

**THIS LOCAL LAW WAS REPEALED BY LL INTRO. 3-13**

(Adopted as LL 2-13) on 3/27/13

**LOCAL LAW NO. 2-96  
CHAUTAUQUA COUNTY**

**A LOCAL LAW CONFIRMING THE REVISED METHOD OF PAYMENT OF THE COST  
OF IMPROVEMENT, OPERAITON, AND MAINTENANCE OF THE NORTH COUNTY  
INDUSTRIAL WATER DISTRICT NO. 1 AND CONFIRMING AN AMENDMENT TO  
SCHEDULE OF CHARGES**

WHEREAS, the Board of Directors of the North County Industrial Water District No. 1 has previously established a scale of charges and bills of the County Law based on a per unit quarterly water charge and a per gallon consumption charge, as confirmed by the Chautauqua County Legislature, and

WHEREAS, following a public hearing held on December 6, 1995, said Board approved an amendment to such of charges and billings, and the amended scale of charges must be confirmed by the Chautauqua County Legislature before it becomes effective, therefore

BE IT ENACTED, by the County Legislature of the County of Chautauqua, New York as follows:

Section1. Definitions. There is hereby established an imposed a scale of water charges for the annual amortization, operation, maintenance and other costs of the North County Water District No. 1.

As used herein, the following terms shall mean and include:

A. "District" The North County Industrial Water District No. 1, a County water district of the County of Chautauqua organized and existing pursuant to Article 5-A of the County Law.

B. "Administrative Head" The Administrative Head or body of the North County Industrial Water District No. 1 as established by the Chautauqua County Legislature under Article 5-A of the County Law of the State of New York.

C. "User" The owner of a parcel of property within the District benefited by the project.

**Section 2. Scale of Charges and Billing.**

A. The following water charges are established for the annual amortization, operation, maintenance, and other costs of the North County Industrial Water District No. 1, being the sum of subparagraph (1) and (2) hereunder:

(1) Unit Charge. There shall be a quarterly water charge of \$257.814253 per unit, a unit being one acre of land for each of the 240.65 acres benefited by the project.

(2) Consumption Charge. There shall be a per gallon water charge of \$0.00200233 per gallon of actual or estimated water use, that shall be in addition to the City of Dunkirk water charges paid directly to the City by District water users pursuant to the water service agreement between the District and the City of Dunkirk.

B. The Administrative Head shall quarterly fix the amount to be charged to each User in the District by adding the applicable unit charge and consumption charge attributable to each User's parcel of property, and shall mail a bill for such charge to the assessed owner of each parcel of real property so charged on or about the first day of March, June, September, and December, which bill shall be due within thirty (30) days of the date when it was mailed; a penalty of ten percent (10%) of the amount of the bill shall be added to any bills which remain unpaid thirty (30) days after the date on which they were mailed.

C. The Finance Director of the County of Chautauqua shall collect all charges and penalties established hereunder in accordance with Section 266 of the County Law.

### Section 3. Appeals.

The following procedure is established for taking appeals from the rate fixing determinations of the Board of Directors of the North County Industrial Water District No. 1 For water sold to users within the district.

A. All such appeals shall be in writing and mailed within forty-five (45) days of the date of mailing of the bill from which the appeal is taken signed by the property owner appealing from the rate fixing determination, shall be addressed to North County Industrial Water District No. 1, P.O. Box 167, Mayville, New York 14757 by certified mail, return receipt requested showing the party to whom delivery was made, shall state concisely the reason why the property owner believes said determination is inequitable, and shall state the address to which notice to the property owner shall be sent.

B. Within forty-five (45) days of the receipt of the appeal, the Board shall respond by either notifying the property owner of its agreements with the result requested or notifying the property owner in writing of its reason for denying the appeal, In the later case, the Board shall transmit a copy of the appeal and the response to it to the "Chairman of the Chautauqua County Legislature, Gerace Office Building, Mayville, New York 14757".

C. The Chairman of the Chautauqua County Legislature, shall appoint, within thirty (30) days of the receipt of the transmittal of the appeal papers, a three-member committee to review the appeal and response and to make a written recommendation to the County Legislature. The Chairman of the Legislature, in his discretion, may appoint ad hoc committees for particular appeals. The Chairman of the Legislature shall transmit copies of the appeal and response to the members of the committee.

D. Within forty-five (45) days of the receipt of the appeal papers, the community shall submit a proposed resolution to the Chautauqua County Legislature for resolutions and decision of the appeal. If the committee should desire to take testimony or gather additional information concerning the appeal, it shall notify the property owner and the Board by mailing, at least seven (7) days before the date fixed for these purposes specifying the area and means of intended inquiry.

E. The Clerk of the Chautauqua County Legislature shall notify the property owner and the Board of the decision of the appeal within ten (10) days of the adoption of a resolution deciding the appeal. If the resolution deciding the appeal fails to be adopted because of the veto

of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be referred back to the committee for reconsideration and re-submittal to the Chautauqua County Legislature of a proposed decision under Paragraph D hereof; if the second resolution of the Chautauqua County Legislature deciding the appeal fails to be adopted because of the veto of the Chautauqua County Executive and the failure of the Chautauqua County Legislature to override the veto, the appeal shall be deemed to have been denied in all aspects.

F. An appeal by a property owner shall not suspend the obligation to pay charges under Section 266 or penalties for late payment of non-payment. The district shall cause to be refunded, within thirty (30) days of its receipt of the decision of the Legislature, any amount of overpayment and penalty as determined by the decision of the appeal by the Chautauqua County Legislature.

G. All notice, except the billing of the district made under this appeal procedure shall be by certified mail, return receipt requested showing the party to whom deliver was made and shall be complete upon mailing to either the North County Industrial Water District No. 1, P.O. Box 167, Mayville, New York 14757 or the property owner at the address stated in his appeal.

#### Section 4. Severability.

If any clause, sentence, paragraph, word, subdivision, section, or other part of this resolution shall be adjudged by any court of competent jurisdiction to be invalid, such judgment shall be confined to its operation to the clause, sentence, paragraph, subdivision, section, or other part thereof, directly involved in the controversy in which such judgment or order shall have been rendered, and to this end the provisions of each section of this Local Law are hereby declared to be severable.

Section 5. Effective Date. This local law shall take effect immediately upon its filing in the Office of the New York State Secretary of State.

Introduced: 1/8/1996

Adopted by Legislature: 1/24/1996

Public Hearing: 2/5/1996

Adopted as Local Law 2-96