

# 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.

## Village of Wellsville

### Local Law No.4- of the year 2005

#### A local law regarding the collection of unpaid electric bills

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

#### ARTICLE I PURPOSE

The Village is the owner-operator of an electrical utility system and sells and provides electricity to consumers in the village. The main purpose of this Local Law is to authorize and provide that delinquent charges owed to the Village for electric service, including rents, charges, fees, penalties and interest shall become alien on the real property upon which or in connection with which electric power is supplied.

#### ARTICLE II AUTHORITY

The authority for this Local Law is Municipal Home Rule Law, Section 10 (1)(ii)(a)(9-a).

#### ARTICLE III ELECTRIC CHARGES-RESPONSIBILITY

Section 1. Unpaid charges for electric service provided by the Village to any real property in the village, shall be, in addition to any other person who may be liable, the responsibility of the owner of such real property.

Section 2. Electric service provided to real property in the name of one or more tenants shall not relieve or excuse the owner of such real property from responsibility for payment of electric charges including any interest, fees, or penalties.

#### ARTICLE IV ELECTRIC CHARGES-LIENS ON REAL PROPERTY

Section 1. Electric charges including rents, fees, penalties and interest shall

be a lien on the real property to which such electric service is provided.

Section 2. When such electric charges have not been paid within the time required by the Village Board or by the Village Water and Light Department:

The Clerk shall cause a report of said delinquent accounts to be presented to the Village Board for review. The Village Board, as an alternative to offsetting the delinquent balance against any existing deposit made for such purpose, or using any other remedy allowed by law, may, in its discretion, authorize the appropriate officer of the Village to initiate proceedings to foreclose said lien.

**ARTICLE V      OPERATIVE DATE**

The Local Law shall be operative for all billing periods for electric service which commence after its effective date.

**ARTICLE VI      MISCELLANEOUS**

Section 1      This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.

Section 2      If any part of this Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not been enacted.

Section 3      Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the Village of Wellsville to further regulate the subject matter of this Local Law.

**ARTICLE VII      EFFECTIVE DATE**

This Local Law shall become effective upon filing with the Secretary of State of the State of New York, as required by the Municipal Home Rule Law.

Section      1

Section      2      Effective Date

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

0. 2004 11:58AM

HURWITZ & FINE

NO. 360

P. 2

**VILLAGE OF WELLSVILLE  
NEW YORK**

**LOCAL LAW NO.**

**OF**

**THE YEAR 2004**

*A LOCAL LAW, TO AMEND LOCAL LAW NO. 2-1986 (As Amended)*

**BE IT ENACTED BY THE VILLAGE BOARD OF THE VILLAGE OF  
WELLSVILLE AS FOLLOWS:**

**SECTION 1. LEGISLATIVE INTENT**

This Local Law provides the authority of Village of Wellsville to collect delinquent charges for electric services as a condition of occupancy of real property.

**SECTION 2. THE FOLLOWING IS HEREBY ADOPTED:**

That Local Law No2-1986 be amended as follows:

A. By repealing subsections (a) and (b) of ARTICLE IV Section 2 and adding in their place and stead:

**ARTICLE IV – Section 2**

*Village e* (a) The Clerk shall cause a report of said delinquent account to be presented to the ~~Form~~ Board for review. The Village Board, in addition to any other remedy allowed by law, may, in its discretion, ~~may~~ authorize the appropriate officer of the Village to initiate proceedings

O. 2004 11:58AM

HURWITZ &amp; FINE

NO. 360 P. 3

to foreclose on said lien.

(b) Service may be terminated to the premises service by that account. Once service is terminated to any specific premises, said service may not be restored to that premises until all delinquent amounts and all other associated charges have been paid in full.

B. By repealing ARTICLE IV, Section 3 of said Local Law.

### SECTION 3. MISCELLANEOUS

A. This Local Law shall be deemed to supersede and repeal any other Local Laws to the extent therein inconsistent herewith.

