

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

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

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

County
City
Town
Village

of WAYLAND

Local Law No. 3 of the year 1996

A local law TO ESTABLISH A WATER CONSERVATION AND PERMITTING PROGRAM
(Insert Title)

Be it enacted by the TOWN BOARD of the
(Name of Legislative Body)

County
City
Town
Village

of WAYLAND as follows:

1. TITLE

This law shall be known as the "Town of Wayland Water Conservation and Permitting Program.

2. AUTHORITY

This law is enacted pursuant to Municipal Home Rule Law section 10 sections (11) and (12), Town Law section 130, subdivisions (11) and (15), Executive Law Article 2B, New York State Constitution article IX, section 2, and the general police power.

3. PURPOSE

This law is enacted in the public interest, for purpose of securing and promoting the public health, comfort, convenience, safety, welfare and environment of the Town of Wayland and its inhabitants, in order to protect the public potable water supply of the Town from the possibility of contamination or overuse, to protect the aquifer in the Town, and to supplement permit requirements as set forth by NYSDEC.

4. FINDINGS

(A) The primary source of water in the Town of Wayland is an underground aquifer, which must be protected to ensure that the quality and quantity of water available meets both present and future demands.

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

(B) Groundwater quality samples taken from the former Wayland landfill have exceeded standard for some inorganic parameters established by NYSDEC for groundwater. Pressure reduction in the aquifer, and the increased gradient produced by additional pumping, might increase the downward and lateral migration rate of these contaminants, migration of these contaminants into the water supply could have a detrimental effect on water quality for wells within the flow path of the aquifer.

(C) After recent temporary increases in groundwater pumping, numerous residents of the Town of Wayland experienced one or more of the following conditions: (1) loss of water, (2) low water; (3) cloudy or muddy water; and (4) bad tasting and/or bad smelling water.

(D) The tax base of the Town will **suffer adverse effects** if water quality and/or quantity problems are not addressed in such a way as to protect future development, and the property values of existing residences and businesses.

(E) If water conservation and permitting programs are not instituted, irreparable damage may be done to the local aquifer, the local environment and property values in the Town.

5. DEFINITIONS

As used in this local law, the following terms shall have the following meanings:

- (A) Agricultural Water Usage means water used for the production of crops or the maintenance of farm livestock
- (B) Contamination means the presence in water of a substance that tends to degrade its quality, including substances present above maximum levels established by NYSDEC.
- (C) NYSDEC means the New York State Department of Environmental Conservation.
- (D) Outdoor Use means use of water for landscaping and other outdoor uses.
- (E) Person means any individual, firm, copartnership, association, corporation, governmental unit, or other entity.
- (F) Service Connection means an individual residence, business, or other facility obtaining its water from a source off the property,
- (G) State means the State of New York.

- (H) Town means the Town of Wayland.
- (I) Water Conservation Program means a plan of activities to reduce the demand for water, improve the efficiency of its use, and reduce loss and wasteful use of water,
- (J) Water Supply System means a permanently installed system, including a well, which supplies water, if such system has or supplies at least three service connections. Such term includes source, collection, pumping, treatment, transmission, storage and distribution facilities used in connection with such system,

6. USE RESTRICTIONS

(A) All new residential construction shall comply with the New York State Energy Conservation Construction Code,

(B) The Supervisor of the Town of Wayland may declare a water emergency if he determines that potable water supplies in the Town are threatened, or adverse water conditions, including drought, dry wells, muddy or cloudy water, low water levels, or water contamination have developed, or other water conditions threaten public health, welfare or safety. Such a declaration shall comply with Executive Law Article 2B, The emergency may be declared for up to five days, and may be renewed for one or more additional times, if such a water emergency is declared, water usage shall be limited as follows:

(1) Lawn watering may be limited as follows:

(a) Properties with even street addresses may only water lawns between 6 P.M. on even-numbered calendar days and 9 A.M. on the following day.

(b) Properties with odd street addresses may only water lawns between 6 P.M. on odd-numbered calendar days and 9 A.M. on the following day.

(2) If these restrictions do not reduce water use sufficiently to meet the available water supply during a water emergency, the Town Supervisor may ban lawn watering and impose other outdoor use restrictions, including a prohibition on the washing of cars and driveways.

(3) The Town Supervisor (subject to the direction of the Town Board) may, if appropriate, limit or close wells and other water supplies.

