2013, in accordance with the applicable provisions of law.

~~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.~~

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.

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. 3 of 20 13 of the ~~(County)(City)(Town)~~(Village) of Gowanda was duly passed by the Board of Trustees on May 28 2013, and was (approved)(not approved) (repassed after disapproval) by the Mayor of the Village of Gowanda on May 28, 2013. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of June 4, 2013, in accordance with the applicable provisions of law.

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

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

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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 4 above.

Kareem V. Mohamud
Clerk of the county legislative body, City, Town or Village Clerk or
officer designated by local legislative body

Date: 6/6/2013

(Seal)

Local Law No. 1 of the year 2014

Village of Gowanda

County of Cattaraugus/Erie

**A local law authorizing a property tax levy in excess of the limit established in
General Municipal Law §3-c**

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Gowanda to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Gowanda, County of Cattaraugus/Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2014 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

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

Local Law Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 1 of the year 20 14

A local law Authorizing a Property Tax Levy in Excess of the Limit

(Insert Title)

Established in General Municipal Law §3-c

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

County City Town Village
(Select one.)

of Gowanda

as follows:

(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. 1 of 20 14 of the ~~(County)(City)(Town)~~(Village) of Gowanda was duly passed by the Village Board of Trustees on April 29 20 14, 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____.
(Name of Legislative Body)
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (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.~~

Kathleen V. McKew

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

(Seal)

Date: May 1, 2014

Local Law Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 2 of the year 20 14

A local law Amending Chapters 30, 31 and 34 of the Village of Gowanda
(Insert Title)
Municipal Code

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

County City Town Village
(Select one.)

of Gowanda as follows:

In order to resolve ambiguities in the current laws, and in order to provide better guidance to elected and appointed officials in the Village of Gowanda as to their rights and duties of office when performing those duties in relation to the planning, building, and zoning of developments in the village, and

In order to provide better expectations to constituents of the community, business members in the community, and applicants who wish to improve the village with new developments, and

In exercise of the powers of the village to enact laws relating to its property,
Section 1

To remove the ambiguity in zoning regulations with respect to whether medical or dental facilities may be placed in business zones, the text of specific exclusions from business districts in Municipal Code Title III, Chapter 30, section 25, subsection (A)(14) shall be changed as follows: Any use not herein specified is not permitted: this includes but is not limited to conversion of the first floor business areas into individual or multiple dwelling areas, and including those uses that would fall under the Medical Facilities Districts due to the conducting of a business use permitted therein." (The underlined portion is an addition.)

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

Section 2

To improve the protections made by the village to its residents with respect to control over traffic, the text of uses which will require a specific special use permit in business districts in Municipal Code, Title III, Chapter 30, section 25, subsection (B)(l)(e) shall be changed as follows: “Unusual traffic hazards or congestion, due to type or number of vehicles required.” (The underlined portion is an addition.)

Section 3

To improve the understandability of what constitutes a medical facility, and remove any potential ambiguity which may have previously existed under the current code, the text of Medical Facilities in Municipal Code Title III, Chapter 30, section 29, subsection (A)(2) shall be changed as follows: “Medical and dentistry offices, or any office used to conduct practice of those businesses, such as a clinic or urgent care facility, including provisioning of mental health services and counseling.” (The underlined portion is an addition.)

Section 4

To improve the standards for parking requirements in the village, and to help alleviate parking issues which the village faces, the text of requirements for parking spaces that shall be made available by new developments in Municipal Code Title III, Chapter 30, section 29, subsection (F) shall be changed as follows: “Automobile storage and parking space shall be one space for each one-hundred fifty (150) [two-hundred fifty (250)] square feet of [above grade] building area, excluding building area used for such automobile storage and parking.” (The underlined portions are additions. The portions in brackets are removals.)

Section 5

To remove ambiguity about whether flood damage protections apply to new developments on lands that have experienced disaster level floods in Gowanda, the text of standards that apply to new developments of non-residential structures in Municipal Code Title III, Chapter 34, section 5, subsection 4 shall be changed as follows: “The following standards apply to new and substantially improved commercial, industrial and other non-residential structures where all or any of the same property is located in areas of special flood hazard ...” (The underlined portion is an addition.)

Section 6

In order to improve the communication between applicants for building permits and the village authorities involved during the application process, and in order to remove ambiguity regarding what constitutes an effective communication to the Village Board of Trustees before it must act on any application for a building permit, the text of the site plan review process in Municipal Code Title III, Chapter 31, section 25 shall be changed as follows: “Within forty-five (45)

calendar days of receipt by the Planning Board of a complete application for Site Plan approval, the Planning Board shall render its written recommendation to the Village Board ...” (The underlined portion is an addition.)

Section 7

In order to further improve the communication between applicants for building permits and the village authorities involved during the application process, and in order to remove ambiguity regarding what constitutes an effective communication to the Village Board of Trustees before it must act on any application for a building permit, the text of the site plan review process in Municipal Code Title III, Chapter 31, section 26 shall be changed as follows: “Within forty-five (45) calendar days of receipt of the written Code Enforcement Officer’s and the Planning Board’s written recommendations to the Site Plan, the Village Board shall ...” (The underlined portions are additions.)

Section 8

In order to improve communication between various advisors to the Board of Trustees and the Board, and between development applicants and the Board of Trustees, and between the applications and various advisors to the Board of Trustees, the text of the site plan decision process the Village Board of Trustees must follow in Municipal Code Title III, Chapter 31, section 26, subsection B as follows: “Decision on site plans. The time within which the Village Board must render its decision may be extended by mutual consent of the applicant and such Board. A site plan shall not be considered received by the Village Board until it has received the written recommendations of both the CEO and the Village Planning Board, or any Village official or office that the Village Board may reasonably provide it with advice related to the application, including the Village Engineer, the Village Attorney, the Village Flood Plain Administrator, the head of the Village’s emergency services or fire departments, or information from any State or local Agency or Department which will be involved in any part of the proposed development.

Further, those written recommendations shall be filed in the office of the Village Clerk and a copy thereof mailed to the applicant.” (The underlined portions are additions.)

Section 9

In order to improve communication between the Planning Board, the Village Board of Trustees, and an applicant for a building permit, the text of requiring planning board action in Municipal Code Title III, Chapter 31, section 25 shall be changed as follows: “This time period may also be extended by mutual consent of the applicant and the Planning Board. The Planning Board shall document such consent in writing, and the Planning Board may unilaterally extend the time period to require additional written documentation requested by the Planning Board related to any matter in §31.24(F) Review of Preliminary Site Plan.”

The Village Board may unilaterally extend this time period by request for writings or further evidence on any matter considered in the application before accepting the recommendation of the Planning Board. (The underlined portion is an addition.)

Section 10

In order to improve the Village Board of Trustees ability to comply with New York's comprehensive Environmental Quality laws and regulations, the text requiring village board action in Municipal Code Title III, Chapter 31, section 26, subsection D shall be added to as follows: "The good faith efforts of the Village Board to comply with the State Environmental Quality Act or its implementing regulations shall extend the time period during which the Village Board must render a decision under §31.26(B) of this Chapter." (The underlined portion is an addition.)

Section 11

In order to ensure a full and proper Planning Board review of changes that a development may bring to the village, the text of site plan requirements in Municipal Code Title III, Chapter 31, section 24, subsection F shall have the following portion removed: "[The Planning Board may at its discretion waive any preliminary requirements which are not relevant to the proposed use and site]." (The portion in brackets is removed.)

Section 12

In order to protect all village tax payers from extraordinary costs related to review of applications for building permits, the text of costs reimbursable to the village in Municipal Code Title III, Chapter 31, section 28 shall be changed as follows: "Cost incurred by the Planning Board, Village Board or the CEO for consultation fees or other extraordinary expense in connection with the review of a proposed Site Plan shall [may] be charged to the Applicant." (The underlined portion is an addition. The portion in brackets is removed.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. 2 of 2014 of the (County)(City)(Town)(Village) of Gowanda was duly passed by the Board of Trustees on June 17 2014, in accordance with the applicable provisions of law.

~~**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 _____ 2014, in accordance with the applicable provisions of law.~~

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (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.

~~**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.~~

* 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)~~

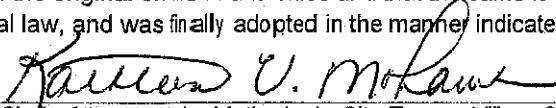
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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

Date: July 15, 2014

(Seal)

LOCAL LAW NO. 1 OF THE YEAR 2015

AMENDING CHAPTER 81 ENTITLED "PARTIAL TAX EXEMPTION FOR PERSONS OVER 65 YEARS OF AGE" OF THE VILLAGE OF GOWANDA MUNICIPAL CODE

SECTION 1. That Chapter 81 of the Municipal Code entitled, "PARTIAL TAX EXEMPTION" is amended as follows:

1. That subdivision A of section 81.2 entitled "Limitations on exemption" is hereby amended to read as follows:

A. If the income of the owner or the combined income of the owners of the property for the income tax year immediately preceding the date of making the application for exemption is:

\$18,500 or less	50% of assessed value exempt
\$18,501 but less than \$19,500	45% of assessed value exempt
\$19,501 but less than \$20,500	40% of assessed value exempt
\$20,501 but less than \$21,500	35% of assessed value exempt
\$21,501 but less than \$22,400	30% of assessed value exempt
\$22,401 but less than \$23,300	25% of assessed value exempt
\$23,301 but less than \$24,200	20% of assessed value exempt

Income tax year shall mean a twelve (12) month period for which the owner or owners filed a federal personal income tax return, or if no such return is filed, the calendar year. Where title is vested in either the husband or the wife, their combined income may not exceed such sum. Such income shall include social security and retirement benefits, interest, dividends, net rental income, salary or earnings and net income from self-employment, but shall not include gifts or inheritances.

SECTION 2. EFFECTIVE DATE

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

Local Law Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 1 of the year 20 15

A local law Amending Chapter 81 Entitled "Partial Tax Exemption for Persons
(Insert Title)
Over 65 Years of Age" of the Village of Gowanda Municipal Code

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

County City Town Village
(Select one.)

of Gowanda

as follows:

(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. 1 of 20 15 of the (County)(City)(Town)(Village) of Gowanda was duly passed by the Board of Trustees on December 18 2014, 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) _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(repassed after disapproval) by the _____ and was deemed duly adopted
(Elective Chief Executive Officer)*
on _____ 20 _____~~

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) _____ in accordance with the applicable provisions of law.
(Name of Legislative Body)
(repassed after disapproval) by the _____ on _____ 20____.
(Elective Chief Executive Officer)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

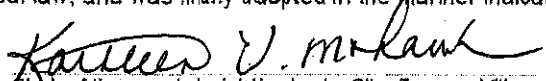
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



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

(Seal)

Date: December 31, 2014

LOCAL LAW NO. 2 OF THE YEAR 2015

WHEREAS, the Village of Gowanda Board of Trustees has considered the adoption of the Alternative Veteran's Exemption from Real Property Taxation under Section 458-a of the Real Property Tax Law (RPTL) of the State of New York, to be effective with the 2015 assessment rolls; and

WHEREAS, a public hearing was held on November 18, 2014 at 7:30 p.m. in the Village of Gowanda, New York, on said Local Law, and

WHEREAS, persons appeared to speak on said Local Law, and the Village Board has considered community input on the adoption of the Alternative Veterans Exemption;

NOW, THEREFORE, be it

RESOLVED, upon the recommendation of the Village of Gowanda Board of Trustees that the Village hereby adopts the Alternative Veterans Exemption pursuant to Real Property Tax Law Section 458-1 in the maximum exemption amounts allowable in Real Property Tax Law, Section 458-a (2), a, b, and c.

This Local Law revokes Local Law No. 3 of the year 1984 and replaces Chapter 82 entitled "Veteran's Alternative Exemption" with Local Law No. 5 of the year 2014.

This Local law shall take effect immediately upon filing with the Secretary of State.

Local Law Filing

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

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

County City Town Village

(Select one.)

of Gowanda

Local Law No. 2 of the year 20 15

A local law Adopting the Alternative Veterans Exemption pursuant to

(insert Title)

Real Property Tax Law Section 458-1

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

County City Town Village

(Select one.)

of Gowanda as follows:

(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. 2 of 2015 of the (County)(City)(Town)(Village) of Gowanda was duly passed by the Board of Trustees on December 18 2015, in accordance with the applicable provisions of law.

~~**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.~~

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.

~~**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.~~

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

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

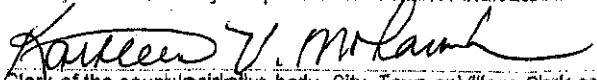
~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20 ____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.


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

(Seal)

Date: December 31, 2014

Local Law No. 3 of the year 2015

Village of Gowanda

County of Cattaraugus/Erie

**A local law authorizing a property tax levy in excess of the limit established in
General Municipal Law §3-c**

Section 1. Legislative Intent

It is the intent of this local law to allow the Village of Gowanda to adopt a budget for the fiscal year commencing June 1, 2015 that requires a real property tax levy in excess of the "tax levy limit" as defined by General Municipal Law § 3-c.

Section 2. Authority

This local law is adopted pursuant to subdivision 5 of General Municipal Law §3-c, which expressly authorizes a local government's governing body to override the property tax cap for the coming fiscal year by the adoption of a local law approved by a vote of sixty percent (60%) of said governing body.

Section 3. Tax Levy Limit Override

The Board of Trustees of the Village of Gowanda, County of Cattaraugus/Erie, is hereby authorized to adopt a budget for the fiscal year commencing June 1, 2015 that requires a real property tax levy in excess of the amount otherwise prescribed in General Municipal Law §3-c.

Section 4. Severability

If a court determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

Section 5. Effective date

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

Local Law Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 3 of the year 20 15

A local law authorizing a property tax levy in excess of the limit
(Insert Title)
established in General Municipal Law §3-c

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

County City Town Village
(Select one.)

of Gowanda as follows:

(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 2015 of the ~~(County)(City)(Town)(Village)~~ of Gowanda was duly passed by the Board of Trustees on April 14 2015, 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____.~~
(Name of Legislative Body)
(Elective Chief Executive Officer)*

~~Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.~~

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

~~I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (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.~~

Kathleen V. McKinnel
Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: *April 29, 2015*

(Seal)

LOCAL LAW # 4 - 2015

VILLAGE OF GOWANDA

MUNICIPAL CODE

LOCAL LAW GOVERNING WATER SERVICE

Effective: January 1, 2016

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CHAPTER 45

WATER SERVICE

SECTION 45-1 - DEFINITIONS

ACCEPTABLE BACKFLOW PREVENTION DEVICE:

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 such a device to be acceptable, it must be listed in the current New York State Department of Health list of Acceptable Backflow Prevention Devices.

AESTHETICALLY OBJECTIONABLE FACILITY:

Is one in which substances are present, which, if introduced into the potable water supply, could be a nuisance to other water customers but would not adversely affect human health. Typical examples of such substances are food grade dyes, hot water and stagnant water from fire lines in which no chemical additives are used.

AIR CONDITIONING SYSTEM:

Any combination of equipment, whether compressor or other type, by which heat is removed from the air of temperatures which are less than 60 degrees Fahrenheit and from which the accumulation of effluent heat is wholly or partially removed by the use of water.

AIR GAP SEPARATION:

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 any other device and the flooded level rim of the receptacle. The differential distance shall be at least double the diameter of the supply pipe, measured vertically, and in no case shall the air gap be less than (1) inch.

AUXILIARY WATER SUPPLY/PRIVATE WELL:

Any water supply, on or available to the premises, other than from the public water supply system. These auxiliary supplies may include water from natural sources such as a well, spring or stream.

CONTRACTOR:

A person or entity acceptable to the Village as qualified to perform the installation of water lines and appurtenances thereto.

CURB BOX:

The point of connection between a street lateral and a building lateral.

CURB STOP:

A valve accessible for operations from the surface of the ground for interrupting flow from the service lateral/street at the curb box.

CUSTOMER:

The word "Customer", as used herein, means the owner or the tenant contracting for or using water service on a single premise; and the word "Customers" means all so contracting for and using service.

CUSTOMER'S WATER SYSTEM:

The piping used to convey water supplied by the public water supply system throughout a customer's facility. The system shall include all those parts of the piping beyond the control point of the Village. The control point is either the curb valve or the main valve located in the public right-of-way that isolates the customer's facilities from the Village water distribution system.

CROSS CONNECTION:

A connection to a water supply, the source of which is other than the water lines owned by the Village. Cross connections without an approved backflow prevention device are unauthorized and illegal.

DUE DATE:

The date upon which a bill or notice indicates that payment is due.

HAZARDOUS FACILITY:

A facility, 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 examples are laboratories, sewage treatment plants, chemical plants, hospitals and mortuaries.

INTERCONNECTION:

An interconnection is a plumbing arrangement, other than a cross connection, by which contamination might be admitted or drawn into lines connected therewith used for the conveyance of potable water. Interconnections without an approved backflow prevention device are unauthorized and illegal.

MAINS:

Distribution pipelines which are located in streets, highways, public ways or private right-of-way, and which are used to serve the general public.

MAIN EXTENSIONS:

Extensions of distribution pipelines beyond existing facilities and exclusive of service connections.

MISCELLANEOUS FEES:

A schedule of fees established by the Village for the cost of services, labor or materials as included in the Schedule of Rates and Fees, as established by resolution of the Village Board from time to time.

OCCUPANT:

The person actually in possession or control of any premises or part thereof.

OWNER:

The word "Owner", whenever the same appears herein, means the person, firm, corporation or association having an interest as owner, or a person, firm or corporation representing itself to be the owner, whether legal or equitable, sole or only partial, in any premises which is or is about to be supplied with water by the Village; and the word "Owners" means all so interested.

PERSON:

Any individual, public or private corporation, political subdivision, Federal, State, or Local agency or entity, trust, estate or any other legal entity whatsoever. The masculine gender shall include the feminine, and the singular shall include the plural where indicated by the context.

PUBLIC WATER SUPPLY SYSTEM:

The water supply system owned by the Village, including the source, treatment works, transmission mains, distribution system and storage facilities serving the public. This includes the distribution system up to the connection with the customer's water system.

PREMISES:

The word "Premises", as used herein, means the property or area, including improvements thereto, which water service, is or will be provided and, as used herein, shall be taken to designate:

- a. A building under one roof owned or leased by one customer and occupied as one residence or one place of business; or
- b. A group or combination of buildings owned by one customer, in one common enclosure, occupied by one family or one organization, corporation or firm, as a residence or place of business, or for manufacturing or industrial purposes, or as a hospital, church, public or private school or similar institution, except as otherwise noted herein; or
- c. Each apartment, office or suite of offices, and/or place of business located in a building or group of buildings, even though such buildings in a group are interconnected by a tunnel or passageway, covered areaway, or patio or by some similar means or structure; or
- d. A public building devoted entirely to public use, such as
 - i. Village hall, schoolhouse, fire house; or
 - ii. a single vacant lot or park or playground; or
 - iii. each house in a row of houses; or
 - iv. each dwelling unit in a row of houses; or
 - v. a dwelling unit with exclusive culinary facilities designed for occupancy and used by one person or one family (household); or

- vi. each dwelling unit in a public housing development owned and operated by the United States of America, a municipal subdivision of the State of New York, or an agency or instrumentality of the United States or the State of New York; by a philanthropic foundation or organization or some such similar body or organization; or operated under private ownership; or
- vii. each trailer, whether free standing or located in a trailer park area.

SCHEDULE OF RATES (TARIFF):

The entire body of effective rates, rentals, charges and regulations, as established by resolution of the Village Board of Trustees from time to time.