B. If any part of the Local Law shall be judicially declared to be invalid, void, unconstitutional or unenforceable, all unaffected provisions hereof shall survive such declaration and this Local Law shall remain in full force and effect as if the invalidated portion had not be enacted.

C. Nothing herein shall be deemed to be a waiver or restriction upon any rights and powers available to the <sup>Village of Wellsville</sup> Town of Boston to further regulate the subject matter of this Local Law.

### SECTION 4. EFFECTIVE DATE

This Local Law shall become effective upon filing with Secretary of State of the State of New York, as required by the Municipal Home-Rule Law

(Please Use this Form for Filing your 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 WELLSVILLE  
~~Town~~  
Village

Local Law No. 2 of the year 19 86

Adopted: 6-23-86

A local law REGARDING THE PAYMENT FOR ELECTRIC SERVICE WITH THE INCLUSION  
(Insert title)  
OF DELINQUENT ELECTRIC CHARGES INTO THE ANNUAL REAL PROPERTY  
TAX LEVY.

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

~~County~~  
~~City~~ of Wellsville, New York as follows:  
~~Town~~  
Village

ARTICLE I - PURPOSE

The Village is the owner-operator of an electrical utility system and sells and provides electricity to consumers in the Village. The main purpose of this Local Law is to authorize and provide that delinquent charges owed to the Village for electric service, including rents, charges, fees, penalties, and interest shall become a lien on the real property upon which or in connection with which electric power is supplied, and such lien included into the annual Village tax levy in a manner similiar to the method by which delinquent water rents (Village Law, Section 11-1118) and delinquent sewer rents (General Municipal Law, Section 452(4)) are included into the annual tax levy.

ARTICLE II - AUTHORITY

The authority for the Local Law is Municipal Home Rule Law, Section 10(1)(ii)(a)(9-a).

(If additional space is needed, please attach sheets of the same size as this and number each)

ARTICLE III - ELECTRIC CHARGES - RESPONSIBILITY

Section 1. Unpaid charges for electric service provided by the Village to any real property in the Village, shall be, in addition to any other person who may be liable, the responsibility of the owner of such real property.

Section 2. Electric service provided to real property in the name of one or more tenants shall not relieve or excuse the owner of such real property from responsibility for payment of electric charges, including any interest, fees, or penalties.

ARTICLE IV - ELECTRIC CHARGES - LIENS ON REAL PROPERTY

Section 1. Electric charges including rents, fees, penalties, and interest shall be a lien on the real property to which such electric service is provided.

Section 2. Where such electric charges have not been paid within the time required by the Village Board or by the Village Water and Light Department:

(a) The amount of delinquent charges unpaid as of the 4th Monday of March, or upon such other date the Board of Trustees may choose, including rents, fees, interest, and penalties, shall be certified by the Department of Public Utilities to the Village Clerk, computed to the first day of the month following the month in which the village fiscal year commences, together with the description or address of the real property effected thereby. The Village Clerk shall present such Certificate to the Board of Trustees and shall enter such Certificate or an abstract thereof in the minutes of the meeting of the Trustees.

(b) The Board of Trustees shall include such amount in the annual tax levy and shall levy the payment upon the real property in default.

Section 3. Whenever an unpaid electric charge shall be included in the annual village tax levy, the electric fund shall be credited with the unpaid charge, including penalties, and the amount so levied when collected shall be paid into the general fund of the Village.

ARTICLE V - OPERATIVE DATE

This Local Law shall be operative for all billing periods for electric service which commence after its effective date.

ARTICLE VI - EFFECTIVE DATE

This Local Law shall be effective immediately.

(Please Use this Form for Filing your 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 Wellsville  
Town  
Village

Local Law No. 2 of the year 19 90

A local law relative to the late payment charges and consumer deposits for electric users of the Village of Wellsville electric system

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

County  
City of Wellsville as follows:  
Town  
Village

SECTION I

LATE PAYMENT CHARGE POLICY:

The Village of Wellsville Electric Department located in the State of New York which purchases power from the Power Authority does hereby elect to impose a late payment charge, of a continuing interest type, because of the failure of any retail customer to pay a bill for electric service within a specified period therein stated.