7. PERMIT

A permit is required before any person may take any of the following actions:

- (A) install a new water supply system;
- (B) expand an existing water supply system,
- (C) acquire, take or develop any new or additional source of water supply in connection with a new or existing water supply system;
- (D) sink or drill any additional well intended to serve a water supply system;
- (E) increase the amount of water diverted from a source of water supply already in use;
- (F) enter into a contract or other agreement for the supply of water to three or more new service connections;
- (G) change the use of any existing water supply system including a change from a backup or emergency source into a primary water source.

8. PERMIT REQUIREMENTS

Upon receipt of all of the following, the Town Clerk shall issue a water permit, subject to any special conditions prescribed by the Town Board:

- (A) A written application from the applicant.
- (B) The fee as required by this law.
- (C) A resolution of the Town Board approving the issuance of a water permit.

9. PERMIT APPLICATION PROCEDURE

(A) The Town Clerk shall prescribe and furnish application forms for a water permit, and such forms shall be made available at the offices of the Town Clerk.

(B) Information to be supplied as a part of the permit application must include, but is not limited to, a map showing the water supply system; watershed maps (which shall be United States Geological Survey topographic quadrangle, or the equivalent, showing the watershed or aquifer affected); profiles of the proposed facilities; contract plans; engineer's report; analysis of the water supply; treatment methods (if treatment is required); and project justification,

(C) The map shall indicate the boundaries of the proposed service area or franchise area and the location or position of the various lands, structures and works associated with the existing and/or proposed water Supply system, including the locations of any sewer outfalls or other potential sources of contamination of the water supply. The map shall also show, in sufficient detail, the location of lands to be acquired, and all dams, reservoirs, well sites, pipelines or aqueducts, pressure or storage tanks, pumps, treatment works, distribution systems and valves and hydrants. Additionally, the general map must show elevations at critical points.

(D) The engineer's report shall include, at a minimum, the following: (1) the engineering features of the proposed water supply system; (2) a general description of the existing water supply system; (3) the present and projected population of the service area and the present and projected consumption rate; (4) well drilling logs and pump test results; (5) a general description of the proposed water supply system, including the location, elevation, area and capacity required or available for any proposed reservoir or tank; (6) present or possible future sources of contamination and proposed methods for control of contamination and protection of the water supply; and (7) the general character and extent and essential design features of proposed controlling, diverting or regulatory works.

(E) The water analyses shall include chemical and bacteriological analyses from the proposed source. Such analyses shall be performed by a State-certified laboratory. If the water is to be used as a potable water supply, applicable Department of Health standards for drinking water must be satisfied, Treatment methods must also be set forth.

(F) The project justification shall include facts and information concerning (a) the need for the project; (b) the provisions for adequate protection of the water supply and watershed from contamination; (c) the adequacy of the water supply with respect to other existing competing uses; (d) an analysis of the impact of the water supply upon the entire aquifer, including a water budget; (e) full analysis of all feasible alternatives; and (f) the method Proposed to determine and provide for proper compensation for any direct or indirect legal damages including logs in property value, to persons or property that May result from the increased water usage as proposed by the applicant.

(G) Each application for a permit shall be in writing, and signed and certified by the applicant. Each applicant shall agree to be bound by all of the rules, regulations, and laws now and or in the future in effect in the Town, Steuben County, the State, and the United States of America.

(H) Permits issued pursuant to this local law shall be valid, unless revoked or suspended, for three years from the date of issuance, Applications for the renewal of a permit shall follow the same application procedures as those set forth for a new permit, except that the Town Board may, in its discretion, waive some of the required application materials.

10. ACTION ON PERMIT APPLICATIONS

(A) The Town Board will review each permit application to determine whether it is complete. Incomplete applications will be returned without further action to the permit applicant, together with an explanation of the additional materials or documentation is required before the Town Board deems the application complete.

TOWN OF WAYLAND

Beverly L. Robinson
Town Clerk

Harmon E. Spencer
Councilman

Catherine E. Ott
Councilwoman

17 Main Street
Wayland, New York 14572
716-728-5660

Donald R. Werth
Town Supervisor

Richard T. Hober
Highway Superintendent

Mathew F. Myers
Councilman

Jane M. Mark
Councilwoman

RESOLUTION TO CHANGE FEE ON WATER CONSERVATION LAW

WHEREAS pursuant to the Local Law #3-1996, the Town Board has the right to change the fee charge for the permit to drill a well,

RESOLVED, by a motion of Councilwoman Mark, seconded by Councilman Myers, the Town Board of the Town of Wayland hereby reduces the fee charged under Local Law #3-1996, from \$50.00 to \$10.00 per permit to drill a private or public well.