REDUCED PRESSURE ZONE (RPZ) DEVICE, ACCEPTABLE:

A minimum of two (2) independently acting check valves, together with an automatically operated pressure differential relief valve located between the two check valves. During normal flow, the pressure between these two check valves 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 between the checks at less than the supply pressure. The unit must include tightly closing shutoff valves located at each end of the device. Each device shall be fitted with properly located test cocks. This device must be approved as a complete assembly and must be on the list of approved devices published by the New York State Department of Health.

REFRIGERATION SYSTEM:

Any combination of equipment, whether compressor or other type, by which heat is removed from the air of temperatures which are not less than 60 degrees Fahrenheit, and from which the accumulation of effluent heat is wholly or partially removed by the use of water.

SERVICE-COMMERCIAL:

Provision of water to premises where the customer is engaged in trade and/or commerce.

SERVICE-RESIDENTIAL:

Provision of water for office or household residential purposes, including water for sprinkling lawns, gardens (not commercial type) and shrubbery, watering livestock, washing vehicles, and other similar and customary purposes.

SERVICE-INDUSTRIAL:

Provision of water to premises for use in manufacturing or processing activities.

SERVICE LATERAL-BUILDING:

A water line owned by the property owner serving a building extending from the curb box downstream to a building.

SERVICE LATERAL-STREET:

A water line owned by or to be conveyed to the Village serving a building extending from the corporation cock located on the water main downstream to a curb box.

SERVICE - FLAT:

Provision of water to premises that is not measured.

SERVICE - METERED:

Provision of water to premises in measured quantities.

SERVICE - MULTIPLE:

Provision of water through one meter installation to more than one premises (see Section VI, Item 7).

SERVICE – PRIVATE FIRE PROTECTION:

Provision of water to premises exclusively for fire protection.

SERVICE – PUBLIC FIRE PROTECTION:

The furnishing of service through public fire hydrants.

SERVICE – PUBLIC OR MUNICIPAL:

Provision of water to a municipal subdivision of the State of New York or agency thereof or to other similar public bodies.

SERVICE – TEMPORARY:

A service for uses which are not permanent.

SERVICE LINE CONNECTIONS:

The pipe, valves and other facilities by means of which the Village conducts water from its distribution mains to the curb valve to be located at the curb line or property line of the premises, and specifically includes the corporation stop or other means of connection to the main, the service line connection to the corporation stop and extending to the point of connection to the curb valve, the curb stop, the services box and such other facilities.

SERVICE LINE EXTENSION:

The pipe, valves and other facilities by means of which water is conducted from the curb valve to the premises, and specifically includes the service line extending from a point of connection to the curb valve to a point inside the walls of the premises or meter box, where approved, a stop cock or approved valve on the line at this point, connections for the inlet and outlet sides of the meter, a stop and waste cock on the outlet side of the meter and such other facilities.

SUPERINTENDENT:

The individual designated by the Village as the Superintendent of Public Works for the Village or such other person as the Village Board of Trustees shall designate as in responsible charge of the Public Water Supply System of the Village or a portion thereof or his representative.

SUPPLIER OF WATER:

The owner or operator of a public water supply.

TAPPING FEES:

A fee which shall not exceed an amount based upon some or all of the following fee components:

- a. Capacity Part – A fee which may not exceed an amount based upon the real cost of labor, material, equipment and handling, including overhead costs, incurred by the Village in providing water system related services to premises served by the water system, users, the public or persons who request such services. These facilities will include those required to provide service such as mains, hydrants and pumping stations as well as those that will provide future service. The fee may be scaled to the level of service involved.
- b. Connection Fee – The one time application fee to offset the Village's expenses to process an application for a connection of a building/street lateral to the public water system. The fee which may not exceed an amount based upon the cost of distribution facilities required to provide service such as mains, hydrants and pumping stations. These facilities will include those that provide existing service and or those that will provide future service. The fee will cover the cost of the plan review, permit issuance, materials and labor expended by the Village in connection with the application and inspection of the work. The fee may be scaled to the level of service involved.
- c. Special Purpose Part – Fees for special purpose facilities applicable only to a particular group of customers, or serving a particular purpose and/or serving a specific area, based upon the cost of such facilities, including but not limited to booster pump stations and fire service facilities. These facilities will include those that provide existing service and/or those that will provide future service. Special purpose charges will be assessed as part of a tapping fee only on a case by-case basis and only based upon the cost of those facilities necessary to service the needs of the particular customer in question.

TENANT:

The word "Tenant", whenever the same appears herein, is anyone other than the owner occupying the premises and obtaining water from the mains of the Village.

VILLAGE:

The word "Village", whenever the same appears herein, means the Village of Gowanda, a municipal corporation of the State of New York, located in the Counties of Erie and Cattaraugus, New York.

WATER HEARING BOARD:

The Water Hearing Board is comprised of two (2) or more members, one of which shall be the Village Supervisor of the Water Department and the other a member of the Village Board of Trustees; the Water Hearing Board shall receive, review and determine all initial requests for installment payment plans, or other relief from any provision of this Local Law to the extent permitted by the provisions herein.

WATER SUPPLY:

The public water supply of the Village.

WATER FACILITY or WATER FACILITIES or WATER SUPPLY SYSTEM or WATER SYSTEM:

Means any plants, structures and other property, real, personal or mixed, acquired, rehabilitated, constructed or planned for the purpose of accumulating, storing, supplying, transmitting, treating or distributing water, including, but not limited to, surface or groundwater reservoirs, basins, dams, canals, aqueducts, aqueduct taps, standpipes, conduits, pipelines, interceptors, mains, pumping stations, pumps, water distribution systems, compensating reservoirs, intake stations, waterworks or sources of water supply, wells, purification plants or other treatment plants or works, contract rights, franchises, approaches, connections, permits, water meters, rights of flowage or diversion and other plants, structures, equipment, vehicles, conveyances, real or personal property or rights therein and appurtenances thereto necessary or useful and convenient for the accumulation, supply, transmission, storage, treatment or distribution of water.

ABBREVIATIONS

The following abbreviations shall have the designated meanings:

ANSI	American National Standards Institute
ASME	American Society of Mechanical Engineers
ASTM	American Society for Testing and Materials
C	Celsius
CSA	Canadian Standards Association
F	Fahrenheit
G	Grams
ISO	International Organization for Standardization
L	Liter
MG	Milligram
MM	Millimeter
NPT	National Pipe Thread
NSF	National Sanitation Foundation
NYCRR	Official compilation of the Codes, Rules and Regulation of the State of New York
NYSDOT	New York State Department of Transportation
OD	Outside Diameter
PE	Polyethylene
PPI	Polypropylene Pipe Institute
PPM	Parts per Million

- PSI** Pounds per Square Inch
- PVC** Polyvinyl Chloride
- SDR** Standard Dimension Ration
- SIDR** Standard Inside Dimension Ratio
- UL** Underwriters Laboratories

SECTION 45-2 – PURPOSE AND CONSTRUCTION OF LAW.

45-2.1 The purpose of this part is to provide for the beneficial use of the Village water facilities through the regulation of connection and water use, as well as to provide for the equitable recovery of the costs of the water facilities. This section shall apply within the corporate limits of the Village and to persons and properties outside of the Village, who are, by contract or agreement with the Village, users of the water facilities. The property within the Village boundaries, and persons or properties located outside the Village who are users, shall constitute the service area of the Village.

45-2.2 The Village maintains its principal office at the Village Hall, 27 E. Main Street, Gowanda, New York 14070. Unless otherwise provided or directed, all communications related to this Local Law shall be delivered to such office address.

45-2.3 The headings and table of contents used herein are for convenience and reference only and shall not define, describe, limit or control the scope or meaning of the provisions of these regulations.

45-2.4 All applications, contracts, agreements, notices and any other forms required in connection with the regulations prescribed herein shall be in the form and shall contain such general conditions, provisions and terms as the Village Board of Trustee shall approve. Copies of all such forms shall be on file at the office of the Village.

45-2.5 The confidentiality of user information and data submitted as necessary for any application, record, report, plan, or other document required by these regulations shall be governed by the state Freedom of Information Law (sections 84 through 90 of the Public Officers Law of the state of New York) and by other applicable state or federal statutes and regulations. Any requests by a user to keep specific data and information confidential must be made in writing at the time of submission.

45-2.6 If any provision, paragraph, word, section or article of these regulations is invalidated by any court, the remaining provisions, paragraphs, words, sections, and chapters shall not be affected and shall continue in full force and effect.

45-2.7 The occupancy of any building or any water service connection and user service connection lawfully existing on the date of the adoption of these regulations shall be permitted to continue without change; except that any repairs, replacements, reconstruction or construction thereafter shall be performed in compliance with this Local Law, and also excepting as is otherwise provided in the Village Code, the Building Code of the State, the Plumbing Code of the State, the Property Maintenance Code of the State, the Fire Code of the State and the State Sanitary Code or other applicable law or regulation.

45-2.8 The provisions of these regulations shall not be deemed to nullify or modify any provisions of state or federal laws and regulations, or nullify or modify any other local laws.

SECTION 45-3 - CONDITIONS OF SERVICE

45-3.1 GENERAL:

The Village will furnish water and services only in accordance with the currently prevailing and as hereafter revised Rates and this Local Law, which Rates and the provisions of this Local Law are made a part of every application, contract, and agreement or license entered into between the property owner or customer and the Village. This Local Law and the Rates are applicable alike to the main or basic service system and districts herein and to the other public and private systems and districts that may be connected to the system, except as otherwise set forth.

The Village hereby reserves the right, so often as it may deem necessary, to alter, amend, and/or repeal the Rates and/or this Local Law, or any part thereof; and in whole or in part to substitute new Rates, and to amend this Local Law, which altered, amended and/or repealed said new Rates, or provisions of this Local Law shall forthwith become, and thereafter be a part of, every such application, contract, agreement or license for water service in affect at the time of such alteration, amendment and/or adoption. The Village Board may amend this Local Law and the Schedule of Rates, and any and all related policy statements, forms or other documents, by resolution of the Village Board, passed by a majority of Village Board Members at the time of such amendment, in accordance with applicable notice procedures.

45-3.2 CONNECTION TO THE PUBLIC WATER SUPPLY:

Any person or entity with a Village main water line available to their premises as determined by the Superintendent shall access this main water line in accordance with prevailing Village ordinances.

SECTION 45-4 - APPLICATION FOR SERVICE AND CONTRACTS

45-4.1 APPLICATION FOR WATER SERVICE:

A written application, prepared on the form furnished by the Village, must be submitted to the Village for the purpose of requesting water service; said application must be signed by the owner or tenant of the premises or the owner or tenant's duly authorized agent.

(a) When the Village has agreed to provide water service through a separate meter and separate service line to a residential dwelling unit in which the owner does not reside, the owner shall be liable to pay the tenant's bill for service rendered to the tenant if the Village notifies the owner and the tenant within 30 days after the bill first becomes overdue. Such notification shall be provided by first class mail to the address of the owner provided to the Village by the owner and to the billing address of the tenant respectively. Nothing herein, shall be construed to require the Village to terminate service to the tenant provided that the owner shall not be liable for any service which the Village provides to the tenant 90 or more days after the tenant's bill first becomes due unless the Village has been prevented by court order from terminating service to that tenant.

(b) The Village will make every attempt to notify the owner as soon as practicable under the law of any delinquency of a tenant who has been provided service through a separate meter and separate service line. In the event that a tenant has vacated a unit without notice to the Village, the Village will continue to exert commercially reasonable effort to collect any delinquent water bills due and owing at the time of the vacation of the premises. Provided however, that the owner shall be requested to render any assistance to the Village by providing the Village with a forwarding address of the tenant or other

appropriate information as to the tenant's whereabouts. Notwithstanding such assistance, the owner will be responsible for payment in accordance with the preceding paragraph.

(c) Before any application for water service made by a tenant will be approved, the owner of the premises shall provide to the Village an address where the owner will accept mail for the purposes set forth in this section. It shall be the responsibility of the owner to notify the Village of any change of address within 30 days of the occurrence of such change.

45-4.2 APPLICATION - A CONTRACT:

The application for water service shall be a binding contract on both the customer and the Village. Rates for water service shall accrue from the date the water supply service has been completed and water is available to the premises.

45-4.3 CONTRACTS WITH DELINQUENTS:

No agreement will be entered into by the Village with any applicant for water service, whether owner or tenant, until all arrears for water service, bills for meter repairs or other charges, due from applicant and/or owner at any premises now or theretofore owned or occupied by him that receives water service from the Village, shall have been paid or until satisfactory arrangements for payment of such unpaid bills shall have been made.

45-4.4 SPECIAL CONTRACTS:

The Village may require, prior to approval of services, special contracts other than applications under the following conditions:

- (a) If the construction of an extension and/or other facilities is necessary;
- (b) For providing temporary service, including water service for building or other special purposes. Water for building purposes shall be used only from a temporary metered connection approved by the Village, and shall not be permitted for flow into the house fixtures;
- (c) For standby or fire protection service;
- (d) For connections with other qualified utilities or political subdivisions; if deemed necessary by the Village.

45-4.5 GOVERNMENTAL REGULATIONS A PART OF CONTRACT:

All contracts for water service shall be subject to the following provision: The contract shall at all times be subject to such changes or modifications as may be directed by action of the Legislature of the State of New York or any other regulatory body.

45-4.6 INDIVIDUAL LIABILITY FOR JOINT SERVICE:

Two or more parties who join to make application for service shall be jointly and severally liable and shall be sent one single periodic bill to the person designated by the parties at the time the application for service is made.

45-4.7 CONDITION OF PLUMBING SYSTEM:

The piping and fixtures on the property of the customer are assumed to be in satisfactory condition at the time service facilities are connected and water furnished; and the Village, therefore, will not be liable in any case for any accidents, breaks or leakages that in any way are due to the connection with the supply of water, or failure to supply the same, or for the freezing of piping and fixtures of the customer, nor for any damage to the property which may result from the usage or non-usage of water supplied to the premises.

SECTION 45-5 - CHARGES

45-5.1 GENERAL:

Charges are defined in the Schedule of Rates as established by resolution of the Village Board from time to time.

SECTION 45-6 - SERVICE CONNECTIONS

45-6.1 SERVICE LINE EXTENSION:

The Village reserves the right to defer the installation of service connections during inclement weather until such times as, in the judgment of the Village, conditions are suitable for an expeditious and economical installation. The Village reserves the right to determine the size and the kind of the service line connection.

(a) Back Flow Preventers Required – The purpose of this subsection is to safeguard the potable water supply of the Village from potential contamination by preventing the backflow from a water user's system into the public water system and to comply with the requirements of the New York Sanitary Code; Part 5, Section 5-1.31 and any other applicable Local Law, codes or ordinances governing such installations. The Superintendent shall be responsible for the protection of the water distribution system from contamination due to the backflow of contaminants into the public water supply. If in the judgment of the Superintendent a backflow prevention device is required in accordance with the requirements referenced herein, the Superintendent shall give notice in writing to said customer at the premises. The customer shall install such approved device or devices at their own expense; any failure, refusal, or inability on the part of the customer to install such device shall immediately constitute a ground for discontinuing water service to the premises until such device or devices have been properly installed. The customer's water system shall be open for inspection by the Superintendent at all reasonable times.

(b) 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 or she may require certified inspections at more frequent intervals. Certified inspections and operational tests 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 operation test. All inspections and tests shall be at the expense of the customer and shall be performed by the device manufacturer's representative, Village personnel, or by a certified tester approved by the Superintendent. The Superintendent shall make available the names, addresses and telephone numbers 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 she 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 inadequate. Records of tests, repairs and overhauls shall be kept and made available to the Superintendent. Copies of all testing and maintenance records shall be sent to the Superintendent immediately after the work is performed. The failure, refusal or inability on the part of the customer to obtain such certified inspections and operational tests shall immediately constitute grounds for discontinuing water service to the premises until such inspections and tests have been properly conducted.

(c) Maintenance: All service lines between the curb box and the meter shall be maintained by the property owner without expense to the Village for repairs, renewals or replacements. Any leaks in such service lines must be repaired immediately by the owner or occupant of the premises at the owner's or occupant's expense. The Village reserves the right to discontinue service to any owner who fails to make any repairs required for a continuous period of five (5) days after notice of an obligation to make such repairs is served on the owner by first class mail or posted at the address of the owner provided to the Village. Provided that, if the Village, in its discretion, determines that an emergency situation exists, the customer's service will be suspended in less than five (5) days pursuant to Section 45-8.4 until repairs are completed by the owner.

(i) When meter boxes are located at the curb, the riser pipes and connections therein will be installed by and at the expense of the customer, and no customer or workman shall alter, change or in any way tamper with the meter box, meter, or piping and connections therein without authorization from the Village. The curb stop shut off box shall be kept readily accessible, by and at the expense of the customer, at all times, except where the shut off box is in the highway. No person shall use the curb stop without the consent of the Village.

(ii) In cases where services are frozen, the thawing out of the service pipe shall be done by the customer at his own expense. To avoid a recurrence of freezing, the Village will make an examination of customer's service pipe and, if the same is not at a depth of four feet as required, the Village shall have the right to require it to be relocated before service is resumed.

(iii) If a service line freezes, and the Superintendent determines the freeze is on the Village's side of the curb box, from the time of freeze until the customer later receives a notice to stop, the customer shall allow a small amount of water to run, to prevent a future freeze, and the customer shall receive a bill during any such period that is an average of the previous three months usage. If the customer does not allow the water to run, and the service line subsequently freezes, the customer shall be responsible for all costs associated with any work required to thaw the service line, such cost to be determined by the hourly rate for a Village employee set forth on the Schedule of Rates and Fees.

(v) The customer shall be responsible for keeping the meter from freezing. Should the water meter freeze causing any damage to the meter, the customer shall be responsible for the cost of replacing the meter, and for the time required to replace the meter as set on the Schedule of Rates and Fees.

(d) Installation: the service line extension, and all required appurtenances, shall be installed by the customer at his expense. The installation shall be in accordance with Section 6.2.

45-6.2 INSTALLATION:

The installation shall include a connection of the service line to the curb stop extension of the service line from the curb stop to a point within the building wall or facilities housing the meter, the installation of a stop cock or compression valve, without waste, the same size as the service line on the street side and immediately before the meter, a stop and waste cock on the outlet side of the meter, an approved backflow preventer if applicable, and all facilities inside the building to be located so as to be readily accessible, protected from freezing and to provide proper drainage for the piping in the building, the installation to include also such facilities as are hereinafter set forth. The installation shall be made by skilled and qualified workmen. The Contractor for the customer shall provide the Village sufficient time in advance, but not less than seventy-two (72) hours, when the service line extension will be installed, in order to permit the Village sufficient time to schedule its work and install the service line connection.

(a) Material and Size - The material for all service lines two inches in size and under shall be first quality soft copper service tubing, Type K, copper pipe "I.P." size, as manufactured in accordance with Federal Specification W-T799 and its latest revisions or Polyethylene (PE) pressure pipe with a minimal pressure class rating of 200 p.s.i., manufactured and installed in accordance with AWWA Standard C901- 02. All service lines over two inches in size shall be ductile iron pipe, or PVC manufactured in accordance with the Specifications of the American Water Works Association Number A21.2 or A21.6, and shall have bell and spigot or mechanical joint ends, the latter type joints to be in accordance with American Standards Association Specification A2 1.11; the pipe to be the Class required for the particular service.

(b) Installation and Testing Requirements.

(i) Installation - The service line extension must be laid in a straight line, at right angles to the street where possible, and at a depth to provide not less than 4 feet cover, and as necessary to secure proper alignment and avoid obstacles. The bottom of the trench shall be excavated so as to conform to the curvature of the pipe and afford good bearing surface.

