

Local Law Introductory # 6 of 2024

**A LOCAL LAW AMENDING CHAPTER 136 OF THE CODE OF THE VILLAGE OF HARRIMAN ENTITLED “WATER.”**

WHEREAS, the Village Board has undertaken a review of certain provisions of Chapter 136 (“Water”) of the Village Code of the Village of Harriman; and

WHEREAS, the Village has determined to make certain changes and additions to Chapter 136 by adding a new Article V entitled “Water Restrictions”; and

WHEREAS, pursuant to Municipal Home Rule Law §§ 10 and 20, the Village amends, enacts and deletes certain sections of the Village of Harriman Code.

NOW, THEREFORE, be it enacted by the Village Board of the Village of Harriman, County of Orange as follows:

**SECTION 1: LEGISLATIVE PURPOSE AND INTENT:**

The Village of Harriman owns and operates a public water supply which serves the Village and properties outside the Village. Recognizing that the water supply is finite and subject to variation depending on a number of factors, it may become necessary to impose restrictions from time to time on the use of water within and without the Village. The purpose of this local law is to vest in the Mayor and/or the Board of Trustees the authority to prohibit or limit water usage at any time the Mayor or Board determines, in their discretion, that such prohibition or limitation is protective of the Village public water supply or the public health, safety and welfare.

**SECTION 2. AUTHORITY:**

This Local Law is enacted by the Board of Trustees of the Village of Harriman pursuant to its authority to adopt local laws under Article IX of the New York State Constitution, Sections 10 and 20 of the Municipal Home Rule Law and Sections 4-412 and 11- 1116 of the Village Law.

**SECTION 3. AMENDMENTS TO CHAPTER 136 OF THE VILLAGE CODE OF THE VILLAGE OF HARRIMAN**

Chapter 136 of the Village Code is amended by adding a new Article V, Sections 136-28 through 136-31, as follows:

**Article V – Water Restrictions**

§ 136-28 **Purpose and Scope of Authority.**

§ 136-29 **Declaration of Water Usage Prohibition or Restriction.**

§ 136-30 **Enforcement**

§ 136-31. **Violation of water usage declaration.**

§ 136-28. **Purpose and Scope of Authority.** The Mayor, when authorized by the Board of Trustees, shall have the authority to prohibit or limit water usage at any time the Mayor determines in his discretion that such prohibition or limitation is protective of the Village public water supply or the public health, safety and welfare. Where circumstances exist that such prohibition or limitation cannot await the next meeting of the Board, the Mayor shall have the authority, in his discretion, to prohibit or limit water usage by declaration as provided in § 136-29 of this Article subject to the Board's approval at its next scheduled meeting. Such prohibitions or limitations on water usage may be applied to outdoor use of water, use by residential properties, use by commercial and/or industrial properties, use by district properties, use by out-of-district properties, indoor use of water, or any combination of the foregoing, including prohibitions or limitations based on any reasonable classification of properties or of water usage, as determined by the Mayor.

§ 136-29 **Declaration of Water Usage Prohibition or Restriction.** Any such prohibition or limitation shall take effect upon declaration, written and signed by the Mayor. Said declaration shall state the prohibitions or limitations upon usage of the Village water supply. The declaration shall become effective upon the posting of same in four public places within the Village or by mailing to a water user at the user's or property owner's last known address. The declaration may also be published in the official newspaper of the Village, but failure to publish same shall not affect the validity or enforcement of the declaration.

§ 136-30 **Enforcement.** The prohibitions or limitations so declared shall have the force and effect of law and shall be enforced by the Village of Harriman Police Department, the Building Inspector, the Superintendent of the Department of Public Works and any other person or position designated by resolution of the Village Board. All such enforcement officers are authorized to issue appearance tickets and notices of violation in connection with violations of the declaration. An appearance ticket shall be served personally, and a copy of the appearance ticket accompanied by an affidavit of service shall be delivered to the Justice Court Clerk prior to the appearance date. A notice of violation may be served personally or by certified mail, return receipt requested, to the last known address of the property owner or water user.

§ 136-31. **Violation of water usage declaration.**

A. Each violation of a water usage declaration shall also be deemed a violation of this section. Each day, and/or each incident that violates or causes a violation of a water usage declaration shall be deemed a separate and distinct violation of the water usage declaration. There is no limitation on the number of days or incidents for which a person, water user, water customer or property owner ("water user") may be cited for violation of a water usage declaration.

B. Any water user who violates a water usage declaration, or portion thereof, shall be subject to a fine not to exceed \$250 for each violation.

C. In addition to and not in lieu of the above, any water user who violates a water usage declaration, or portion thereof, shall be subject to a civil penalty in an amount not to exceed \$250 for each violation. Said civil penalty may be assessed by the Justice Court, State Supreme Court or by the Village Board after said water user has been given due notice and opportunity to be heard to contest the alleged violation and penalty.

D. In addition to and not in lieu of the above, the Village Board shall have the authority to terminate or suspend water service to any property after the water user and property owner has been given due notice and opportunity to be heard before the Village Board to contest the alleged violation and penalty. Village officers, employees and agents shall have the authority to enter upon private property if necessary to terminate or suspend water service. Such service will not be resumed until the cause for such discontinuance is removed and the expense of shutting off and turning on the water, if any, is paid. Fees for discontinuance of service shall be incurred as provided in § 74-5I(2)(a).

#### **SECTION 4. EFFECTIVE DATE:**

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