ROLL CALL VOTE	Supervisor	Donald R. Werth	AYE
	Councilman	Harmon E. Spencer	AYE
	Councilman	Mathew F. Myers	AYE
	Councilwoman	Jane M. Mark	AYE
	Councilwoman	Catherine E. Ott	ABSENT

ADOPTED: June 9, 1997

Beverly L. Robinson -, Town Clerk

13. RULES AND REGULATIONS

The Town Board is authorized and empowered to adopt rules and regulations to further provide for the implementation of this local law, including a Water Conservation Program. All such rules and regulations may be adopted by resolution of the Town Board,

14. ENFORCEMENT AND PENALTIES

A violation of this local law is a misdemeanor punishable by a fine not to exceed one thousand (\$1,000.00) dollars, or by imprisonment not exceeding six (6) months, or by both such fine and imprisonment. In lieu of, or in addition to, such fine and imprisonment, or both, each such violation shall be subject to a civil penalty not exceeding one thousand (\$1,000.00) dollars for any one case, to be recovered in an action or proceeding brought by the Town in a court of competent jurisdiction. Each day of a continuing violation shall be subject to a separate such fine, imprisonment or civil penalty. The Town Supervisor is empowered to enforce this law, and issue appearance tickets to require the appearance of alleged violators in Town Justice Court.

15. SEVERABILITY

(A) If any clause, sentence, subdivision, paragraph, section, or part of this local law is adjudged invalid by any court of competent jurisdiction, such judgment shall not effect, impair, or invalidate the remainder this law, but such judgment shall be confined in its effect to the clause, sentence, subdivision, paragraph, section, or part directly involved in the controversy in which such judgment shall have been rendered.

(B) In any case where any provision of this local law is found to be in conflict with any other local law, ordinance, or Town regulation, this local law shall prevail.

(C) The intent of this local law is to supplement any existing and valid permit program administered by NYSDEC under Article 15 of the Environmental Conservation Law. To the extent such requirements are more stringent than this local law, those stricter requirements shall prevail,

16. EFFECTIVE DATE

This local law shall take effect upon its adoption and filing in the office of the Secretary of State as required by law, and publication of notice of this law in the official newspaper of the Town.

(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 1996 of the (County) (City) (Town) (Village) of WAYLAND was duly passed by the TOWN BOARD on June 5 1996, in accordance with 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 19____ of the (County) (City) (Town) (Village) of _____ was duly passed by the _____ on _____ on _____ 19____, and was (approved) (not disapproved) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 19____ in accordance with 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 disapproval) by the _____ on _____ 19____. 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 _____ 19____ in accordance with 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 disapproval) by the _____ on _____ 19____. Such local law was subject to a permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____ in accordance with 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 and 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.

6. ~~(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 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.

Beverly L. Robinson

BEVERLY ROBINSON

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

(Seal)

Date: June 12, 1996

(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 STEUBEN

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

James H. Burns
JAMES H. BURNS

ATTORNEY FOR THE TOWN

Title

AFFIDAVIT

STATE OF NEW YORK
LIVINGSTON COUNTY

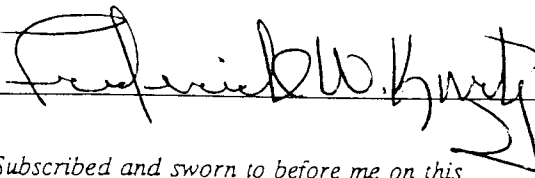
ss.

Frederick W. Kurtz

being duly sworn, disposes and says that he resides in the Village of Dansville, County of Livingston, and State of New York, that he is the Publisher of the Genesee Country Express, a public newspaper, published weekly in the Village of Dansville, by Greenhow Newspapers, and that a notice, of which the annexed is a printed copy, was published in said newspaper Genesee Country Express - one time

said publication therein being on the following dates:

May 30th, 1996



Publisher

Subscribed and sworn to before me on this 31st
day of May, 19 96

Lisa R. Wilkinson

Notary Public

**LEGAL NOTICE
TOWN OF WAYLAND**

PLEASE TAKE NOTICE, that a PUBLIC HEARING will be held by the Town Board of the Town of Wayland on JUNE 5, 1996, at 7:15 pm, at the WAYLAND TOWN HALL, 17 Main St., Wayland, NY, Town of Wayland, Steuben County, NY to consider the enactment of LOCAL LAW #3-1996, titled "TOWN OF WAYLAND WATER CONSERVATION AND PERMITTING PROGRAM LAW".