Where rock is encountered, the excavation shall be carried below the bottom of the pipe for the distance required and the excavation backfilled with earth or clay well tamped to the proper grade. PE service lines shall be embedded with sand or Type 1A "pea" stone and a tracer wire (14 gauge insulated copper detection wire) attached to the PE pipe and stubbed up at the curb box and water service line inside the building.

No service pipe shall be laid in the same trench with gas pipe, drain or sewer pipe, or any other facility of another public service company or within three feet thereof, nor within three feet of any open excavation or vault.

The joints in pipe laid underground shall be made with a mechanical coupling of a design and material satisfactory to the Village, no soldered joint shall be used, and no joints shall be made within a distance of less than five feet from the exterior wall of the premises. All pipes passing through foundation or bearing walls shall be provided with suitable sleeves and the annular space between the sleeve and the pipe made watertight. The sleeves

shall be the size specified by the Village. The installation of the service lines shall be in complete accordance with the Standard Specifications of the Village as contained herein with respect to such work.

(ii) Hydrostatic Tests - No service line shall be covered until the service line is filled with water and subjected to a hydrostatic test, this test to be observed by a representative of the Village.

The line shall be slowly filled with water, all air expelled and the maximum pressure in the Village system allowed to develop in the service line. All pipe, fittings, valves and joints shall be carefully examined during the test. All materials found defective shall be removed and replaced with sound and satisfactory materials and all leaks completely eliminated.

The Village exercises the right to require that the small service line be subjected to a hydrostatic test of 200 lbs. for 2 hours, and will require such a test on all service line extensions, including fire protection lines, the test pressure in no case in connection with this increased pressure test to be less than 200 pounds.

(iii) Inspection - The Village shall be notified when the installation is completed and prior to backfilling, so that the service line can be subjected to the aforesaid hydrostatic test in the presence of a representative of the Village and an inspection made of both workmanship and materials. In addition to the preceding testing mentioned above, the Village shall be notified when tracer wire testing is to be conducted and completed so the superintendent may be present for testing. The notice shall include such data as the location, the name of the owner and tenant and the time the work will be ready for inspection.

Water will not be supplied through the service line extension or any related part thereof or through any service or supply line which has not been inspected in the open trench and approved by the Village. This regulation applies to both original installation and repairs. The Village may charge a fee for the inspection of an original installation and a fee for each additional trip necessary to complete the inspection, said fees to be the charges in effect at the time of said inspection work and made a part of the Schedule of Rates. If the inspection indicates failure to comply with the requirements, water service will not be granted until the proper remedial measures have been taken.

45-6.3 MAINTENANCE - SERVICE LINE EXTENSION:

All service lines shall be maintained in satisfactory condition by the customer; and all valves, meters and appliances furnished and owned by the Village and on the property of the customer shall be protected properly and cared for by said customer. When repairs, renewals or replacements or other necessary work are required on the aforesaid facilities of the customer, the customer shall employ, without delay, competent tradesmen to do the work, all said work shall be done at the expense of the customer. The operation or use of the curb stop shall be subject to control by Village employees only.

45-6.4 LENGTH OF SERVICE LINE:

The Village will exercise the right, in cases where the length of the service line extension exceeds 100 feet to inspect and approve the service line and in all cases where deemed advisable, to require the customer to construct, at his own expense, a watertight brick or concrete or other approved meter pit provided with a suitable cover and constructed in accordance with a plan furnished by the Village, said meter pit to be constructed at the property or curb line and to be used for the housing of the meter required for the service of the premises.

45-6.5 PENALTY FOR PLACING OBSTRUCTIONS:

If obstructions are placed over, in or around water meters or curb boxes in such manner as to prevent normal access to or operation of the water meter, curb stop or to result in damage to the water meter, curb box, curb stop or service line, the Village reserves the right to remove any obstruction to the water meter, curb stop, curb box or service line. In the event of such removal, the Village will not be liable for any damage occasioned as a consequence of the process of removal of any obstruction. The customer may also be subject to any expense incurred by the Village for such in accordance with the Schedule of Rates.

(a) Prior to laying new cement sidewalks, making changes in the grade or other changes in sidewalk construction, the customer shall notify the Village, in order that the Village may relocate the curb box and the meter box, if any, at the proper grade. If such notice is not given and the box or boxes are covered or cemented over, thereby necessitating additional expense to the Village for finding and relocating the same, the customer shall be billed for such additional expense and the Village will, under no circumstances, be responsible for damage to the sidewalk.

(b) Before service will be renewed, the customer shall pay to the Village the expense incurred in shutting the water off and in turning it on again, including the cost of necessary trenching and backfilling, of cutting and replacing pavement, sidewalk or curbing, of any municipal permit or permits for opening the pavement.

45-6.6 ONE SERVICE CONNECTION FOR EACH CUSTOMER:

(a) A water street lateral and curb box, including a curb box and curb stop, shall be required for each premises where the total quantity of water delivered and furnished is to be billed and metered to a single customer.

(b) A service line will be used to supply a single customer only, and no premises supplying a single customer shall have more than one service connection except where impossible or impracticable to furnish an adequate water supply service thereto through one service connection; in which event, the Village may agree to the installation and use of more than one such connection. The provision by the Village of separate services at the request of the property owner shall not relieve a property owner of ultimate liability for the charges therefor as provided by law.

(c) The owner will be responsible to install the water service from the curb stop into the premises. A valve shall be located just inside the structure, at the point of entry of the street lateral, adjacent to and ahead of the meter to permit control of the water supply.

45-6.7 SINGLE SERVICE LINE WITH TWO OR MORE CUSTOMERS:

(a) The Village acknowledges that prior to the passage of these regulations customers may have been allowed connection of two or more customers through a single service line. This subsection addresses these pre-existing hook-up. However, as is set forth in Section 6.0 above, no future customers will be allowed to connect in this manner. Where two or more customers are supplied through a single service line, any violation of this Local Law by either or any of said customers shall be deemed to be a violation as to all; and unless said violation is corrected after reasonable notice, the Village may take such action as may be taken for a single customer, except that such action shall not be taken until the innocent customer who has not violated the Village's Rules had been given notice and a reasonable time to attach his service pipe to a separately controlled service connection.

(b) In the event that an owner is servicing multiple premise dwellings from a single service line with one meter, the account shall be the responsibility and remain in the name of the owner. The Village may establish a separate water account for each of the separate tenant dwellings and apply a flat rate fee or service connection charge for each of the separate units or accounts in accordance with the Schedule of Rates.

(c) If, the quantities of water furnished to the premises are to be separately and individually metered and billed by the Village to several occupants thereof, then a separate water meter, including a proper valve without waste, the same size as the service line on the street side and immediately before the meter, and a stop and waste cock or valve on the outlet side and immediately after the meter in accordance with SECTION 45.7-METERS of this Local Law, shall be installed for the delivery of water to each occupant. All meters, unless otherwise indicated, will be furnished, installed and inspected by the Village, subject to the fees currently in effect, and will remain the property of the Village and be accessible to and subject to its own control and maintenance. The Village shall establish a separate water account for each of the separate tenant dwellings.

(d) All service lines between the curb box and the meter(s) shall be maintained in satisfactory condition by the property owner(s) without expense to the Village; and all valves, meters and appliances furnished and owned by the Village and on the property of the customer shall be protected properly and cared for by said customer.

45-6.8 OTHER SERVICE LINE EXTENSION REQUIREMENTS:

The Village reserves the right to require any owner to install on or in conjunction with his service line, at their own expense, such valves, stop cocks, check valves, relief valves, pressure regulating valves, air chamber, tank, float valve or other apparatus of approved design, when and where, in its opinion, the conditions may require it for the safeguarding and protection of the Village's property or the water supply.

(a) Should the use of water through a service line connection become excessive during period of peak use, and cause a substantial decrease in pressure in the distribution system of the Village to the extent that normal water service to other customers is impaired, the Village exercises the right to require the installation of the properly designed and adequate storage and other required facilities on the system of the premises involved.

(b) Facilities identified in subsection 6.8(a) above shall include all piping, valves, fittings, storage structures, pumps, automatic controls and such other appurtenances as are required to permit the

storage of water and delivery periods of peak use on the premises, and thereby avoid direct use from the system of the Village during such periods. The basic design for such system shall be subject to approval by the Village.

(c) When steam boilers take a supply of water directly from the service pipe, depending upon the hydraulic or hydrostatic pressure in the pipe system of the Village for their supply under working pressure, it will be at the risk of the parties making such attachments, as the Village will not be responsible for any accidents to which such devices are subject.

(d) House boilers for domestic use in all cases must be provided with vacuum valves to prevent collapsing when water is shut off from the distributing pipes. The Village will in no case be responsible for accidents or damages resulting from failure to observe this rule or due to conditions in the distribution pipes, or from the imperfect action of any such valves, or due to such other causes.

45-6.9 CHANGES IN LOCATION OF SERVICE LINE CONNECTION:

The customer shall pay for the cost of relocation of all service line connections made at his request or for his convenience. All changes or altering of the location of the service line will be subject to all conditions and requirements referred to in Section II of these regulations.

45-6.10 RENEWAL OF SERVICE LINE:

Where renewal of a service line from the street main to the curb stop is found necessary, the Village will renew said service in the same location as the old one if possible. If the property owner or customer, for his own convenience, desires the new service line at some other location and agrees to pay all expenses of such relocation in excess of the cost of laying the service line in the same location as the old service line and cutting off and disconnecting the old service line, the Village will lay the new service line at the location desired.

45-6.11 USE OF CURB STOPS:

Curb stops at the curb line shall not be used by the customer for turning on or shutting off the water supply. The control of water supply by the customer shall be by means of a stop cock located, in general, just inside the building wall. Curb stops are for exclusive use and operation by employees of the Village.

SECTION 45-7 – METERS

45-7.1 GENERAL:

The Village shall furnish, install and maintain meters and meter couplings but the customer shall install on such customer's premises, the necessary piping, valves and pipe coupling to receive the meter. All meters, unless otherwise indicated, will be inspected by the Village, subject to the fees currently in effect, and will remain the property of the Village and be accessible to and subject to its own control and maintenance.

45-7.2 SIZE OF METER:

The Village reserves the right in all cases to stipulate the size and type of meter to be installed on each service line and to require the installation of a larger size meter in any case where the peak use of water places any meter under undue or unusual strain and/or exceeds the recommended meter capacity, and reserves the right to charge any fees currently in effect for the larger meters.

(a) The minimum size of a meter installed shall be the same size as the service line, except that, on 3/4 - inch or 1-inch line serving a domestic customer, a 5/8 inch meter may be installed.

45-7.3 LOCATION:

The location for the meter shall be subject to the approval of the Village, shall be at a convenient and accessible point, shall permit control of the entire supply and shall allow proper protection of the meter from the freezing or other harm.

(a) No fixture shall be attached to, or any branch made in the service pipe between the meter and the street main. In cases where there is not a practical place to place the meter within the building, the Village may require the property owner to construct inside the property line, a brick or concrete or approved meter pit with a suitable cover or a similar type of approved meter box, such installations to be made in accordance with a plan furnished or approved by the Village. The design of the meter pit shall permit adequate access to the meter for its ready installation or removal.

45-7.4 INSTALLATION OF METER:

All piping, fittings, valves, check valves, gauges, bolts, nuts, meter pit structures, manholes or other accessories or materials, and the labor for installing the same, used in connection with meter settings within the property line of the premises, shall be at the expense of the customer. The customer shall employ for this work the services of skilled tradesmen, qualified and approved by the Village, who shall cooperate with the Village and install the piping and appurtenances in accordance with the dimensions and requirements for each specific case, so that the meter or meters can be properly installed and connected by the Village.

(a) The customer shall furnish and install on the service line a wheel handle round way stop cock or gate valve, without waste, the same size as the service line on the street side and immediately before the meter, and a stop and waste cock or valve on the outlet side and immediately after the meter. When a check valve is installed, a safety valve shall be furnished and installed by the customer at a convenient point in the house piping to relieve excess pressures due to heating of water. The customer will also furnish and install a back flow preventer if applicable in accordance with the regulations contained herein.

(b) Meter bypasses shall not be allowed unless otherwise approved by the Village.

(c) For all services over 2 inches, where there is a demand or necessity for uninterrupted water service, in order to eliminate inconvenience to both the customer and the Village when repairs to or replacement of the meter is necessary, the Village may, at its option, require the installation of a battery of two lines on the one service line, with a combined capacity approximately equal to the capacity of the single line requested. Such installations shall be properly valved to control or put any single line out of service and permit its removal without interruption of service through the remaining meter or meters.

45-7.5 MAINTENANCE CARE AND RESPONSIBILITY FOR DAMAGE:

The Village will maintain all meters and remotes at its expense, except meters and remotes for which the customer is liable. The Village shall be responsible for all costs relating to ordinary wear and tear of the meter. The customer shall be responsible for all other costs to repair or replace meters, including but not limited to costs that arise out of damage by freezing, flooding, hot water, or external damage to the meter. The Village requires the installation of suitable equipment, properly locate and installed, to prevent back

flow of hot water which may cause damage to the meter or pipes or other equipment. In the event of the injury to or nonworking of the meter and/or remote, the customer shall promptly notify the Village. The Village will furnish and set another meter and/or remote to replace those frozen or damaged, and the cost of the repairs shall be billed to the customer in accordance with the Schedule of Rates.

(a) The Village reserves the right to remove and replace any meter at any time as part of a maintenance program or for any other reason.

45-7.6 METER TESTS:

All meters will be accurately tested before installation and thereafter periodically tested.

(a) Should the customer at any time doubt the accuracy or correctness of the meter measuring water delivered to the customer's premises, the Village will make a test of the accuracy of the meter. A customer may require the meter to be sealed in his presence before removal, which seal shall not be broken until the test is made in his presence. If the meter tested is found to be accurate within the limits herein specified, the customer will be charged a fee as set forth in the Schedule of Rates. If the meter tolerances are outside the appropriate limits, the test will be made at no charge to the owner. When making such request, the customer shall agree to the basis of payment currently in effect.

(b) A report of such test shall be made to the customer and a complete record of such tests shall be kept by the Village. Rates for testing meters will be furnished by the Village.

(c) In the event the meter so tested is found to have an error in registration in excess of four percent (4%), the cost of the test will be borne by the Village and the advance fee will be refunded. The bill, based on the last reading of such meters, shall be corrected accordingly. This correction shall apply prospectively.

(d) The Village reserves the right to remove and test any meter at any time at its own expense and, if such meter is found to be inaccurate, to substitute another meter of the same size in its place, either permanently or temporarily.

45-7.7 CHANGES IN LOCATION OF METERS:

The customer shall pay for the cost of relocation of all meters made at his request or for his convenience.

45-7.8 SEALS:

No seal placed by the Village for the protection of any meter, valve, and fitting or other water connection shall be tampered with or defaced. It shall not be broken except upon authorization from the Village or in the presence of a Village representative. Where the seal is broken, the Village reserves the right to remove the meter for testing at the expense of the customer. A fee will be charged for broken seals in accordance with the Schedule of Rates.

45-7.9 LEAKS:

Customers are urged to give careful attention to their plumbing and fixtures and make immediate correction of any leaks. No allowance will be made by the Village for water used, lost, stolen or otherwise wasted after passing through the water meter, except by approval from the Water Hearing Board or Board of Trustees, as applicable.

45-7.10 READING AND REGISTRATION OF METERS:

Reading of meters shall be taken periodically at the option of the Village; the official water meter shall be the only one read by the Village. The quantity recorded by the meter shall be taken to be the amount of water passing through the meter, which amount will be conclusive on both the customer and the Village, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases, the quantity may be determined by the average registration of another meter for a period of at least 20 days, or of the same meter for a period of at least 29 days after it has been repaired, tested and requested; or the quantity consumed during a previous corresponding period may be used as a basis for settlement.

(a) Any and all additional meters desired by the property owner shall be installed on the house or outlet side of the official water meter, and all such additional meters shall be furnished, installed and maintained by the property owner (s) at their own expense.

45-7.11 ACCESS TO METERS:

The Village shall have access at all reasonable times to meters, service connections and other property owned by it on customer's premises for the purpose of maintenance, operation and meter readings. The failure of any customer to permit reasonable access shall be sufficient cause for discontinuance of service.

(a) Should the Village's agent empowered to read meters and/or remotes, be unable to obtain access for a meter reading if necessary, the customer may be notified of his default by leaving a notice on the premises that customer must arrange for access for the Village meter reader within three (3) days. Should customer fail to make such arrangements for meter reading during meter reader's normal working hours (8:00 A.M. - 2:30 P.M.) within a three (3) day period, a notice shall be given either by registered mail or by delivery to an adult member of customer's household on the premises. Said notice shall advise water service will be discontinued five (5) days after mailing or service of the notice, unless customer has ceased to be in default under the terms of these this Local Law.

45-7.12 NOTIFICATION RELATIVE TO CONDITION OF METER:

The customer shall notify the Village of damage to or of the nonworking of the meter, or of the breaking of the seal or seal wire, as soon as he is cognizant of such a condition.

45-7.13 MINIMUM CHARGE:

Every meter installed is subject to a fixed minimum charge in accordance with the Schedule of Rates. Such minimum shall be nonabatable for a nonuser of water and noncumulative against subsequent consumption. In the case of fractional bills, charges and allowances shall be prorated.

45-7.14 METER REMOVAL:

If the Village is required to remove a meter at the request of a customer, the customer will be charged according to the Schedule of Rates.

SECTION 45-8 – SERVICE TERMINATION

45-8.1 BY CUSTOMER:

Any customer may terminate his service contract with the Village, and have his water service discontinued upon giving no less than seven (7) days' notice to the Village, and upon the lapse of a reasonable time to permit the Village to take final meter readings, which shall occur no later than seven (7) days after receipt of the notice to terminate service, and attend to other details in connection with such discontinuance of service. The customer shall remain liable for water furnished to the premises until a final reading is taken.

(a) When a customer temporarily suspends service, water shall not again be furnished to such person until the minimum meter charge has been paid for the period of nonuse, provided such period charged shall not exceed four quarters or one year. This charge shall be in addition to any other charge due from the customer.

45-8.2 BY THE VILLAGE:

Water Service may be discontinued for any of the following reasons:

- (a) For the use of water for or in connection with, or for the benefit of, any other premises or purposes than those described in the application;
- (b) For willful waste of water through improper or imperfect pipes, fixtures or otherwise;
- (c) For failure to maintain in good order the service lines and fixtures owned by the applicant;
- (d) For molesting or in any other way interfering with any service pipe, meter, meter box, curb stop, curb box or with any seal on any meter or other fixtures and appliances of the Village;
- (e) In case of continued vacancy of the premises;
- (f) For refusal of reasonable access to the premises for purposes of inspecting the piping; fixtures and other water system appliances therein, or for reading, caring for, repairing or removing meters and/or remotes;
- (g) For the neglecting or refusing to make or renew advance payments where required or for nonpayment of water service, or for any other charge accruing under the application;
- (h) For making any cross connection between a pipe or fixture carrying water furnished by the Village and a pipe or fixture carrying water from any other source;
- (i) For resale of water except where subject to a special agreement;
- (j) For premises where the demand for water is greatly in excess of past average of seasonal use, or where such excessive demands for water by the premises are or may be detrimental or injurious to, or make inadequate, or in any way impair water service furnished to other customers;
- (k) For premises where apparatus, appliances or equipment using water is dangerous, unsafe and not in conformity with laws or ordinances;
- (l) For fraud or abuse;

(m) For violation of this Local Law or other requirements governing the supply of water furnished by the Village.

45-8.3 RENEWAL OF SERVICE AFTER DISCONTINUANCE:

Service may be renewed under a proper application when the conditions under which such service was discontinued are corrected and upon the payment of all proper charges of amounts provided in the Schedule of Rates.