RATE SCHEDULE:

The late payment charge to be imposed will be 1 1/2% per month and will be effective on any bill not paid after the 30th day of the month. If the 30th of the month falls on a Saturday or Sunday, the penalty will be effective on the next business day.

RETAIL BILLS:

The bill shall show the amount currently billed, the total amount due and any arrears and late payment charge, each separately stated, the amount of the monthly percentage charge for late payment and when such charge becomes applicable. The date payment is due may not occur before personal service of the bill or three days after the mailing of the bill.

MAXIMUM RATES:

The late payment shall not exceed one and a half percent per month on the unpaid balance of any prior bill for service including interest thereon, less all amounts received or credited against such unpaid balance during the new billing period.

PENDING COMPLAINT:

No late payment charge may be imposed on any residential bill which is the subject of a pending complaint before the Village of Wellsville Electric Department, provided that such charge may be imposed retroactively if the complaint is finally resolved in favor of the Village of Wellsville Electric Department.

OTHER CHARGES:

Except as provided elsewhere in this regulation a late payment charge, penalty, fee, interest, or other charge of any kind for any late payment, collection effort, service disconnection or deferred payment agreement occasioned by the customer's failure to pay timely for electric service.

(If additional space is needed, please attach sheets of the same size as this and number each)

SECTION II

CONSUMER DEPOSITS:

The village will be allowed to secure deposits for new residential and non-residential customers. The proposed amount will be two months average annual for non-electric heating consumers, and two months of average heating season for consumers with electric heat.

Deposits may also be required for current customers who are delinquent.

Deposits will be returned in one year for parties paying their bills on time.

There will be exceptions on parties who will be exempt from the deposit requirements. These exceptions will apply to those customers 62 years of age and older.

EFFECTIVE DATE:

This local law shall take effect with the billing dated August 1, 1990, and upon filing with the Secretary of State.

A Local Law Authorizing Utility Rules and Regulations

Adopted 12-13-82

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE,  
NEW YORK AS FOLLOWS:

ARTICLE I

- SECTION 1. The Wellsville Village Board of Trustees may adopted such rules and regulations as it deems necessary, appropriate or suitable to the operation of Village utilities including electric, water and sewer.
- SECTION 2. Rules and regulations may include requirements or conditions of service, its installation, maintenance or discontinuance, and provide for the setting of rates and the collection of fees, rents or other charges. This is not a paragraph of limitation of the content of rules and regulations established pursuant to this Local Law.
- SECTION 3. All rates, fees, rents or other charges for utility services in existence on the effective date of this Local Law shall continue until modified or amended by rules or regulations established under the authority provided herein. All new or amended rates, fees, rents or other user charges for utility service shall henceforth be established or set by rules or regulations.
- SECTION 4. These rules and regulations may supercede, amend or revoke any existing Ordinances heretofore passed by the Village of Wellsville pertaining or relating to utilities and utility service, or any provisions of any Local Laws pertaining to rates, fees, rents or other user charges for utility service.

ARTICLE II

- SECTION 1. All existing rules and regulations pertaining to electric, water and sewer are hereby ratified and continue in effect until modified or rescinded by the Board.

ARTICLE III

- SECTION 1. All rules and regulations established by the Board shall be filed in a separate book maintained for that purpose

in the office of the Village Clerk. The Village Clerk shall also promptly publish notice of adoption of such rules and regulations.

SECTION 2. All rules and regulations shall be effective upon publication of the Notice of Adoption, except that any rule or regulation adopted by the Board which is personally served upon any person shall be immediately effective as to that person.

#### ARTICLE IV

SECTION 1. Any rule or regulation adopted pursuant to this Local Law may provide that any person who does not comply with the terms of the rule or regulation, or who willfully attempts in any manner to evade or defeat the application of the rule or regulation, shall be guilty of a violation and, upon conviction thereof, shall be subject to a fine of not more than \$250.00 or imprisonment for not more than fifteen (15) days, or subject to both such fine and imprisonment, or subject to such permissible alternative disposition as the Court may impose.