LOCAL LAW #3-1996 proposes to empower the Wayland Town Board and the Town of Wayland Supervisor with the authority to declare water emergencies if potable water supplies in the Town are threatened, or adverse water conditions, or water contamination conditions develop or other water conditions threaten public health, welfare or safety; also will establish a permit procedure for new, changes to any existing; or abandoned public or private water supplies. All interested persons shall be given an opportunity to be heard. The proposed Local Law #3-1996 is available for public inspection during regular business hours at

the Town Clerk's Office.

BE IT FURTHER KNOWN that the Town Board of the Town of Wayland will hold a special meeting after said Public Hearing and may consider and act upon any and all items that may come in front of said Board at that time.

BY ORDER OF
THE WAYLAND TOWN BOARD

Beverly L. Robinson,
Town Clerk

5/30-T1E

EE

Lisa R. Wilkinson # 4934525
Notary Public, State of New York
Qualified in Steuben County
My Comm. Expires 6-13-98



STATE OF NEW YORK
DEPARTMENT OF STATE
ALBANY, NY 12231-0001

ALEXANDER F. TREADWELL
SECRETARY OF STATE

June 19, 1996

JODY V. CROWLEY
SERVICO
PO BOX 871
ALBANY, NY 12201

RE: Town of Wayland, Local Law 3, 1996, filed 06/14/96

The above referenced material was received and filed by this office as indicated. Additional local law filing forms will be forwarded upon request.

Sincerely,

A handwritten signature in cursive script that reads "Janice G. Durfee".

Janice G. Durfee
Principal File Clerk
Bureau of State Records
(518) 474-2755

JGD:ml



**State Environmental Quality Review
NEGATIVE DECLARATION
Notice of Determination of Non-Significance**

Project Number _____

Date: June 5, 1996

This notice is issued pursuant to Part 617 of the implementing regulations pertaining to Article 8 (State Environmental Quality Review Act) of the Environmental Conservation Law.

The Town of Wayland, as lead agency, has determined that the proposed action described below will not have a significant effect on the environment and a Draft Environmental Impact Statement will not be prepared.

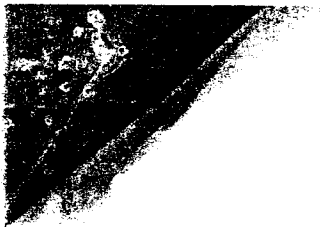
Name of Action: Town of Wayland Water Conservation and Permitting Program Law.

SEQR Status: Type I []
 Unlisted [X]

Conditioned Negative Declaration: Yes ☐
No ☒

Description of Action: Local Law No. 3 of 1996 of the Town of Wayland would impose water conservation measures, and require permits for certain activities involving water supplies (except for preexisting uses that are not modified, and agricultural water uses).

Location: (Include street address and the name of the municipality/county. A location map of appropriate scale is also recommended).

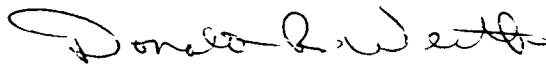


Entire Town of Wayland, Steuben County.

Reasons Supporting This Determination:

The law would protect the water resources in and near the Town of Wayland, including the Valley-Fill Aquifer, Loon Lake, and tributaries of Canaseraga Creek and the Cohocton River. It would only have positive environmental impacts.

If Conditioned Negative Declaration, provide on attachment the specific mitigation measures imposed.



For Further Information:

Contact Person: Supervisor Donald Werth

Address: Town of Wayland, 17 Main Street, Wayland, New York 14572

Telephone Number: (716) 728-5660

For Type I Action and Conditioned Negative Declaration, a Copy of this Notice Sent to:

Commissioner Department of Environmental Conservation, 50 Wolf Road, Albany, New York 12233-0001.

Appropriate Regional Office of the Department of Environmental Conservation
Office of the Chief Executive Officer of the political subdivision in which the action will be principally located.

Applicant (if any)

Other involved agencies (if any)