45-8.4 SUSPENSION OF SERVICE DUE TO EMERGENCY:

The Village shall have the right, as necessity may arise in case of breakdown, emergency or for any other unavoidable cause, to cut off the water supply temporarily in order to make necessary repairs, connections, meet any emergency, and to do such other work. The Village will use all reasonable and practical measures to notify the customer of such discontinuance of service. In such cases, the Village shall not be liable for any damage or inconvenience suffered by the customer or any claim against it any time for interruption in service, lessening of the supply, inadequate pressure, poor quality of water or for any other causes beyond its control; and such temporary shutoff of the water supply shall not entitle the customer to any abatement or deduction in or from the water service charges, nor the refund or any portion of such service charges paid in advance during or for the time of such shutoff. When a supply of water is to be temporarily cut off, notice will be given, when practicable, to all customers affected by the shutting off, stating the probable duration of the interruption of service and also the purpose for which the shutoff is made. Nothing in this Local Law, however, shall be construed as a guarantee, covenant or agreement of the Village to give notice of any shutoff due to emergencies or otherwise.

SECTION 45-9 - PUBLIC FIRE SERVICE

45-9.1 MAINTENANCE:

All fire hydrants will be maintained by the Village at its own cost and expense, provided that any expense for repairs caused by carelessness or negligence of any person may be recovered by the Village by any method provided by local or state law.

45-9.2 ALLOWABLE USE:

Only persons authorized by the Village shall take water from any public fire hydrant except for fire purposes or for the use of the fire department in case of fire; no public fire hydrant shall be used for sprinkling streets, flushing sewers or gutters or for any other than fire purposes, except with the approval and issuance of a permit by the Superintendent, said permit being subject to revocation at any time. If prior approval has not been granted and a fire hydrant or hydrants are used by a fire department, municipality, or any others, such party or parties shall notify the Main office of the Village of such use immediately in order to allow the Village's checking the condition of the hydrant or hydrants.

45-9.3 CHANGE OF LOCATION:

Whenever a municipality or person or persons desire a change in the location of any fire hydrant, the Village, upon written request will make such change if determined feasible, at the expense of the municipality or person or persons making such request, subject to the right of the Village to refuse relocation because of size of main, pressure, condition of distribution system or other reasonable causes.

The Village will not approve changes which will compromise the fire protection of property within the area of the original hydrant.

45-9.4 INSPECTION:

Upon request of the duly authorized officials of the Village or any municipality serviced by the Village, the Village will make inspections at convenient times and at reasonable intervals to determine the condition of fire hydrants located within said municipalities. Such inspection shall be made by a representative of the Village and a duly authorized representative of the municipality requesting the inspection.

SECTION 45-10 - PRIVATE FIRE PROTECTION SERVICE

45-10.1 APPLICATION FOR PRIVATE FIRE PROTECTION SERVICE:

A written application must be submitted to the Village for the purpose of requesting a special connection for private fire protection service. The application shall be accompanied by accurate plans showing the proposed fire protection system. No fire protection facilities involving the use of Village water shall be installed at any time and any changes in or additions to fire protection facilities shall be made without prior approval by the Village and the local Fire Department.

45-10.2 APPROVAL OF APPLICATIONS:

The application does not bind the Village to approve the requested special connection. It is the customer's responsibility to provide an engineering study of each proposed installation to determine whether such a connection is reasonable and practical, and whether such a connection will in any way endanger the general water service in the vicinity; the Village reserves the right to refuse approval of an application. The Village further reserves the right to make an approval, subject to the installation of adequate storage facilities and related appurtenances on the premises, if found necessary in order to permit maintenance of adequate water service to other customers.

45-10.3 TERMS AND CONDITIONS:

The final approval of an application and furnishing of private fire protection service will be subject to the execution of a contract between the owner and the Village, containing the following terms and conditions and containing such other terms and conditions as are found necessary.

a. That the Village, by its representative, shall have the right to enter the premises of the applicant at any reasonable time for the purpose of making such inspections as may be deemed necessary, and shall have the right to attach any testing device or use any means which it may elect to ascertain the condition of the pipe and appurtenances and uses made of the same.

b. That the service connection from the street main up to and including the curb stop or valve and control box and control valve shall be installed at the expense of the customer and shall be maintained by the Village; that all other pipe, fixtures and appurtenances shall be installed in accordance with the requirements set forth relative to service line and/or water main extensions and maintained in good condition by and at the expense of the applicant. In such instances where the service connection is approved to provide fire protection service and other metered service, always being subject to a design satisfactory to the Village, the control valves on the fire service line may be installed on the property of the premises at the approved locations.

c. All private fire systems shall be designed to the current NFPA standards governing these systems.

d. That all fixtures and openings (other than the controlling valves) shall be kept closed and sealed and not open or used except in times of fire.

e. That the applicant agrees the Village shall not be considered in any manner an insurer of property or persons, or to have undertaken to extinguish fire or to protect any person or property against loss or damage by fire or otherwise.

f. That the applicant does not contemplate uses of fixtures other than herein stated. If a supply for use other than extinguishment of fire is desired by the applicant, the same shall be taken only through a service pipe connected with the street main of the Village and not connected directly or indirectly with the service pipe contemplated by this application. Where it suits the convenience of the Village to allow dual domestic service-fire connections for a particular customer the Village shall have the discretion to consider alternate designs, which employ a single service pipe connected with a street main, on a case by case basis. Any waste or use of water for purposes other than the extinguishment of fire through this connection shall be deemed a violation of the terms and conditions of this application and this Local Law.

g. That the applicant shall furnish, attach and make a part hereof, an accurate drawing showing the pipes, valves, hydrants, tank openings and appurtenances contemplated in this application. Such drawings must also show any other water supply system and pipelines and appurtenances which may exist on the premises. There is no connection between such other supply and pipes connected to the Village's mains.

h. That the rights and obligations of the applicant hereunder shall be further subject at all times to the Rates, this Local Law of the Village as it now exists or as it may hereafter be revised and adopted.

i. That the applicant agrees to obtain in advance the approval of the Village for any change, alteration, addition or deduction contemplated in the fixtures, openings and uses herein specified.

j. That the Village has the right to discontinue or disconnect said service pipe and terminate the application, upon written notice given fifteen (15) days in advance by the Village to the applicant, for failure to pay any bill when due or for any violation of any of the terms and conditions of this application, or for any violation of its rules.

k. In case of an emergency the Village has the right to shut off all or any part of its facilities and discontinue the service without notice in order that the Village can make repairs, alterations or additions to existing facilities. Further, the Village will interrupt services without notice to prevent possible contamination through cross connected facilities of the applicant or to prevent negligent or willful waste of water through the facilities of the applicant.

l. In the case of an emergency the Village may utilize the equipment and infrastructure of such private fire service for fire-fighting, in which case an adjustment shall be made to the private owner's water service bill removing any charges for water used by the Village during such emergency.

m. The entire installation, from the street main and including the hydrant, shall be installed at the expense of the customer.

45-10.4 GENERAL CONDITIONS - PRIVATE FIRE HYDRANTS:

The private fire hydrant or fire hydrants installed on a separate fire service main will be subject to the overage charges under Overage on Schedule of Rates, subject to a special contract and to this Local Law controlling such service.

Such connections, where allowed, are to be used solely for the extinguishment of fire and for no other purpose, except upon written consent of the Village; and any violation of this provision shall be cause for the cancellation of the contract and discontinuance of the service.

SECTION 45-11 - RESPONSIBILITY FOR FIRE SERVICE

The Village, by the provision of public or private fire service or water service of any kind does not warrant that it will provide any special pressure, capacity, or facilities other than can be supplied by the ordinary and changing operating conditions of the Village, as the same exist from day to day. The Village does not assume any liability to any party for injury to persons or property as a consequence of fire, lack of water, failure to supply water pressure or capacity or for any malfunction of Village owned equipment.

SECTION 45-12 - BILLS AND PAYMENTS

45-12.1 PLACE OF PAYMENT:

(a) All bills are payable at the Village Office or any pay agency as designated by the Village. All invoices shall be paid in United States dollars, and may be paid by cash, check or money order.

(b) The Village may elect to accept credit or debit cards, or to accept payments by a website or other electronic service, and if the Village elects to accept payments in such fashion the Village may add to the cost of the bill any service charge or interchange fees the Village incurs in accepting the payments.

45-12.2 BASIS FOR PREPARATION OF BILLS:

All bills for services furnished by the Village will be based on the published Schedule of Rates of the Village. All bills shall be rendered and are due and payable as noted on the bill.

(a) Each premise will be subjected to a fixed minimum charge for each meter, based on the applicable Rate Class in accordance with the Schedule of Rates. Such minimum charge shall be non-abatable for a nonuser of water, and noncumulative against subsequent consumption. In case of fractional bills covering less than the billing period, minimum charges and allowances of water shall be prorated.

45-12.3 BILLS RENDERED AND DUE:

The Village will make regular meter readings either monthly or quarterly, at its option, and bills will be on a quarterly basis.

(a) All bills are due and payable by the Due Date on such bill. Payment of the bill more than nine (9) days after the Due Date will incur such penalty added to the bill as is currently in effect.

(b) If bills are not paid within the required period during which the gross amount shown thereon applies, a delinquent notice may be served by mail, telephone call, or in person to the effect that, unless the bill is paid within the number of days currently allowed, service will be discontinued. Any and all

charges for postage in mailing delinquent, shut off and termination notices may be applied to the owner's account.

(c) If service is thus discontinued, it will not be restored until all unpaid bills and charges, including the posting, termination and reconnect charges, are paid or satisfactory arrangements made for payment.

(d) The Village may mail or deliver the bills and notices to the customer at his address given in the application for service and the Village shall not be responsible for the delivery thereto. Failure to receive bills will not be an excuse for nonpayment.

(e) Any check received by the Village in payment of any bill due the Village, which check is returned unpaid by the drawee bank for any reason, shall be charged against the account involved and, in addition, charges shall be made against said account for cost of handling, for each call for collection and for any other costs involved, such charges to be as currently in effect.

45-12.4 DELINQUENT ACCOUNTS – NOTICES AND FEES:

Any account that remains unpaid for a period in excess of thirty (30) days from the date of issuance shall be considered delinquent. All invoices issued by the Village that remain unpaid after they become delinquent shall be charged interest at a rate of ten percent (10%) per month or part of a month that such invoice remains unpaid, and such interest shall continue to be charged monthly until all charges are paid in full. Upon any account becoming delinquent for non-payment of water charges, the Village shall provide a mailed written notice ("Delinquency Notice") to the resident and, if different, the owner of the premises (as long as the Village may determine the owner through public records or the owner of rental units within the Village has given the Village written notice of the properties owned and rented out by such person to be used for notice purposes), advising both persons of the delinquency. This delinquency may be disputed by filing a written statement of the reasons for the dispute with the Village Clerk, who shall forward such statement to the Water Hearing Board. If such a dispute is filed, it will be investigated and a formal written response will be given by the Water Hearing Board within thirty (30) days. The termination will be deferred pending the processing of the dispute.

(a) If payment is not rendered to the Village within ten (10) days of the Delinquency Notice, the Village shall post a notice of the delinquency at the residence of the delinquent account ("Shut Off Notice"), advising the resident of the date that the water services will be terminated, no less than five (5) business days after the posting. A \$10.00 charge for posting will be added to the delinquent account at this time. If the Village receives no response to the Posting, water service will be disconnected on the day previously indicated on the Posting. The Shut Off Notice to be posted at the delinquent residence will advise the delinquent account holder of the requirements for reconnection, and of the amount due to avoid termination at that time. In order for water service to be reconnected, a reconnection charge in the amount currently in effect must also be paid in addition to the total balance due on the account. This payment must be made in cash, certified check or money order at the offices of the Village.

(b) For any customer outside of the Village, after the Shut-Off notice is issued and the account remains unpaid for five (5) days, the Village may shut off the water service. If the Village is unable to terminate the water service the Village shall impose a \$5 / day charge in addition to the late charges designated above.

(c) If a delinquent account holder is unable to pay the balance due on the account prior to the termination date, the account holder may request relief as provided in Section 45-12.4(e).

(d) Normal hours for service reconnections by the Village are 8:00 a.m. to 2:30 p.m. Monday through Friday. In case of an emergency, after-hours reconnection services may be requested. A special additional charge according to the Schedule of Rates for after-hours service will be levied. This charge, in addition to the amounts specified above, must be paid in cash, certified check or money order and in advance prior to restoration of service.

(e) In the case of inability to pay a water service invoice, the Village may, but shall not be required to, offer a reasonable installment payment plan where, at a minimum, the invoice at issue is equal to or greater than 200% of the customer's average water bill over the last 12 months (or a shorter time if the service has not been in use for a full 12 months at that time). The Village may offer an installment payment plan in other situations, upon proof of financial hardship and at the Village's sole discretion. No installment payment plan will be offered to delinquent account holders who have previously defaulted on an installment payment agreement. Any installment payment under an offered plan is to be made in addition to the amount due on the delinquent customer's regular quarterly bills. Requests for installment payment plans should be made in writing to the Village Clerk who shall forward all such requests to the Water Hearing Board for final determination.

(f) Appeals. Any person aggrieved by a determination of the Water Hearing Board shall have the right to appeal to the Board of Trustees. Such appeal shall be taken by filing a written statement setting forth fully the grounds for the appeal and providing the appellant's full name, mailing address and telephone number, no later than fourteen (14) days after receipt of the formal written response from the Water Hearing Board. The Board of Trustees shall set a time and place for a hearing on such appeal and notice of such hearing shall be mailed to the appellant at his or her address contained in the notice of appeal, at least five (5) days prior to the date set for the hearing. The decision and order of the Board of Trustees shall be final and conclusive.

45-12.5 ASSESSMENT OF ATTORNEY FEES:

In the collection of user charges and other Village claims and assessments, the Village shall be entitled to assess and collect reasonable attorney fees.

45-12.6 LEVY ON TAX ROLLS:

All outstanding bills for properties in the Village will be added to the Tax Roll if not paid by March 20th. At the close of business on March 25th, a fifteen (15%) percent (of the total amount outstanding) late fee shall be added to all bills that are added to the tax roll.

SECTION 45-13 - CROSS CONNECTION AND INTERCONNECTIONS

45-13.1 PROHIBITION OF CROSS CONNECTIONS:

No cross connection between the mains or piping systems supplied by the Village and any other systems of water supply shall be permitted. (See Section VI) without approved backflow prevention. No interconnections shall be permitted without approved backflow prevention. An approved cross connection control plan must be developed in accordance with any applicable county or state code requirements.

(a) All customers now having or maintaining any cross connections must discontinue use immediately.

45-13.2 RIGHT TO DISCONTINUE WATER SERVICE:

In addition to any or all other grounds for discontinuance of service, the Village shall have the right to discontinue water service without notice, relative to cross connections, under the following circumstances:

(a) Failure on the part of the customer to discontinue the use of and separate physically all objectionable cross connections and interconnections, if so directed;

(b) Receipt by the Village of an order from health authorities or plumbing inspectors to discontinue service to a premises on the ground of violation of Village This Local Law regarding cross connections, or on the ground of dangers of health because of the existence of cross connections or interconnections on their premises.

SECTION 45-14 - REGULATION FOR AIR CONDITIONING SYSTEMS

45-14.1 GENERAL:

The following regulations shall apply to all water-cooled equipment installed on the premises for the purpose of reducing the dry-bulb temperature or decreasing the absolute humidity of air whether for comfort, air conditioning, refrigeration, processing or whatever other purposes.

45-14.2 PERMIT REQUIRED:

No one shall place into operation or use any equipment for air conditioning or refrigeration which requires a supply of water from the system of the Village without first having secured a written permit therefore from the Village.

45-14.3 APPLICATION FOR PERMIT:

A written application must be submitted to the Village for the purposes of requesting a permit to operate air conditioning systems regulated by this Local Law, said application to be subject to fees as are required at the time of the application. This Local Law of the Village shall regulate and control the use and operation of any equipment for air conditioning or refrigeration. The application required under this Section shall be submitted at least one month before such use is planned, and include and be accompanied by such information as may be requested by the Village.

45-14.4 WATER USE AND CONSERVATION:

Systems with a capacity in excess of 2-1/2 tons per 24 hours shall not use water directly (or indirectly, except when used with conservation equipment) from the public supply. All such systems shall be equipped with evaporative condensers, cooling towers, spray ponds, or other water conservation equipment, the piping in connection therewith to be arranged so as to prevent any back siphonage into the public water supply system. Systems with a total capacity not exceeding 2-1/2 tons (per 24 hours) may use water directly from the public supply at a rate not exceeding 2.0 gpm per ton if the water temperature is 75 degrees Fahrenheit, provided they are equipped with an automatic regulating valve which will (1) stop the flow of water when the refrigerating machine is shut down, and (2) throttle the flow of water

down to the momentary requirements of the system. All systems having total capacities exceeding 2-1/2 tons (per 24 hours) shall be equipped with evaporative condensers, cooling towers, spray ponds or other water-cooling equipment, unless otherwise approved. This equipment shall be of sufficient capacity to insure conformance with the requirements in the following table for making-up water when operating under full loading at maximum summer temperatures:

MAXIMUM ALLOWABLE WATER USE

Water Hardness-ppm Maximum Use – gpm/ton

0 – 139 0.1

140 – 199 0.15

200 – 254 0.2

255 – 339 0.3

340 – 424 0.4

425 and over 0.5

SECTION 45-15 SANITARY PROTECTION:

45-15.1 GENERAL PROHIBITION

No person shall perform any act or grant any permit or approval which may result in the contravention of the standards for water quality as contained in 10 NYCRR Part 170 and 6 NYCRR Parts 700-706, inclusive.

45-15.2 SPECIFIC PROHIBITIONS

- (a) Cemeteries. No interment of a human body shall be made within a 250 foot linear distance of the wells.
- (b) Chloride salt. No chloride salt shall be stored within a 500 foot linear distance of the wells except in weatherproof buildings or watertight vessels.
- (c) Herbicides and Pesticides. No pesticides or herbicides shall be stored, discharged, applied or allowed to remain within a 500 foot linear distance of the wells unless a permit to do so has been obtained from the appropriate State agency having jurisdiction.
- (d) Human excreta and sewage.
 - (i) No privy, privy vault, pit or other receptacle of any kind for either temporary storage or the permanent deposit of human excreta or sewage shall be constructed, located, placed, maintained or allowed to remain within a 250 foot linear distance of the wells.
 - (ii) No human excreta or sewage shall be deposited or spread upon or beneath the surface of the ground within a 250 foot linear distance of the wells.
 - (iii) No sewage or polluted liquid of any kind shall be discharged or allowed to flow on or beneath the surface of the ground within a 250 foot linear distance of the wells, except in watertight pipes connected to a sewage disposal system or treatment works for which

a permit has been granted by the appropriate State agency having jurisdiction over such facility. No such watertight pipe shall be located within a 15 foot linear distance of the wells.

- (e) Junkyards. No junkyard shall be located within a 250 foot linear distance of the wells.
- (f) Radioactive material. No radioactive material shall be disposed of by burial in soil within a 500 foot linear distance of the wells and not within a 500 foot to a 1,000 foot linear distance of the wells unless authorization has been obtained from the appropriate State agency and such burial is in accordance with provisions of Part 16 of Title 10 of the Official Compilation of Codes, and this Local Law.
- (g) Refuse. No refuse shall be deposited on or beneath the surface of ground within a 250 foot linear distance of the wells.
- (h) Refuse disposal area. No refuse disposal area shall be located within a 500 foot linear distance of the wells.
- (i) Toxic substances. No container used for the storage of toxic substances shall be buried beneath the surface of the ground within a 500 foot linear distance of the wells.
- (j) Trespassing. No trespassing shall be allowed upon the property of the Village upon which the wells are located and no person or persons shall enter in or upon such property except the person or persons authorized to enter said property by the Village.