SECTION 2. A rule or regulation may provide for continuing penalties for non-compliance.

SECTION 3. Prosecution of a person for non-compliance of a rule or regulation shall not be a waiver of, nor held to be a waiver of, enforcement of the rule or regulation by means of any civil action or proceeding, by termination of service, or by the imposition of conditions for the establishment of or the continuance of service.

#### ARTICLE V

This Local Law shall take effect immediately.

WELLSVILLE ELECTRIC DEPARTMENT

Rules 82 - 1

MINIMUM INSULATION AND HEATING SYSTEM STANDARDS

1. (a) This rule is adopted pursuant to the rules of the New York State Power Authority, Chapter 10, Title 21, Part 458, of the Official Compilation of Codes, Rules and Regulations (NYCRR); and 9 NYCRR, 7810 through 7815, the State Energy Conservation Construction Code.  
(b) This rule will be effective immediately
2. (a) This rule is applicable to both new and existing dwellings and commercial buildings, as defined in the above Codes, Rules and Regulations, and also to existing mobile homes constructed prior to the effective date of the Department of Housing and Urban Development "Mobile Home Construction and Safety Standards".
3. (a) All expansion of existing electric service for the purpose of providing electric heat to all existing dwellings, commercial buildings, and mobile homes shall comply with the standards contained in Chapter 10, Title 21, of the Official Compilation of Codes, Rules and Regulations, Part 458.  
(b) All new electric service for heating must comply with standards of 9 NYCRR, 7810 - 7815.  
(c) Waiver of any requirements can be made only by the New York State Power Authority.
4. (a) A form of Certificate of Compliance must be obtained and completed prior to commencement of work as stated in Paragraph 3 above. It shall be furnished to any owner, builder, or contractor who contacts the Wellsville Electric Department concerning such electrical service installation or expansion. The Electric Department shall also supply a form of Certificate of Compliance to any person upon request.  
(b) All required insulation and related work is to be done, as the case may be, not later than:
  1. Thirty (30) days after completion of expansion of existing electric service for purpose of providing heat.
  2. Thirty (30) days after occupancy of new residential buildings.

3. Thirty (30) days after completion of expansion of electric service for the purpose of providing electric heat to any addition, alternation or renovation of the existing building (s) which materially increases its (their) heating or cooling requirements.
5. (a) Electric service to premises will be discontinued by the Electric Department if:
  1. An inspection of the premises by the authorized representative of the Village shows that the electric service is not in compliance.
  2. The authorized representative, after reasonable notice, is prevented for any reason, or in any way, by the owner, builder or contractor or any other person from making any inspection of the premises deemed necessary for purposes of determining code compliance. More than one inspection may be deemed necessary.
  3. The Electric Department shall determine that a conversion to electric heat or expansion of existing systems, or construction of a new system, was undertaken by any person without the prior completion and submission to the Electric Department of a Certificate of Compliance.
6. (a) No electric power service terminated as provided herein, shall be restored or otherwise furnished to any dwelling, commercial building, or mobile home unless and until such premises are inspected by a duly authorized representative of the Village and deemed to be in compliance.
7. (a) A record shall be kept by the Electric Department of all compliance inspections. In the event that it is determined that there is non-compliance, notice shall be given as soon as practicable.
8. (a) The granting to any person of a building permit, a certificate of occupancy, or the granting of any other permit, shall in no way be deemed to constitute compliance with this Rule.
9. (a) The word "person" as used in this Rule shall mean any one or more individuals, partnerships, corporations, joint ventures, or associations.
  - (b) Any notices or inquiries by the Electric Department may be sent to or made to any person in possession of any part of the premises, or to the owner of the building as the name and address appears on the

3.

tax assessment roll of the Village of Wellsville or to any other person who has contacted the Electric Department on behalf of the owner.

10. (a) Notice of adoption of this Rule shall be published within thirty (30) days by the Village Clerk.