45-15.3 GENERAL REQUIREMENTS

- (a) Discharge connections for the disposal of waste waters shall be in strict accordance with the applicable this Local Law of State and local health regulatory bodies.
- (b) Cooling waters which are to be reused for other purposes shall be provided with free above-the-rim discharge before entering other equipment; otherwise, permission shall be obtained in writing from the Village approving the proposed connections and use.
- (c) On installations other than those described, there shall be a physical break between the public water supply piping - the piping of the installation, so arranged as to make impossible back siphonage to the public water supply system, this requirement being in accordance with the regulations prohibiting cross connections.

SECTION 45-16 WATER MAIN EXTENSIONS

45-16.1 APPLICATION FOR EXTENSION:

Unless otherwise indicated, a written application must be submitted to the Village for the purpose of requesting approval of a water line extension and water service. Said application is to be signed by the owner or owners, and is subject to the terms and conditions included herein. Which application, together with the This Local Law of the Village, shall regulate and control the installation of water line extensions and the furnishing of water service therefrom.

45-16.2 LEGAL REQUIREMENTS TO BE MET

The Owner and the Village are subject to federal, state and county laws and regulations relating to the construction of new water mains or water system extensions whose application varies depending upon the circumstances and whose requirements must be complied with including the following:

(a) New York State Environmental Quality Review Act. As early as possible, the Village has to determine whether an Environmental Assessment Form needs to be prepared for the proposed action. The extension of water service to "approved subdivisions", not otherwise requiring the preparation of an Environmental Assessment Form, is exempt.

(b) The Cattaraugus County Department of Health, or the Erie County Department of Health, as applicable, must approve the plans and specifications.

(c) The requirements of the Village are set forth in this law. Additional requirements may need to be satisfied depending upon the Owner's particular proposal to implement the provisions and purposes of the law; such requirements may not be evident to the Village at the time of the initial review of the design to be submitted by the Owner under this Article but may arise as design, construction and testing of facilities progresses.

45-16.3 RESPONSIBILITY FOR COST:

The entire cost of the water main extension, including the cost of fire hydrants and other appurtenances and facilities, shall be borne by the developer.

45-16.4 DESIGN

Submissions to the Village. The Owner who desires to construct a new water main or a water system extension must submit the following to the Village:

(a) Three prints of plans and specifications.

(b) Cattaraugus County Department of Health or Erie County Department of Health Application for Approval of Water Distribution System partially completed with information specific to the water system extension. The Superintendent will supply related Village information on the form, will sign this application and will forward it to the appropriate County Health Department.

(c) Standards. Drawings to scale bearing the stamp of a New York licensed engineer are required. Such plans and specifications shall include without limitation the location, size, nature and specifications of all physical components of the system (e.g. water lines, valves and associated equipment) the location and construction of all access roads, the location of any easements or other property rights to be provided to the Village, a surveyor's description of the property rights required for the operation, maintenance and repair and replacement of the water system extension and such other information as is deemed necessary by the Village or its engineers. Design of the system must include, without limitation, adequate means of ingress and egress to the entire system for its operation, maintenance, repair and replacement. Where deemed necessary by the Village, provision must be made for roads of sufficient hardness to support vehicular traffic.

(d) Review. The Village and its engineers will review the materials submitted. The Owner must provide information and general cooperation with the Village as is necessary to effectuate the review.

(e) Approval. The Village will either approve the Owner's plans and specifications, reject them in whole, or return them with comments for needed modifications. The Owner's engineer shall consult closely with the Village's staff during the review by the Village and the appropriate County Department of Health. After the approval of the plans and specifications by the appropriate County Health Department and the Village and the proof of liability insurance required by this Article are filed with the Village, construction may begin.

45-16.5 CONSTRUCTION

Inspection. During construction, the Village may have inspectors on the site from time to time, and the Owner shall make the site of the construction freely available to them. Such inspectors function solely to advise the Superintendent on the progress of construction. Their presence does not imply knowledge of or approval of any aspect of the construction, nor shall they have any responsibility to advise the Owner or the Owner's agents with respect to the construction.

(a) Testing. Upon completion of construction, the Owner shall cause the system to be tested as set forth in this Article and other applicable laws and regulations by the Owner's engineer who shall witness such testing.

45-16.6 MATERIALS FOR WATER PIPE AND APPURTENANCES.

Pipe used on new water mains or water system extensions shall be constructed of new and unused pipe of one of the following materials. The choice of pipe for the specific application shall be as proposed by the design engineer and approved by the Water Superintendent:

(a) Ductile iron pipe manufactured in accordance with AWWA Standard C150 and C151 of Class 52 barrel thickness. The pipe shall be titan joint type with the joint meeting the requirements of AWWA Standard C111. The pipe shall be cement mortar lined and double seal coated inside and out with a bituminous coating of at least 1 mil thickness in accordance with AWWA Standard C104.

(b) Polyvinyl chloride (PVC) pipe manufactured in accordance with AWWA Standard C900, being Pressure Class 200, DR 14. The pipe shall be marked by the manufacturer with the manufacturer's name, the DR rating, and the pressure rating. The pipe shall be certified for use with potable water by NSF and shall be so marked with the seal of the agency. The outside dimensions of the pipe shall conform to the outside dimensions of ductile iron pipe.

(c) Mainline fittings:

(i) Shall be compact fittings manufactured of ductile iron in accordance with AWWA Standard C153, Class 350.

(ii) Shall be cement mortar lined and seal coated inside and out with an approved bituminous coating at least 1 mil thick in accordance with AWWA Standard C104.

(iii) All fasteners used on these fittings shall be fluoro-carbon coated such as SC-1 fasteners as manufactured by StandCote, or approved equal.

(iv) Mechanical joint restraints shall be installed in accordance with AWWA C600.

- (v) Mechanical Joint Restraints shall be Megalug by EBAA Iron Sales, Inc., or approved equal.
- (d) Gate Valves shall be resilient wedge with non-rising stem, having parallel seats and a cast iron body and shall conform to AWWA Specification C509, and the following supplemental details:
- (i) Valve Gates: Cast iron encapsulated with resilient material.
 - (ii) Type of Stem Seal: O-ring (2).
 - (iii) Ends are to be mechanical joint.
 - (iv) Two inch (2") operating nut.
 - (v) Mainline and hydrant auxiliary valves shall have resilient seat.
- (e) Valve Boxes shall be of three piece, Buffalo style cast iron construction, screw type with threads integrally cast with the box.
- (i) Coating: Two (2) coats of asphaltic coating.
 - (ii) Extensions: If needed for abnormally deep valve installations.
 - (iii) Lid: The word WATER shall be cast in the lid.
- (f) Hydrants used in the work shall conform to AWWA Standard C502 and the following:
- (i) Compression type with valve opening equal to 5% inches.
 - (ii) Cast iron body, fully bronze mounted.
 - (iii) Two (2) 2 1/2 inch hose connections with national standard threading (NST thread).
 - (iv) One (1) 4" pumper connection (4.72x6 TPI).
 - (v) The operating stem nut shall be a five-sided (pentagon) 1/2" nut to open right (clockwise) of one piece bronze construction.
 - (vi) The boot (base) shall be mechanical joint with a 6" inlet diameter.
 - (vii) Hydrant shall be factory painted red.
 - (viii) Traffic model with breakaway flange.
 - (ix) Nozzle caps shall be securely fastened to the barrel with chain.
- (g) A dirt (weather) shield shall be provided to protect the operating mechanism from grit buildup and corrosion due to moisture.
- (h) Hydrant shall be draining.
- (i) Manufacturer:
- (i) Kennedy Guardian Hydrant (K81A)

(ii) Mueller Centurion Fire Hydrant

45-16.7 WATER PIPE INSTALLATION

Local utilities shall be contacted to verify construction plans and to make arrangements to disconnect all utility services, where required to undertake the construction work. The utility services shall later be reconnected. The work shall be scheduled so that there is minimum inconvenience to local residents. Residents shall be provided proper and timely notice regarding disconnection of utilities.

(a) The construction right-of-way shall be cleared only to the extent needed for construction. Clearing consists of removal of trees which interfere with construction, removal of underbrush, logs, and stumps, and other organic matter, removal of refuse, garbage, and trash, removal of ice and snow, and removal of telephone and power poles, and posts. Any tree which will not hinder construction shall not be removed, and shall be protected from damage by any construction equipment. Debris shall not be burned, but hauled for disposal in an approved manner.

(b) The public shall be protected from personal and property damage as a result of the construction work.

(c) Traffic shall be maintained at all times in accordance with applicable highway permits. Where no highway permits are required, at least 1/2 of a street shall be kept open for traffic flow.

(d) Erosion control shall be performed throughout the project to minimize the erosion of soils onto lands or into waters adjacent to or affected by the work. Erosion control work shall be implemented following the guidance provided in the New York State Guidelines for Urban Erosion and Sediment Control of the latest revision. If the project is large enough to require a State Pollutant Discharge Elimination Permit (SPDES) for the storm water runoff from the construction activity as required by NYSDEC regulations, a Storm Water Pollution Prevention Plan shall be prepared and filed with the Village and a Notice of Intent (NOI) shall be filed with NYSDEC prior to any work be completed.

(e) The trench shall be excavated only wide enough for proper installation of the water pipe and appurtenances. Allowances may be made for sheeting, de-watering, and other similar actions to complete the work. Roads, sidewalks, and curbs shall be cut, by sawing, before trench excavation is initiated.

(f) Under ordinary conditions, excavation shall be by open cut from the ground surface. However, tunneling or boring under structures other than buildings may be permitted. Such structures include crosswalks, curbs, gutters, pavements, trees, driveways, and railroad tracks.

(g) Open trenches shall be protected at all hours of the day with barricades.

(h) Trenches shall not be open for more than 50 feet in advance of pipe installation nor left unfilled for more than 50 feet in the rear of the installed pipe, when the work is in progress, without permission of the Superintendent. When work is not in progress, including overnight, weekends, and holidays, the trench shall be backfilled to ground surface.

(i) The trench shall be excavated as necessary to allow for the final design pipe line and grade. When unsuitable soils are encountered, these shall be excavated and replaced with select materials.

(j) Ledge rock, boulders, and large stones shall be removed from the trench sides and bottom. The trench shall be over-excavated at least 12 inches for five (5) feet, at the transition from rock bottom to earth bottom, centered on the transition.

(k) Maintenance of grade, elevation, and alignment shall be done by some suitable method or combination of methods approved by the Superintendent. All water mains and extensions shall be installed with a minimum depth of earth cover of 4.5 feet, unless specifically directed by the Superintendent.

(l) No structure shall be undercut unless specifically approved by the Superintendent.

(m) Proper devices shall be provided, and maintained operational at all times, to remove all water from the trench as it enters. At no time shall the water line be used for removal of water from the trench.

(n) To protect workers and to prevent caving, shoring and sheeting shall be used, as needed. Caving shall not be used to backfill the trench. Sheeting shall not be removed but cut off no lower than one foot above the pipe crown and no higher than one foot below final grade, and left in the trench, during backfill operations.

(o) The pipe barrel shall be adequately supported, along its entire length.

(p) When the material encountered at grade in the trench is unsatisfactory to support the pipe or is otherwise harmful in the judgment of the Superintendent, the unstable or unsuitable soils shall be removed and replaced with select material or bedding stone.

(q) Ductile iron pipe shall be laid in accordance with AWWA Standard C600. Unless conditions require bedding as determined by the design engineer or the Superintendent, the trench shall have a flat bottom of sound earth which shall provide the pipe good bearing for its full length. Bell holes shall be hand excavated to allow the pipe to be supported for its full length. If the trench is in rock, the pipe shall be installed with a minimum of 6 inches of clean, washed No. 1 stone bedding beneath the entire length of the pipe barrel.

(r) If PVC pipe is approved for the work, it shall be installed in accordance with AWWA Standard C605. The trench shall be over excavated to allow at least 6 inches of clean washed No. 1 stone bedding beneath the entire length of the pipe barrel.

(s) In the case of PVC pipe, or in a rock trench condition, clean, washed No. 1 stone bedding shall be placed over the laid pipe to a depth of at least six (6) inches. Care shall be exercised so that stone is packed under the pipe haunches. Care shall be exercised so that the pipe is not moved during placement of the crushed stone.

(t) Clean earth fill free of debris and any stones larger than 4 inches shall be hand placed and compacted to a depth of at least 12 inches over the top of the pipe bell to provide proper pipe embedment prior to machine backfilling being allowed to begin.

(u) The remaining portion of the trench above the pipe embedment shall be backfilled in one foot lifts which shall be firmly compacted. Compaction near/under roadways, driveways, sidewalks, and other structures shall be done with select backfill compacted to 95% of the maximum moisture-density

relationship, as determined by ASTM Specification D 698, Method D. Ice, snow, or other frozen material shall not be used for backfill.

(v) All main extensions shall be of such length as to provide access to each premise to be served and shall be constructed across the entire frontage of the lot(s). The applicant shall construct the water service connections for each parcel within the approved development or extension.

(w) Prior to beginning installation of the water mains and appurtenances, the applicant shall provide the following:

- (i) Name of the contractor, including an address and phone number, who will installing the water mains and appurtenances;
- (ii) Shop drawings indicating that all materials utilized meet Village specifications;
- (iii) Minimum five (5) business days advance written notice of the starting date of construction.

45-16.8 TESTING

After installation is complete, the applicant shall conduct hydrostatic testing. The hydrostatic testing shall be conducted in accordance with the procedures outlined in AWWAC600 for ductile iron pipe, and AWWA C605 for PVC pipe. The hydrostatic testing shall be performed by the applicant while under the observation of the Water Superintendent or his approved agent. Only Village personnel shall operate existing water valves.

(a) If the main should fail the hydrostatic test, the necessary corrective measures shall be taken and the tests repeated until satisfactory results are obtained.

(b) After the line has satisfactorily passed the hydrostatic testing the line shall be flushed with a sufficient volume of water to achieve a minimum velocity of 2.5 feet per second in the main. The flushing shall continue until the line is, in the opinion of the Water Superintendent or his agent, clear of all dirt and debris.

(c) After flushing is completed, the line shall be disinfected in accordance with AWWA C651 of the latest revision. After disinfection is complete, samples shall be taken at locations approved by the Superintendent for bacteriological testing.

(d) The applicant shall arrange for the bacteriological testing to be performed by the appropriate County Health Department or an approved commercial laboratory. The results shall be given, in writing, to the Village and the appropriate County Health Department. Should the results prove satisfactory, the line will be approved to be placed in service when all other requirements of this Local Law are met.

45-16.9 DEDICATION OF WATER SYSTEM TO PUBLIC USE

All water mains and extensions to the water system constructed at the Owner's expense, after final approval and acceptance by the Superintendent, shall become the property of the Village and shall thereafter be operated, maintained and repaired by the Village.

(a) Bill of Sale. Legal transfer of the physical components of the system to the Village must be by Bill of Sale executed by the Owner accurately describing the components of the system.

(b) Property Rights. Transfer of the system shall also include the grant of property rights acceptable to the Village to property surrounding the water system required for the operation, maintenance, repair and replacement thereof as identified on the plans including street laterals but excluding building laterals. The Owner shall obtain any necessary rights from other property owners, municipalities or right-of-way holders having such interests. Generally, no acquisition of property rights is necessary for water facilities to be installed within the right-of-way of a state, county, or Village road as long as the Owner obtains all necessary consents of such governmental entities to the placement of water facilities within the bounds of such roads prior to construction.

(c) Attorney's Certificate of Good Title. The Owner shall provide, no less than 30 days prior to the recording of instruments conveying property rights required for the operation, maintenance, repair and replacement of the water system extension, the certification by an attorney admitted to the practice of law within the State of New York stating that the party transferring the system by Bill of Sale and conveyance of property rights as described in this article has clear and marketable title to the property rights transferred to the Village and that the grant of such rights to the Village is free and clear of any prior liens or encumbrances or a title insurance policy in an amount and containing terms acceptable to the Village to the same effect. The Owner is responsible for obtaining any subordination or other agreements necessary to grant clear title to the Village.

(d) Warranty and Maintenance Bond. The Owner shall warrant the system to be free of defects for eighteen (18) months after the date of the first use of the system or its components and shall provide a cash deposit with the attorney for the Village, a Letter of Credit, or a Maintenance Bond or other security in a form and amount satisfactory to the Village holding the Village harmless from operation, maintenance, repair and replacement of such facilities arising from defects in the design, materials, or construction of such facilities. The requirement for financial security may be waived by the Village where the sponsor of the water system extension providing the warranty hereunder is the State of New York, a New York municipal corporation, or agencies thereof.

(e) Third Party Warranties. The Owner will provide assignments of all warranties applicable to equipment or appurtenances to the system.

(f) Professional Expenses of the Village. The Owner shall reimburse the Village for all expenses incurred by the Village incident to the project, including, but not limited to, engineering fees and legal fees, payable as bills are rendered therefore by the Village to the Owner.

(g) Engineer's Certification and Record Drawings. The Owner shall provide the Village with (a) a certification to the Village by a New York licensed professional engineer that the system has been constructed in accordance with the approved plans and specifications and that it has been tested in accordance with this Law, and (b) three (3) sets of original signature paper copies of record drawings, designated as such, bearing the seal of the New York licensed professional Engineer, plus a full digital copy, similarly annotated, in AutoCAD or equivalent software acceptable to the Village.

45-16.10 LIABILITY INSURANCE COVERAGE DURING CONSTRUCTION PERIOD

Before commencing work, the contractor performing the work shall file with the Village insurance certificates for the following:

(a) Workman's Compensation and Employer's Liability Insurance as required by the laws of the State of New York covering the contractor;

(b) Personal Injury Liability Insurance having limits of not less than \$1,000,000 each occurrence and \$2,000,000 aggregate (personal injury);

(c) Property Damage Liability Insurance having limits of not less than \$1,000,000 for all damages arising during the life of the contract; and shall include, but not be limited to, the following designated hazards:

- (i) Premises and Operations;
- (ii) Independent Contractors;
- (iii) Completed operations and products;
- (iv) Property Damage; and
- (v) Explosion, collapse and underground;

(d) Comprehensive automobile liability (including non-owned and hired automobiles) having limits of not less than:

- (i) Bodily injury - each person \$1,000,000 each occurrence \$1,000,000
- (ii) Property damage - each occurrence \$1,000,000

(e) All insurance policies must provide for thirty (30) business days' notice to the Village before cancellation.

SECTION 45-17 REVOCATION OF PERMIT:

Any permit which is issued under these regulations may be revoked by the Village for any one of the following reasons:

(a) Failure of the holder of the permit to discontinue using water for the purpose covered by the permit, immediately upon notice to do so, issued by the Village during an emergency or to forestall in an impending emergency.

(b) Alterations, changes of equipment or piping, improper operation or lack of maintenance which results in conditions that (1) are hazardous to the potable water supply either within the premises or in supply mains or (2) use unnecessary waste of water.

(c) The use of water to exceed the quantities approved.

SECTION 45-18 EXISTING INSTALLATIONS:

The existing installations, that is, such installations as were in operation prior to the effective date of this Local Law, shall not be subject to immediately upgrade infrastructure to the requirements in this Local Law, except where the use of water in connection therewith seriously impairs water service to other consumers in the area and except where modifications are planned in existing equipment and related facilities.

(a) Application shall be submitted and permits obtained for all modifications.

(b) Existing installations that result in impairment of water service in the area shall be modified to permit conservation of water, failure to remedy such condition being subject to the penalty hereinafter set forth.

SECTION 45-19 PENALTIES:

Failure to comply with these regulations shall be sufficient cause to discontinue water service. The Village exercises the right to refuse to issue permits to anyone who is guilty of any prior violations of this Local Law.

SECTION 45-20 GENERAL

45-20.1 INSPECTION:

Authorized employees of the Village, properly identified, shall have access to the customer's premises at all reasonable hours, for the purpose of turning water on or off; inspection, repair and/or replacement of service lines and service line extensions; inspection, setting, reading, repairing and removal of meter; and for any other justifiable purposes.

(a) The Village shall have the power to make such excavations as are required for the proper execution of the work.

45-20.2 TURN-ON/TURN OFF CHARGE:

Initial turn on of water service shall be at no charge to the customer when pre-scheduled with the Village Water Department. Where there is no delinquent bill, water will be finally turned off and discontinued without charge for such service, when pre-scheduled with the Village Water Department. When water service has been terminated because of an unpaid bill or violation of the terms or of rules of the Village, or in any other situation that is not an initial turn on or final shut off, a charge, according to the Schedule of Rates must be paid. Where the turn on is associated with a delinquent bill, the charge must be paid in cash, check or money order before water service is restored.

45-20.3 INTERFERENCE WITH VILLAGE PROPERTY:

No workman, owner, tenant or other unauthorized person shall turn the water on or off at any corporation, curb stop or break the seals, disconnect or remove the meter, or otherwise interfere with the Village's property, without the express consent of the Village.

For unauthorized operation of street valve, curb stop, service valve or other service connection, the person owning the premises served by the line connected to the street valve, curb stop, service valve or other service connection shall be charged in accordance with the Schedule of Rates.

45-20.4 SERVICE OF NOTICES:

All notices and bills relating to the Village or its business shall be deemed to have been properly served if left upon the premises of the customer or if mailed to the customer, directed to, or left at his address as shown on the records of the Village. Failure on the part of the customer to receive a notice or a bill following proper service by the Village shall not excuse the customer for payment of all amounts due, including penalties for late payment.

(a) The Village will send all such notices and bills to the address given on the application for water supply, and if to a tenant, notice will also be provided to the owner of the property if the owner's identity may be determined from public records or the owner has provided a notice mailing address to the Village Clerk.

(b) All notices of general character, affecting or likely to affect a large number of customers, shall be deemed to have been properly given or served if advertised in the newspaper designated by the Village.

45-20.5 COMPLAINTS:

Complaints relative to the character of the service furnished or the reading of meters or of bills rendered must be made in writing and delivered to the main office of the Village.

45-20.6 SERVICE NOT GUARANTEED:

Nothing in this Local Law, nor any contract, nor representation, oral or written, of the Village or any of its employees shall be taken or construed in any manner to constitute a guarantee to furnish a given quantity of water through any service connections, whether for domestic, commercial, industrial, manufacturing or other general uses, or for public or private fire protection purposes, or for any other special purposes; but the Village will at all times and under all conditions endeavor to maintain the efficiency of its service.

45-20.7 RESTRICTION OF SUPPLY:

The Village reserves the right to restrict the supply of water in case of scarcity or whenever the public welfare may require it, and to reserve a sufficient supply of water at all times in its reservoirs to provide for fire and other emergencies.

45-20.8 WATER HAMMER:

No use of water will be permitted which may or does cause water hammer.

45-20.9 ACTS OF VILLAGE EMPLOYEES AND/OR OTHERS:

No agent or employee of the Village shall have the power or right to bind the Village by any promise, agreement, or representation contrary to these This Local Law.

45-20.10 MISCELLANEOUS WORK AND SERVICE FURNISHED BY THE VILLAGE:

The cost of repair and/or restoration of Village facilities damaged due to the actions of others, including the cost of lost water, shall be paid for by those responsible or otherwise negligent. The cost of the work and any miscellaneous services furnished by the Village set forth in these this Local Law shall be determined based on the Schedule of Rates.

(a) All bills for such work and services furnished by the Village, based on the Schedule of Rates and methods of computing charges in accordance with the aforesaid schedules, shall be rendered by the Village and be due and payable by the Due Date. The Village, if necessary, may take appropriate legal action to recover all monies due if payment is not made.

45-20.11 TAPPING FEES:

The Village has established schedules of tapping fees for all connections to main water lines. Fees are in accordance with the Schedule of Rates.

45-20.12 AVAILABILITY OF THIS LOCAL LAW:

Copies of this Local Law Governing Water Service, including the Schedule of Rates, may be obtained at the office of the Village. Copies are available for review at the office of the Village at all times during regular working hours.

(a) Single copies of this Local Law and of the Schedule of Rates are available at no cost at the Village Office.

VILLAGE OF GOWANDA

SCHEDULE OF RATES

1. VILLAGE WATER RATES

\$40.00 minimum charge for usage between 0 – 4000 gallons in a billing quarter.

\$5.25 for each additional full 1000 gallons in a billing quarter.

2. OUT OF VILLAGE WATER DISTRICT RATES

Out of Village Water District customers shall be charged 170 % of Village Water Rates.

3. BULK WATER SALES RATES

Sale of water to purchasers who buy water in bulk at the Village Water facility and transport such water in their own truck to end use.

\$40.00 minimum charge for usage between 0 – 4000 gallons in a billing quarter.

\$5.25 for each additional full 1000 gallons in a billing quarter.

4. OVERAGE RATES

Rates to be charged on “Overages” as defined and provided in Chapter 45 of the Village Laws shall be 200% of the standard Village Rates set out in Section 1 of this Rate Schedule.

5. SERVICE CHARGES

Water turn on or off during work hours (Customer request)	\$20.00
Water turn on or off after hours (Customer request - must be scheduled)	\$75.00
Water turn on and off same day during work hours (Customer request)	\$20.00
Non-payment water turn on/off during work	\$50.00
Non-payment water turn on/off after hours (must be scheduled)	\$90.00
Emergency water turn off (after hours, unscheduled)	\$ 150.00

Repair or replacement of water meter will be \$50.00 per man hour plus the cost of all materials to be charged at the Village’s cost to purchase the materials plus 10%.

6. WATER SERVICE CONNECTION FEES

¾" Or 1" = \$600.00 plus all materials.

1-1/2" or larger = at village cost (estimate to be prepared by Village).

7. OTHER FEES

Application fee for industrial/commercial user applications shall be \$500.00.

Fee to be assessed against any customer for broken seal on water meter shall be \$250.00.

Charge for testing Water Meter (will be refunded if meter is found to be defective) is \$100.00.

8. COMMENCING AND TERMINATING WATER SERVICE

The Village does not charge a customer for the initial turn on of water service or the final turn off of water service. Please contact the Village Office to schedule these services.

THE VILLAGE RESERVES THE RIGHT TO CHANGE/AMEND THIS RATE SCHEDULE AS PROVIDED BY LAW.

Local Law Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 4 of the year 2015

A local law Local Law Governing Water Service
(Insert Title)

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

County City Town Village
(Select one.)

of Gowanda as follows:

(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. 4 of 20 15 of the (County)(City)(Town)(Village) of Gowanda was duly passed by the Village Board of Trustees on December 8 20 15, in accordance with the applicable provisions of law.

~~**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.~~

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.

~~**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.~~

* 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.)~~

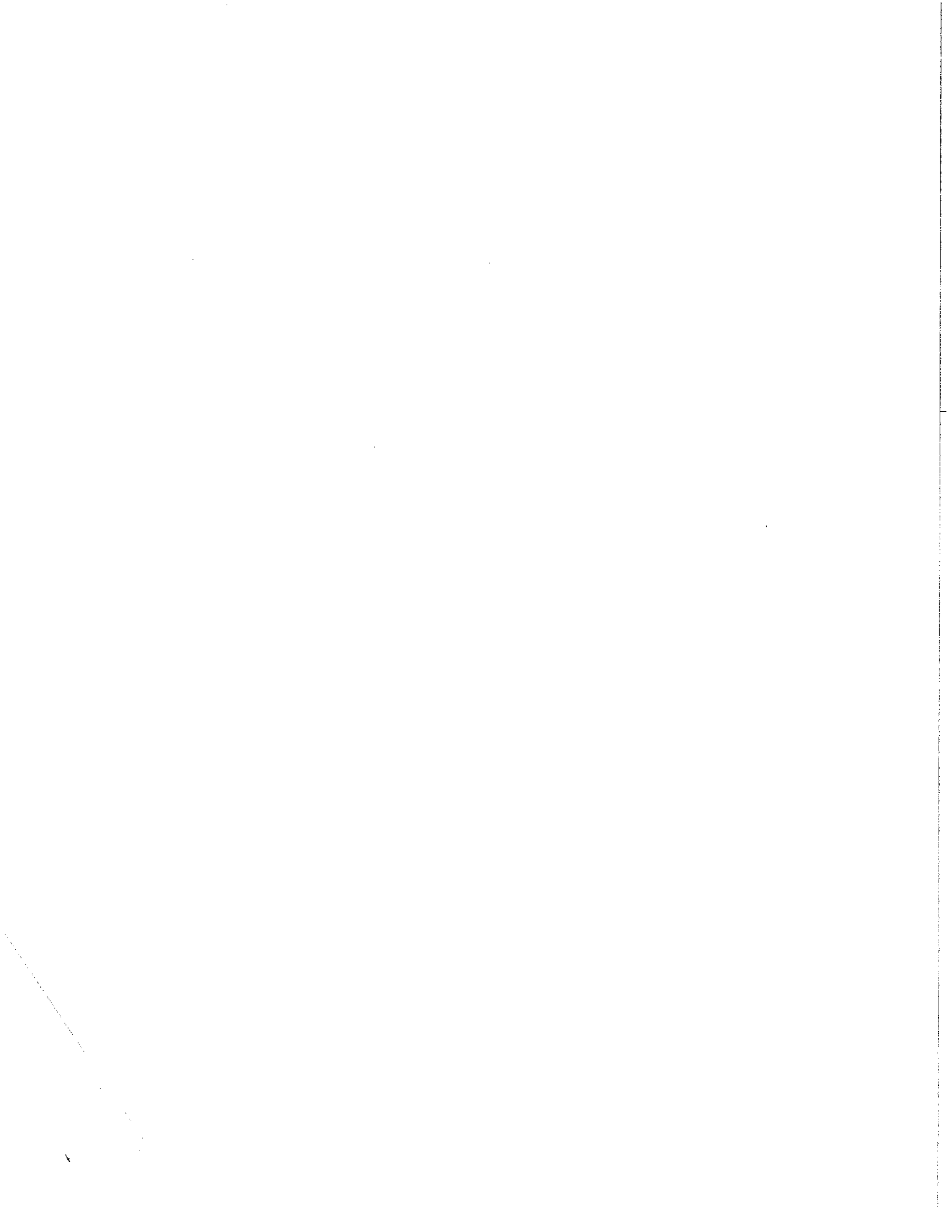
~~I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph _____ above.~~

Kathleen V. Mohawk

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

Date: December 18, 2015

(Seal)



Local Law No.1 of 2019

FLOOD DAMAGE PROTECTION

TITLE 86 FLOOD DAMAGE PROTECTION

A local law for Flood Damage Prevention as authorized by the New York State Constitution, Article IX, Section 2, and Environmental Conservation Law, Article 36

**SECTION 1.0
STATUTORY AUTHORIZATION AND PURPOSE**

1.1 FINDINGS

The Board of Trustees of the Village of Gowanda finds that the potential and/or actual damages from flooding and erosion may be a problem to the residents of the Village of Gowanda and that such damages may include: destruction or loss of private and public housing, damage to public facilities, both publicly and privately owned, and injury to and loss of human life. In order to minimize the threat of such damages and to achieve the purposes and objectives hereinafter set forth, this local law is adopted.

1.2 STATEMENT OF PURPOSE

It is the purpose of this local law to promote the public health, safety, and general welfare, and to minimize public and private losses due to flood conditions in specific areas by provisions designed to:

- (1) regulate uses which are dangerous to health, safety and property due to water or erosion hazards, or which result in damaging increases in erosion or in flood heights or velocities;
- (2) require that uses vulnerable to floods, including facilities which serve such uses, be protected against flood damage at the time of initial construction;
- (3) control the alteration of natural floodplains, stream channels, and natural protective barriers which are involved in the accommodation of flood waters;
- (4) control filling, grading, dredging and other development which may increase erosion or flood damages;
- (5) regulate the construction of flood barriers which will unnaturally divert flood waters or which may increase flood hazards to other lands, and;

- (6) qualify and maintain for participation in the National Flood Insurance Program.

1.3 OBJECTIVES

The objectives of this local law are:

- (1) to protect human life and health;
- (2) to minimize expenditure of public money for costly flood control projects;
- (3) to minimize the need for rescue and relief efforts associated with flooding and generally undertaken at the expense of the general public;
- (4) to minimize prolonged business interruptions;
- (5) to minimize damage to public facilities and utilities such as water and gas mains, electric, telephone, sewer lines, streets and bridges located in areas of special flood hazard;
- (6) to help maintain a stable tax base by providing for the sound use and development of areas of special flood hazard so as to minimize future flood blight areas;
- (7) to provide that developers are notified that property is in an area of special flood hazard; and
- (8) to ensure that those who occupy the areas of special flood hazard assume responsibility for their actions.

SECTION 2.0 DEFINITIONS

Unless specifically defined below, words or phrases used in this local law shall be interpreted so as to give them the meaning they have in common usage and to give this local law its most reasonable application.

"Accessory Structure" is a structure used solely for parking (two-car detached garages or smaller) or limited storage, represent a minimal investment of not more than 10 percent of the value of the primary structure, and may not be used for human habitation.

"Appeal", means a request for a review of the Local Administrator's interpretation of any provision of this Local Law or a request for a variance.

"Area of shallow flooding" means a designated AO, AH or VO Zone on a community's Flood Insurance Rate Map (FIRM) with a one percent or greater annual chance of flooding to an average annual depth of one to three feet where a clearly defined channel does not exist, where the path of flooding is unpredictable and where velocity flow may be evident. Such flooding is characterized by ponding or sheet flow.

"Area of special flood hazard" is the land in the floodplain within a community subject to a one percent or greater chance of flooding in any given year. This area may be designated as Zone A, AE, AH, AO, AI-A30, A99, V, VO, VE, or VI-V30. It is also commonly referred to as the base floodplain or 100-year floodplain. For purposes of this Local Law, the term "special flood hazard area (SFHA)" is synonymous in meaning with the phrase "area of special flood hazard."

"Base flood" means the flood having a one percent chance of being equaled or exceeded in any given year.

"Basement" means that portion of a building having its floor subgrade (below ground level) on all sides.

"Building" see "Structure"

"Cellar" has the same meaning as "Basement".

"Crawl Space" means an enclosed area beneath the lowest elevated floor, eighteen inches or more in height, which is used to service the underside of the lowest elevated floor. The elevation of the floor of this enclosed area, which may be of soil, gravel, concrete or other material, must be equal to or above the lowest adjacent exterior grade. The enclosed crawl space area shall be properly vented to allow for the equalization of hydrostatic forces which would be experienced during periods of flooding.

"Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, paving, excavation or drilling operations or storage of equipment or materials.

"Elevated building" means a non-basement building (i) built, in the case of a building in Zones AI-A30, AE, A, A99, AO, AH, B, C, X, or D, to have the top of the elevated floor, or in the case of a building in Zones VI-30, VE, or V, to have the bottom of the lowest horizontal structure member of the elevated floor, elevated above the ground level by means of pilings, columns (posts and piers), or shear walls parallel to the flow of the water and (ii) adequately anchored so as not to impair the structural integrity of the building

during a flood of up to the magnitude of the base flood. In the case of Zones A1-A30, AE, A, A99, AO, AH, B, C, X, or D, "elevated building" also includes a building elevated by means of fill or solid foundation perimeter walls with openings sufficient to facilitate the unimpeded movement of flood waters. In the case of Zones VI-V30, VE, or V, "elevated building" also includes a building otherwise meeting the definition of "elevated building", even though the lower area is enclosed by means of breakaway walls that meet the federal standards.

"Federal Emergency Management Agency" means the Federal agency that administers the National Flood Insurance Program.

"Flood" or "Flooding" means a general and temporary condition of partial or complete inundation of normally dry land areas from:

- (1) the overflow of inland or tidal waters;
- (2) the unusual and rapid accumulation or runoff of surface waters from any source.

"Flood or "flooding" also means the collapse or subsidence of land along the shore of a lake or other body of water as a result of erosion or undermining caused by waves or currents of water exceeding anticipated cyclical levels or suddenly caused by an unusually high water level in a natural body of water, accompanied by a severe storm, or by an unanticipated force of nature, such as a flash flood or an abnormal tidal surge, or by some similarly unusual and unforeseeable event which results in flooding as defined in (1) above.

"Flood Boundary and Floodway Map (FBFM)" means an official map of the community published by the Federal Emergency Management Agency as part of a riverine community's Flood Insurance Study. The FBFM delineates a Regulatory Floodway along water courses studied in detail in the Flood Insurance Study.

"Flood Elevation Study" means an examination, evaluation and determination of the flood hazards and, if appropriate, corresponding water surface elevations, or an examination, evaluation and determination of flood-related erosion hazards.

"Flood Hazard Boundary Map (FHBM)" means an official map of a community, issued by the Federal Emergency Management Agency, where the boundaries of the areas of special flood hazard have been designated as Zone A but no flood elevations are provided.

"Flood Insurance Rate Map (FIRM)" means an official map of a community, on which the Federal Emergency Management Agency has delineated both the areas of special flood hazard and the risk premium zones applicable to the community.

"Flood Insurance Study" see "flood elevation study".

"Floodplain" or "Flood-prone area" means any land area susceptible to being inundated by water from any source (see definition of "Flooding").

"Floodproofing" means any combination of structural and non-structural additions, changes, or adjustments to structures which reduce or eliminate flood damage to real estate or improved real property, water and sanitary facilities, structures and their contents.

"Floodway" has the same meaning as "Regulatory Floodway".

"Functionally dependent use" means a use which cannot perform its intended purpose unless it is located or carried out in close proximity to water, such as a docking or port facility necessary for the loading and unloading of cargo or passengers, shipbuilding, and ship repair facilities. The term does not include long-term storage, manufacturing, sales, or service facilities.

"Highest adjacent grade" means the highest natural elevation of the ground surface, prior to construction, next to the proposed walls of a structure.

"Historic structure" means any structure that is:

- (1) listed individually in the National Register of Historic Places (a listing maintained by the Department of the Interior) or preliminarily determined by the Secretary of the Interior as meeting the requirements for individual listing on the National Register;
- (2) certified or preliminarily determined by the Secretary of the Interior as contributing to the historical significance of a registered historic district or a district preliminarily determined by the Secretary to qualify as a registered historic district;
- (3) individually listed on a state inventory of historic places in states with historic preservation programs which have been approved by the Secretary of the Interior; or
- (4) individually listed on a local inventory of historic places in communities with historic preservation programs that have been certified either:

- (i) by an approved state program as determined by the Secretary of the Interior or
- (ii) directly by the Secretary of the Interior in states without approved programs.

"Local Administrator" is the person appointed by the community to administer and implement this local law by granting or denying development permits in accordance with its provisions. This person is often the Building Inspector, Code Enforcement Officer, or employee of an engineering department.

"Lowest floor" means lowest floor of the lowest enclosed area (including basement or cellar). An unfinished or flood resistant enclosure, usable solely for parking of vehicles, building access, or storage in an area other than a basement area is not considered a building's lowest floor; provided, that such enclosure is not built so as to render the structure in violation of the applicable non-elevation design requirements of this Local Law.

"Manufactured home" means a structure, transportable in one or more sections, which is built on a permanent chassis and designed to be used with or without a permanent foundation when connected to the required utilities. The term does not include a "Recreational vehicle".

"Manufactured home park or subdivision" means a parcel (or contiguous parcels) of land divided into two or more manufactured home lots for rent or sale.

"Mean sea level" means, for purposes of the National Flood Insurance Program, the National Geodetic Vertical Datum (NGVD) of 1929, the North American Vertical Datum of 1988 (NAVD 88), or other datum, to which base flood elevations shown on a community's Flood Insurance Rate Map are referenced.

"Mobile home" has the same meaning as "Manufactured home".

"New construction" means structures for which the "start of construction" commenced on or after the effective date of a floodplain management regulation adopted by the community and includes any subsequent improvements to such structure.

"One hundred year flood" or "100-year flood" has the same meaning as "Base Flood".

"Principally above ground" means that at least 51 percent of the actual cash value of the structure, excluding land value, is above ground.

"Recreational vehicle" means a vehicle which is:

1. built on a single chassis;
2. 400 square feet or less when measured at the largest horizontal projections;
3. designed to be self-propelled or permanently towable by a light duty truck; and
4. not designed primarily for use as a permanent dwelling but as temporary living quarters for recreational, camping, travel or seasonable use.

"Regulatory Floodway" means the channel of a river or other watercourse and the adjacent land areas that must be reserved in order to discharge the base flood without cumulatively increasing the water surface elevation more than a designated height as determined by the Federal Emergency Management Agency in a Flood Insurance Study or by other agencies as provided in Section 4.4-2 of this Law.

"Start of construction" means the date of permit issuance for new construction and substantial improvements to existing structures, provided that actual start of construction, repair, reconstruction, rehabilitation, addition placement, or other improvement is within 180 days after the date of issuance. The actual start of construction means the first placement of permanent construction of a building (including a manufactured home) on a site, such as the pouring of a slab or footings, installation of pilings or construction of columns.

Permanent construction does not include land preparation (such as clearing, excavation, grading, or filling), or the installation of streets or walkways, or excavation for a basement, footings, piers or foundations, or the erection of temporary forms, or the installation of accessory buildings such as garages or sheds not occupied as dwelling units or not part of the main building. For a substantial improvement, the actual "start of construction" means the first alteration of any wall, ceiling, floor, or other structural part of a building, whether or not that alteration affects the external dimensions of the building.

"Structure" means a walled and roofed building, including a gas or liquid storage tank that is principally above ground, as well as a manufactured home.

"Substantial damage" means damage of any origin sustained by a structure whereby the cost of restoring the structure to its before damaged condition would equal or exceed 50 percent of the market value of the structure before the damage occurred.

"Substantial improvement" means any reconstruction, rehabilitation, addition, or other improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure before the "start of construction" of the improvement. The term includes structures which have incurred "substantial damage", regardless of the actual repair work performed. The term does not, however, include either:

- (1) any project for improvement of a structure to correct existing violations of state or local health, sanitary, or safety code specifications which have been identified by the local code enforcement official and which are the minimum necessary to assure safe living conditions; or
- (2) any alteration of a "Historic structure", provided that the alteration will not preclude the structure's continued designation as a "Historic structure".

"Variance" means a grant of relief from the requirements of this local law which permits construction or use in a manner that would otherwise be prohibited by this local law.

"Violation" means the failure of a structure or other development to be fully compliant with the community's flood plain management regulations.

SECTION 3.0 GENERAL PROVISIONS

3.1 LANDS TO WHICH THIS LOCAL LAW APPLIES

This local law shall apply to all areas of special flood hazard within the jurisdiction of the Village of Gowanda.

3.2 BASIS FOR ESTABLISHING THE AREAS OF SPECIAL FLOOD HAZARD

The areas of special flood hazard are identified and defined on the following documents prepared by the Federal Emergency Management Agency:

- (1) Flood Insurance Rate Maps: 36029C0752H, 36029C0754H, 36029C0756H, 36029C0758H

whose effective date is June 7, 2019, and any subsequent revisions to these map panels that do not affect areas under our community's jurisdiction

- (2) A scientific and engineering report entitled "Flood Insurance Study, Erie County, New York (All Jurisdictions)" dated June 7, 2019.

The above documents are hereby adopted and declared to be a part of this Local Law. The Flood Insurance Study and/or maps are on file at the Office of the Village of Gowanda, 27 East Main Street, Gowanda, NY 14070, during normal business hours.

3.3 INTERPRETATION AND CONFLICT WITH OTHER LAWS

This Local Law includes all revisions to the National Flood Insurance Program through October 27, 1997 and shall supersede all previous laws adopted for the purpose of flood damage prevention.

In their interpretation and application, the provisions of this local law shall be held to be minimum requirements, adopted for the promotion of the public health, safety, and welfare. Whenever the requirements of this local law are at variance with the requirements of any other lawfully adopted rules, regulations, or ordinances, the most restrictive, or that imposing the higher standards, shall govern.

3.4 SEVERABILITY

The invalidity of any section or provision of this local law shall not invalidate any other section or provision thereof.

3.5 PENALTIES FOR NON-COMPLIANCE

No structure in an area of special flood hazard shall hereafter be constructed, located, extended, converted, or altered and no land shall be excavated or filled without full compliance with the terms of this local law and any other applicable regulations. Any infraction of the provisions of this local law by failure to comply with any of its requirements, including infractions of conditions and safeguards established in connection with conditions of the permit, shall constitute a violation. Any person who violates this local law or fails to comply with any of its requirements shall, upon conviction thereof, be fined no more than \$250 or imprisoned for not more than 15 days or both. Each day of noncompliance shall be considered a separate offense. Nothing herein contained shall prevent the Village of

Gowanda from taking such other lawful action as necessary to prevent or remedy an infraction. Any structure found not compliant with the requirements of this local law for which the developer and/or owner has not applied for and received an approved variance under Section 6.0 will be declared non-compliant and notification sent to the Federal-Emergency Management Agency.

3.6 WARNING AND DISCLAIMER OF LIABILITY

The degree of flood protection required by this local law is considered reasonable for regulatory purposes and is based on scientific and engineering considerations. Larger floods can and will occur on rare occasions. Flood heights may be increased by man-made or natural causes. This local law does not imply that land outside the area of special flood hazards or uses permitted within such areas will be free from flooding or flood damages. This local law shall not create liability on the part of the Village of Gowanda, any officer or employee thereof, or the Federal Emergency Management Agency, for any flood damages that result from reliance on this local law or any administrative decision lawfully made there under.

SECTION 4.0 ADMINISTRATION

4.1 DESIGNATION OF THE LOCAL ADMINISTRATOR

The Code Enforcement Officer of the Village of Gowanda is hereby appointed Local Administrator to administer and implement this local law by granting or denying floodplain development permits in accordance with its provisions.

4.2 THE FLOODPLAIN DEVELOPMENT PERMIT

4.2-1 PURPOSE

A floodplain development permit is hereby established for all construction and other development to be undertaken in areas of special flood hazard in this community for the purpose of protecting its citizens from increased flood hazards and insuring that new development is constructed in a manner that minimizes its exposure to flooding. It shall be unlawful to undertake any development in an area of special flood hazard, as shown on the Flood Insurance Rate Map enumerated in Section 3.2, without a valid floodplain development permit. Application for permit shall be made on forms furnished by the Local Administrator and may include, but not be limited to: plans, in duplicate, drawn to scale and showing: the nature, location,

dimensions, and elevations of the area in question; existing or proposed structures, fill, storage of materials, drainage facilities, and the location of the foregoing.

4.2-2 FEES

All applications for a floodplain development permit shall be accompanied by an application fee of \$200.00. In addition, the applicant shall be responsible for reimbursing the Village of Gowanda for any additional costs necessary for review, inspection and approval of this project. The Local Administrator may require a deposit of no more than \$500.00 to cover these additional costs.

4.3 APPLICATION FOR A PERMIT

The applicant shall provide the following information as appropriate. Additional information may be required on the permit application form.

- (1) The proposed elevation, in relation to mean sea level, of the lowest floor (including basement or cellar) of any new or substantially improved structure to be located in Zones A1-A30, AE or AH, or Zone A if base flood elevation data are available. Upon completion of the lowest floor, the permittee shall submit to the Local Administrator the as-built elevation, certified by a licensed professional engineer or surveyor.
- (2) The proposed elevation, in relation to mean sea level, to which any new or substantially improved non-residential structure will be floodproofed. Upon completion of the floodproofed portion of the structure, the permittee shall submit to the Local Administrator the as-built floodproofed elevation, certified by a professional engineer or surveyor.
- (3) A certificate from a licensed professional engineer or architect that any utility floodproofing will meet the criteria in Section 5.2-3, UTILITIES.
- (4) A certificate from a licensed professional engineer or architect that any non-residential floodproofed structure will meet the floodproofing criteria in Section 5.4, NON-RESIDENTIAL STRUCTURES.
- (5) A description of the extent to which any watercourse will be altered or relocated as a result of proposed development. Computations by a licensed professional engineer must be sub-

mitted that demonstrate that the altered or relocated segment will provide equal or greater conveyance than the original stream segment. The applicant must submit any maps, computations or other material required by the Federal Emergency Management Agency (FEMA) to revise the documents enumerated in Section 3.2, when notified by the Local Administrator, and must pay any fees or other costs assessed by FEMA for this purpose. The applicant must also provide assurances that the conveyance capacity of the altered or relocated stream segment will be maintained.

- (6) A technical analysis, by a licensed professional engineer, if required by the Local Administrator, which shows whether proposed development to be located in an area of special flood hazard may result in physical damage to any other property.
- (7) In Zone A, when no base flood elevation data are available from other sources, base flood elevation data shall be provided by the permit applicant for subdivision proposals and other proposed developments (including proposals for manufactured home and recreational vehicle parks and subdivisions) that are greater than either 50 lots or 5 acres.

4.4 DUTIES AND RESPONSIBILITIES OF THE LOCAL ADMINISTRATOR

Duties of the Local Administrator shall include, but not be limited to the following:

4.4-1 PERMIT APPLICATION REVIEW

The Local Administrator shall conduct the following permit application review before issuing a floodplain development permit:

- (1) Review all applications for completeness, particularly with the requirements of sub-section 4.3, APPLICATION FOR A PERMIT; and for compliance with the provisions and standards of this law.
- (2) Review subdivision and other proposed new development, including manufactured home parks to determine whether proposed building sites will be reasonably safe from flooding. If a proposed building site is located in an area of special flood hazard, all new construction and substantial improvements

- (3) shall meet the applicable standards of Section 5.0, CONSTRUCTION STANDARDS and, in particular, subsection 5.1-1 SUBDIVISION PROPOSALS.
- (4) Determine whether any proposed development in an area of special flood hazard may result in physical damage to any other property (e.g., stream bank erosion and increased flood velocities). The Local Administrator may require the applicant to submit additional technical analyses and data necessary to complete the determination.

If the proposed development may result in physical damage to any other property or fails to meet the requirements of Section 5.0, CONSTRUCTION STANDARDS, no permit shall be issued. The applicant may revise the application to include measures that mitigate or eliminate the adverse effects and re-submit the application.

- (5) Determine that all necessary permits have been received from those governmental agencies from which approval is required by State or Federal law.

4.4-2 USE OF OTHER FLOOD DATA

- (1) When the Federal Emergency Management Agency has designated areas of special flood hazard on the community's Flood Insurance Rate map (FIRM) but has neither produced water surface elevation data (these areas are designated Zone A or V on the FIRM) nor identified a floodway, the Local Administrator shall obtain, review and reasonably utilize any base flood elevation and floodway data available from a Federal, State or other source, including data developed pursuant to paragraph 4.3(7), as criteria for requiring that new construction, substantial improvements or other proposed development meet the requirements of this law.
- (2) When base flood elevation data are not available, the Local Administrator may use flood information from any other authoritative source, such as historical data, to establish flood elevations within the areas of special flood hazard, for the purposes of this law.
- (3) When an area of special flood hazard, base flood elevation, and/or floodway data are available from a Federal, State or other authoritative source, but differ

from the data in the documents enumerated in Section 3.2, the Local Administrator may reasonably utilize the other flood information to enforce more restrictive development standards.

4.4-3 ALTERATION OF WATERCOURSES

- (1) Notification to adjacent municipalities that may be affected and the New York State Department of Environmental Conservation prior to permitting any alteration or relocation of a watercourse and submit evidence of such notification to the Regional Administrator, Region II, Federal Emergency Management Agency,
- (2) Determine that the permit holder has provided for maintenance within the altered or relocated portion of said watercourse so that the flood carrying capacity is not diminished.

4.4-4 CONSTRUCTION STAGE

- (1) In Zones AI-A30, AE and AH, and also Zone A if base flood elevation data are available, upon placement of the lowest floor or completion of floodproofing of a new or substantially improved structure, obtain from the permit holder a certification of the as-built elevation of the lowest floor or floodproofed elevation, in relation to mean sea level. The certificate shall be prepared by or under the direct supervision of a licensed land surveyor or professional engineer and certified by same. For manufactured homes, the permit holder shall submit the certificate of elevation upon placement of the structure on the site. A certificate of elevation must also be submitted for a recreational vehicle if it remains on a site for 180 consecutive days or longer (unless it is fully licensed and ready for highway use).
- (2) Any further work undertaken prior to submission and approval of the certification shall be at the permit holder's risk. The Local Administrator shall review all data submitted. Deficiencies detected shall be cause to issue a stop work order for the project unless immediately corrected.

4.4-5 INSPECTIONS

The Local Administrator and/or the developer's engineer or architect shall make periodic inspections at appropriate times throughout the period of construction in order to monitor compliance with permit conditions and enable said inspector to certify, if requested, that the development is in compliance with the requirements of the floodplain development permit and/or any variance provisions.

4.4-6 STOP WORK ORDERS

- (1) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found ongoing without a development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.
- (2) The Local Administrator shall issue, or cause to be issued, a stop work order for any floodplain development found non-compliant with the provisions of this law and/or the conditions of the development permit. Disregard of a stop work order shall subject the violator to the penalties described in Section 3.5 of this local law.

4.4-7 CERTIFICATE OF COMPLIANCE

- (1) In areas of special flood hazard, as determined by documents enumerated in Section 3.2, it shall be unlawful to occupy or to permit the use or occupancy of any building or premises, or both, or part thereof hereafter created, erected, changed, converted or wholly or partly altered or enlarged in its use or structure until a certificate of compliance has been issued by the Local Administrator stating that the building or land conforms to the requirements of this local law.
- (2) A certificate of compliance shall be issued by the Local Administrator upon satisfactory completion of all development in areas of special flood hazard.

- (3) Issuance of the certificate shall be based upon the inspections conducted as prescribed in Section 4.4-5, INSPECTIONS, and/or any certified elevations, hydraulic data, floodproofing, anchoring requirements or encroachment analyses which may have been required as a condition of the approved permit.

4.4-8 INFORMATION TO BE RETAINED

The Local Administrator shall retain and make available for inspection, copies of the following:

- (1) Floodplain development permits and certificates of compliance;
- (2) Certifications of as-built lowest floor elevations of structures required pursuant to sub-sections 4.4-4(1) and 4.4-4(2), and whether or not the structures contain a basement;
- (3) Floodproofing certificates required pursuant to sub-section 4.4-4(1), and whether the structures contain a basement;
- (4) Variances issued pursuant to Section 6.0, VARIANCE PROCEDURES; and,
- (5) Notices required under sub-section 4.4-3, ALTERATION OF WATER COURSES.

SECTION 5.0 CONSTRUCTION STANDARDS

5.1 GENERAL STANDARDS

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.1-1 SUBDIVISION PROPOSALS

The following standards apply to all new subdivision proposals and other proposed development in areas of special flood hazard (including proposals for manufactured home and recreational vehicle parks and subdivisions):

- (1) Proposals shall be consistent with the need to minimize flood damage;
- (2) Public utilities and facilities such as sewer, gas, electrical and water systems shall be located and constructed to minimize flood damage; and,
- (3) Adequate drainage shall be provided to reduce exposure to flood damage.

5.1-2 ENCROACHMENTS

- (1) Within Zones A1-A30 and AE, on streams without a regulatory floodway, no new construction, substantial improvements or other development (including fill) shall be permitted unless:
 - (i) the applicant demonstrates that the cumulative effect of the proposed development, when combined with all other existing and anticipated development, will not increase the water surface elevation of the base flood more than one foot at any location, or,
 - (ii) the Village of Gowanda agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM revision, FEMA approval is received and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Gowanda for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Gowanda for all costs related to the final map revision.
- (2) On streams with a regulatory floodway, as shown on the Flood Boundary and Floodway Map or the Flood Insurance Rate Map adopted in Section 3.2, no new construction, substantial improvements or other development in the floodway (including fill) shall be permitted unless:
 - (i) a technical evaluation by a licensed professional engineer demonstrates through hydrologic and hydraulic analyses performed in accordance

with standard engineering practice that such an encroachment shall not result in any increase in flood levels during occurrence of the base flood, or,

- (ii) the Village of Gowanda agrees to apply to the Federal Emergency Management Agency (FEMA) for a conditional FIRM and floodway revision, FEMA approval is received, and the applicant provides all necessary data, analyses and mapping and reimburses the Village of Gowanda for all fees and other costs in relation to the application. The applicant must also provide all data, analyses and mapping and reimburse the Village of Gowanda for all costs related to the final map revisions.
- (3) In Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, if any development is found to increase or decrease base flood elevations, the Village of Gowanda shall as soon as practicable, but not later than six months after the date such information becomes available, notify FEMA and the New York State Department of Environmental Conservation of the changes by submitting technical or scientific data in accordance with standard engineering practice.

5.2 STANDARDS FOR ALL STRUCTURES

The following standards apply to new development, including new and substantially improved structures, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

5.2-1 ANCHORING

New structures and substantial improvement to structures in areas of special flood hazard shall be anchored to prevent flotation, collapse, or lateral movement during the base flood. This requirement is in addition to applicable State and local anchoring requirements for resisting wind forces.

5.2-2 CONSTRUCTION MATERIALS AND METHODS

- (1) New construction and substantial improvements to

structures shall be constructed with materials and utility equipment resistant to flood damage.

- (2) New construction and substantial improvements to structures shall be constructed using methods and practices that minimize flood damage.
- (3) For enclosed areas below the lowest floor of a structure within Zones A1-A30, AE, AO or A, new and substantially improved structures shall have fully enclosed areas below the lowest floor that are useable solely for parking of vehicles, building access or storage in an area other than a basement and which are subject to flooding, designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters. Designs for meeting this requirement must either be certified by a licensed professional engineer or architect or meet or exceed the following minimum criteria:
 - (i) a minimum of two openings of each enclosed area having a total net area of not less than one square inch for every square foot of enclosed area subject to flooding;
 - (ii) the bottom of all such openings no higher than one foot above the lowest adjacent finished grade and;
 - (iii) openings not less than three inches in any direction.

Openings may be equipped with louvers, valves, screens or other coverings or devices provided they permit the automatic entry and exit of floodwaters. Enclosed areas subgrade on all sides are considered basements and are not permitted.

5.2-3 UTILITIES

- (1) New and replacement electrical equipment, heating, ventilating, air conditioning, plumbing connections, and other service equipment shall be located at least two feet above the base flood elevation, or at least three feet above the highest adjacent grade in a Zone A without an available base flood elevation, or be designed to prevent water from entering and

accumulating within the components during a flood and to resist hydrostatic and hydrodynamic loads and stresses. Electrical wiring and outlets, switches, junction boxes and panels shall be elevated or designed to prevent water from entering and accumulating within the components unless they conform to the appropriate provisions of the electrical part of the Building Code of New York State or the Residential Code of New York State for location of such items in wet-locations;

- (2) New and replacement water supply systems shall be designed to minimize or eliminate infiltration of flood waters into the system;
- (3) New and replacement sanitary sewage systems shall be designed to minimize or eliminate infiltration of flood waters. Sanitary sewer and storm drainage systems for buildings that have openings below the base flood elevation shall be provided with automatic backflow valves or other automatic backflow devices that are installed in each discharge line passing through a building's exterior wall; and,
- (4) On-site waste disposal systems shall be located to avoid impairment to them or contamination from them during flooding.

5.2-4 STORAGE TANKS

- (1) Underground tanks shall be anchored to prevent flotation, collapse and lateral movement during conditions of the base flood.
- (2) Above-ground tanks shall be:
 - a. anchored to prevent flotation, collapse or lateral movement during conditions of the base flood or;
 - b. installed at or above the base flood elevation as shown on the Flood Insurance Rate Map enumerated in Section 3.2 plus two feet.

5.3 RESIDENTIAL STRUCTURES

5.3-1 ELEVATION

The following standards apply to new and substantially improved residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH and also Zone A if base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated to or above two feet above the base flood elevation.
- (2) Within Zone A, when no base flood elevation data are available, new construction and substantial improvements shall have the lowest floor (including basement) elevated at least three feet above the highest adjacent grade.
- (3) Within Zone AO, new construction and substantial improvements shall have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's Flood Insurance Rate Map enumerated in Section 3.2 plus two feet (at least three feet if no depth number is specified).
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.

5.4 NON-RESIDENTIAL STRUCTURES

The following standards apply to new and substantially improved commercial, industrial and other non-residential structures located in areas of special flood hazard, in addition to the requirements in sub-sections 5.1-1, SUBDIVISION PROPOSALS, and 5.1-2, ENCROACHMENTS, and Section 5.2, STANDARDS FOR ALL STRUCTURES.

- (1) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, new construction and substantial improvements of any non-residential structure shall either:

- (i) have the lowest floor, including basement or cellar, elevated to or above two feet above the base flood elevation; or
- (2) be floodproofed so that the structure is watertight below two feet above the base flood elevation, including attendant utility and sanitary facilities, with walls substantially impermeable to the passage of water. All structural components located below the base flood level must be capable of resisting hydrostatic and hydrodynamic loads and the effects of buoyancy. Within Zone AO, new construction and substantial improvements of non-residential structures shall:
 - (i) have the lowest floor (including basement) elevated above the highest adjacent grade at least as high as the depth number specified in feet on the community's FIRM plus two feet (at least three feet if no depth number is specified), or
 - (ii) together with attendant utility and sanitary facilities, be completely floodproofed to that level to meet the floodproofing standard specified in sub-section 5.4(1)(ii).
- (3) If the structure is to be floodproofed, a licensed professional engineer or architect shall develop and/or review structural design, specifications, and plans for construction. A Floodproofing Certificate or other certification shall be provided to the Local Administrator that certifies the design and methods of construction are in accordance with accepted standards of practice for meeting the provisions of Section 5.4(1)(i), including the specific elevation (in relation to mean sea level) to which the structure is to be floodproofed.
- (4) Within Zones AH and AO, adequate drainage paths are required to guide flood waters around and away from proposed structures on slopes.
- (5) Within Zone A, when no base flood elevation data are available, the lowest floor (including basement) shall be elevated at least three feet above the highest adjacent grade.

5.5 MANUFACTURED HOMES AND RECREATIONAL VEHICLES

The following standards in addition to the standards in Section 5.1, GENERAL STANDARDS, and Section 5.2, STANDARDS FOR ALL STRUCTURES apply, as indicated, in areas of special flood hazard to manufactured homes and to recreational vehicles which are located in areas of special flood hazard:

- (1) Recreational vehicles placed on sites within Zones A1-A30, AE and AH shall either:
 - (i) be on site fewer than 180 consecutive days,
 - (ii) be fully licensed and ready for highway use, or
 - (iii) meet the requirements for manufactured homes in paragraphs 5.5(2), (3) and (4).

A recreational vehicle is ready for highway use if it is on its wheels or jacking system, is attached to the sites only by quick disconnect type utilities and security devices and has no permanently attached additions.

- (2) A manufactured home that is placed or substantially improved in Zones A1-A30, AE and AH shall be elevated on a permanent foundation such that the bottom of the frame of the manufactured home chassis is elevated to or above two feet above the base flood elevation and is securely anchored to an adequately anchored foundation system to resist flotation, collapse and lateral movement.
- (3) Within Zone A, when no base flood elevation data are available, new and substantially improved manufactured homes shall be elevated such that the bottom of the frame of the manufactured home chassis is supported by reinforced piers or other foundation elements of at least equivalent strength that are no less than 36 inches in height above grade and are securely anchored to an adequately anchored foundation system to resist flotation, collapse or lateral movement.
- (4) Within Zone AO, the bottom of the frame of the manufactured home chassis shall be elevated above the highest adjacent grade at least as high as the depth number specified on the

Flood Insurance Rate Map enumerated in Section 3.2 plus two feet (at least three feet if no depth number is specified).

5.6 ACCESSORY STRUCTURES INCLUDING DETACHED GARAGES

The following standards apply to new and substantially improved accessory structures, including detached garages, in the areas of special flood hazard shown on the Flood Insurance Rate Map designated in Section 3.2.

- (1) Within Zones A1-A30, AE, AO, AH, A, accessory structures must meet the standards of Section 5.2-1, ANCHORING,
- (2) Within Zones A1-A30, AE and AH, and also Zone A if base flood elevation data are available, areas below two feet above the base flood elevation shall be constructed using methods and practices that minimize flood damage.
- (3) Within Zones AO and Zone A, if base flood elevation data are not available, areas below three feet above the highest adjacent grade shall be constructed using methods and practices that minimize flood damage.
- (4) Structures must be designed to automatically equalize hydrostatic flood forces on exterior walls by allowing for the entry and exit of flood waters in accordance with Section 5.2-2(3).
- (5) Utilities must meet the requirements of Section 5.2.3, UTILITIES SECTION 6.0 VARIANCE PROCEDURE.

6.1 APPEALS BOARD

- (1) The Zoning Board of Appeals as established by the Village of Gowanda shall hear and decide appeals and requests for variances from the requirements of this local law.
- (2) The Zoning Board of Appeals shall hear and decide appeals when it is alleged there is an error in any requirement, decision, or determination made by the Local Administrator in the enforcement or administration of this local law.
- (3) Those aggrieved by the decision of the Zoning Board of Appeals may appeal such decision to the Supreme Court pursuant to Article 78 of the Civil Practice Law and Rules.

- (4) In passing upon such applications, the Zoning Board of Appeals, shall consider all technical evaluations, all relevant factors, standards specified in other sections of this local law and:
- (i) the danger that materials may be swept onto other lands to the injury of others;
 - (ii) the danger to life and property due to flooding or erosion damage;
 - (iii) the susceptibility of the proposed facility and its contents to flood damage and the effect of such damage on the individual owner;
 - (iv) the importance of the services provided by the proposed facility to the community;
 - (v) the necessity to the facility of a waterfront location, where applicable;
 - (vi) the availability of alternative locations for the proposed use which are not subject to flooding or erosion damage;
 - (vii) the compatibility of the proposed use with existing and anticipated development;
 - (viii) the relationship of the proposed use to the comprehensive plan and floodplain management program of that area;
 - (ix) the safety of access to the property of times of flood for ordinary and emergency vehicles;
 - (x) the costs to local governments and the dangers associated with conducting search and rescue operations during periods of flooding;
 - (xi) the expected heights, velocity, duration, rate of rise and sediment transport of the flood waters and the effects of wave action, if applicable, expected at the site; and
 - (xii) the costs of providing governmental services during and after flood conditions, including search and rescue

operations, maintenance and repair of public utilities and facilities such as sewer, gas, electrical, and water systems and streets and bridges.

- (5) Upon consideration of the factors of Section 6.1(4) and the purposes of this local law, the Zoning Board of Appeals may attach such conditions to the granting of variances as it deems necessary to further the purposes of this local law.
- (6) The Local Administrator shall maintain the records of all appeal actions including technical information and report any variances to the Federal Emergency Management Agency upon request.

6.2 CONDITIONS FOR VARIANCES

(1) Generally, variances may be issued for new construction and substantial improvements to be erected on a lot of one-half acre or less in size contiguous to and surrounded by lots with existing structures constructed below the base flood level, providing items (i-xii) in Section 6.1(4) have been fully considered. As the lot size increases beyond the one-half acre, the technical justification required for issuing the variance increases.

(2) Variances may be issued for the repair or rehabilitation of historic structures upon determination that:

(i) the proposed repair or rehabilitation will not preclude the structure's continued designation as a "Historic structure";

(ii) the variance is the minimum necessary to preserve the historic character and design of the structure.

(3) Variances may be issued by a community for new construction and substantial improvements and for other development necessary for the conduct of a functionally dependent use provided that:

(i) the criteria of subparagraphs 1, 4, 5, and 6 of this Section are met; and

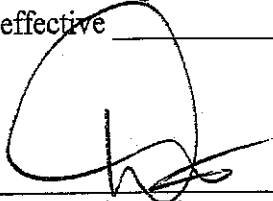
(ii) the structure or other development is protected by methods that minimize flood damages during the base flood and create no additional threat to public safety.

- (4) Variances shall not be issued within any designated floodway if any increase in flood levels during the base flood discharge would result.
- (5) Variances shall only be issued upon a determination that the variance is the minimum necessary, considering the flood hazard, to afford relief.
- (6) Variances shall only be issued upon receiving written justification of:
- (i) a showing of good and sufficient cause;
 - (ii) a determination that failure to grant the variance would result in exceptional hardship to the applicant; and
 - (iii) a determination that the granting of a variance will not result in increased flood heights, additional threats to public safety, extraordinary public expense, create nuisances, cause fraud on or victimization of the public or conflict with existing local laws or ordinances.
- (7) Any applicant to whom a variance is granted for a building with the lowest floor below the base flood elevation shall be given written notice over the signature of a community official that:
- (i) the issuance of a variance to construct a structure below the base flood level will result in increased premium rates for flood insurance up to amounts as high as \$25 for \$100 of insurance coverage; and
 - (ii) such construction below the base flood level increases risks to life and property.


Such notification shall be maintained with the record of all variance actions as required in Section 4.4-8 of this Local Law.

LOCAL LAW NO. 1 OF 2019 VILLAGE OF GOWANDA MUNICIPAL CODE

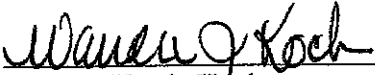
Be it enacted this 7th day of May, 2019 by the Board of Trustees of the Village of Gowanda, Erie and Cattaraugus Counties, New York, to be effective _____.



Mayor David Smith



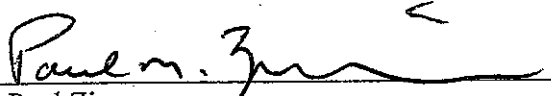
Trustee Carol Sheibley



Trustee Wanda Koch



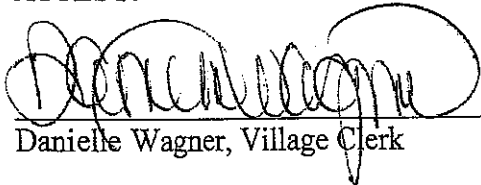
Trustee Aaron Markham



Trustee Paul Zimmermann

SEAL:

ATTEST:



Danielle Wagner, Village Clerk

**Attachment A
FLOODPLAIN DEVELOPMENT
APPLICATION**

APPLICATION # _____

Page 1 of 4

FLOODPLAIN DEVELOPMENT PERMIT APPLICATION

This form is to be filled out in duplicate.

SECTION 1: GENERAL PROVISIONS (APPLICANT to read and sign):

1. No work may start until a permit is issued.
2. The permit may be revoked if any false statements are made herein.
3. If revoked, all work must cease until permit is re-issued.
4. Development shall not be used or occupied until a Certificate of Compliance is issued.
5. The permit is invalid if no work is commenced within six months of issuance and expires 2 years from date of issuance.
6. Applicant is hereby informed that other permits may be required to fulfill local, state and federal regulatory requirements.
7. Applicant hereby gives consent to the Local Administrator or his/her representative to make reasonable inspections required to verify compliance.
8. I, THE APPLICANT, CERTIFY THAT ALL STATEMENTS HEREIN AND IN ATTACHMENTS TO THIS APPLICATION ARE, TO THE BEST OF MY KNOWLEDGE, TRUE AND ACCURATE.

(APPLICANT'S SIGNATURE) _____ DATE

SECTION 2: PROPOSED DEVELOPMENT (To be completed by APPLICANT)

NAME

ADDRESS

TELEPHONE

APPLICANT

BUILDER

ENGINEER

PROJECT LOCATION:

To avoid delay in processing the application, please provide enough information to easily identify the project location. Provide the street address, lot number or legal description (attach) and, outside urban areas, the distance to the nearest intersecting road or well-known landmark. A map attached to this application, and a sketch showing the project layout would be helpful.

APPLICATION # _____

Page 2 of 4

DESCRIPTION OF WORK (Check all applicable boxes):

A. STRUCTURAL DEVELOPMENT

ACTIVITY

STRUCTURE TYPE

- New Structure
- Addition
- Alteration
 - No)
- Relocation
- Demolition
- Replacement

- Residential (1-4 Family)
- Residential (More than 4 Family)
- Non-residential (Floodproofing? Yes
- Combined Use (Residential &
- Manufactured (Mobile) Home
(In Manufactured Home Park? Yes No)

ESTIMATED COST OF PROJECT \$ _____

B. OTHER DEVELOPMENT ACTIVITIES:

- Fill Mining Drilling Grading
- Excavation (Except for Structural Development Checked Above)
- Watercourse Alteration (Including Dredging and Channel Modifications)
- Drainage Improvements (Including Culvert Work), Stormwater Control Structures or Ponds
- Road, Street or Bridge Construction
- Subdivision (New or Expansion)
- Individual Water or Sewer System
- Other (Please Specify)

After completing SECTION 2, APPLICANT should submit form to Local Administrator for review.

SECTION 3: FLOODPLAIN DETERMINATION (To be completed by LOCAL ADMINISTRATOR)

The proposed development is located on FIRM Panel No. _____, Dated _____.

The Proposed Development:

- The proposed development is reasonably safe from flooding. Entire property is in Zone B, C or X.
- The proposed development is in adjacent to a flood prone area.
100-Year flood elevation at the site is:
_____ Ft. NGVD 1929/ NAVD 1988 (MSL)
 Unavailable
- See Section 4 for additional instructions for development that is or may be in a flood prone area.

SIGNED _____ DATE _____

APPLICATION #

Page 4 of 4

APPEALS: Appealed to Board of Appeals? Yes No
Hearing date: _____
Appeals Board Decision --- Approved? Yes No

Conditions:

SECTION 6: AS-BUILT ELEVATIONS (To be submitted by APPLICANT before Certificate of Compliance is issued)

The following information must be provided for project structures. This section must be completed by a registered professional engineer or a licensed land surveyor (or attach a certification to this application). Complete 1 or 2 below.

1. Actual (As-Built) Elevation of the top of the lowest floor, including basement (in Coastal High Hazard Areas, bottom of lowest structural member of the lowest floor, excluding piling and columns) is: _____ FT.
 NGVD 1929/ NAVD 1988 (MSL).
Attach Elevation Certificate FEMA Form 81-31

2. Actual (As-Built) Elevation floodproofing protection is _____ FT. NGVD 1929/ NAVD 1988 (MSL)
Attach Floodproofing Certificate FEMA Form 81-65

NOTE: Any work performed prior to submittal of the above information is at the risk of the Applicant.

SECTION 7: COMPLIANCE ACTION (To be completed by LOCAL ADMINISTRATOR)

The LOCAL ADMINISTRATOR will complete this section as applicable based on inspection of the project to ensure compliance with the community's local law for flood damage prevention.

INSPECTIONS: DATE _____ BY _____
 DEFICIENCIES? Yes No
 DATE _____ BY _____
 DEFICIENCIES? Yes No
 DATE _____ BY _____
 DEFICIENCIES? Yes No

SECTION 8: CERTIFICATE OF COMPLIANCE (To be completed by LOCAL ADMINISTRATOR)

Certificate of Compliance issued: DATE: _____

BY: _____

Attachment B

CERTIFICATE OF COMPLIANCE

for Development in a Special Flood Hazard Area

CERTIFICATE OF COMPLIANCE
FOR DEVELOPMENT IN A SPECIAL FLOOD HAZARD AREA

(Owner Must Retain This Certificate)

Premises located at: _____

Owner: _____

Owner's Address: _____

Permit No _____ Permit Date _____

Check One:

- New Building
- Existing Building
- Fill
- Other:

The Local Floodplain Administrator is to complete a. or b. below:

a. Compliance is hereby certified with the requirements of Local Law No. _____, (yr) _____.
Signed: _____ Dated: _____

b. Compliance is hereby certified with the requirements of Local Law No. _____, (yr.) _____, as modified by variance no. _____, dated _____.
Signed: _____ Dated: _____

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

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 2019 of the ~~(County)(City)(Town)~~(Village) of Gowanda was duly passed by the Village of Gowanda Board of Trustees on May 7 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) *(Name of Legislative Body)* (repassed after disapproval) by the _____ on _____ 20____. *(Elective Chief Executive Officer*)*

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

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

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

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

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

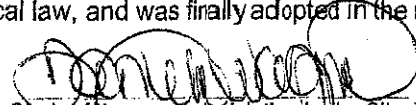
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified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

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

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

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

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



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

Date: 5/7/19

(Seal)

Local Law

Amending Chapter 81 Entitled Partial Tax Exemption

LOCAL LAW NO. 2 OF THE YEAR 2019

A LOCAL LAW AMENDING CHAPTER 81 ENTITLED "PARTIAL TAX EXEMPTION"
OF THE VILLAGE OF GOWANDA MUNICIPAL CODE

SECTION 1. That Chapter 81 of the Municipal Code entitled "PARTIAL TAX EXEMPTION" is hereby amended as follows:

a. Section 81.3 shall be amended to read as follows:

81.3 Application to town assessor

A person seeking such exemption shall make an application to the appropriate town in which such individual lives, and shall follow such procures and requirements as may be imposed by that tax assessing entity.

b. Section 81.4 is repealed and shall appear in the Municipal Code as follows:

81.4 (repealed)

c. A new section 81.5 entitled "Offset for medical expenses" shall be added to read as follows:

81.5 Offset for medical expenses.

Any income used in the determination of applicants' eligibility for the exemption hereby granted shall be offset by all medical and prescription drug expenses actually paid which were not reimbursed or paid for by insurance.

SECTION 2. This local law shall take effect immediately upon filing with the Secretary of State.

Local Law Filing

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

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

County City Town Village
(Select one.)

of Gowanda

Local Law No. 2 of the year 2019

A local law AMENDING CHAPTER 81 ENTITLED "PARTIAL TAX EXEMPTION" OF THE VILLAGE
(Insert Title)
OF GOWANDA MUNICIPAL CODE

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

County City Town Village
(Select one.)

of Gowanda as follows:

(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. 2 of 2019 of the (County)(City)(Town)(Village) of Gowanda was duly passed by the Board of Trustees on 9/10 2019, in accordance with the applicable provisions of law.

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 _____ 2019, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (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.

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.

* 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

Date: 10/17/19

(Seal)