NEW YORK STATE DEPARTMENT OF STATE
41 STATE STREET
ALBANY, NY 12231

Local Law Filing Instructions

PLEASE OBSERVE THESE RULES
FOR FILING LOCAL LAWS WITH THE SECRETARY OF STATE:

1. Each local law shall be filed with the Secretary of State within 20 days after its final adoption or approval as required by section 27 of the Municipal Home Rule Law. The cited statute provides that a local law shall not become effective before it is filed in the office of the Secretary of State.

2. Each local law to be filed with the Secretary of State shall be an original.

3. Each local law shall be filed on a form provided by the Department of State, as attached hereto. In case additional pages are required, they must be on the same letter size as the form provided. For convenience, printed, mimeographed or typewritten copies of the local law may be pasted on the form, but these must not be of a size larger than the form and printing must be on only one side of the sheet. Only true and legible copies will be accepted for filing.

4. ONLY THE NUMBER, TITLE AND TEXT OF THE LOCAL LAW SHALL BE FILED. In case of a local law amending a previously enacted local law or ordinance, the text must be that of the law as amended. Do not include in copy parts of old law to be omitted.

5. For the purpose of filing with the Secretary of State, number local laws consecutively, and start with the number one in each calendar year. It is suggested that introductory identifying numbers be used while a proposed local law is being considered.

6. Each copy of a local law filed with the Secretary of State shall have affixed to it a certification by the Clerk of the County legislative body or the City, Town or Village Clerk or other officer designated by the local legislative body. There shall also be attached or annexed thereto a certification executed by the County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney that the local law contains the correct text and that all proper proceedings have been had or taken for its enactment. Certification forms are provided herewith.

7. For filing purposes, local laws shall be mailed or delivered as follows: An original for the Secretary of State:

State Records and Law Bureau
Department of State
41 State Street
Albany, NY 12231

(DO NOT FILE THIS INSTRUCTION SHEET WITH THE LOCAL LAW.)

41 STATE STREET
ALBANY, NY 12231

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 Saratoga

Village of Stillwater

Local Law No. 1 of the year 2013

Amending a Local Law entitled "A Local Law for Sewer Rentals in the Village of Stillwater."

Be it enacted by the Village Board of Trustees of the Village of Stillwater, County of Saratoga as follows:

See attached "Exhibit A."

(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 2013 of the Village of Stillwater of was duly passed by the Village Board of Trustees on March 7, 2013 ,
(Name of Legislative Body) 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
(Elective Chief Executive Officer)*
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)
(Name of Legislative Body)
(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)
(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 , 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

(Seal)

Date: March ___, 2013

(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 SARATOGA

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.

By: _____
James R. Peluso, Esq.
Dreyer Boyajian LLP
Attorneys for the Village of Stillwater

Date: March ___, 2013

"Exhibit A"

Articles 1, 2, 3, 4, 5 and 6 of Local Law No. 2 of the year 1995 (as amended by Local Law 7 of 2005, Local Law 2 of 2007 and Local Law 1 of 2001) are hereby amended to read as follows:

Article 1. Title and Purpose

Section 1.1 Title

This Local Law shall be known and may be cited as the "Sewer Rental Law of the Village of Stillwater."

Section 1.2 Purpose

The purpose of this Local Law is to establish and impose sewer rents and charges for the use of the sewer system in the Village of Stillwater. The sewer system or the part or parts of the sewer system for which such rents and charges shall be established and imposed are as follows: (i) The sewage treatment and disposal works with necessary appurtenances including pumping station, and the extension, enlargement, or replacement of or additions to such sewage treatment plant; and (ii) the operation, maintenance, and repairs of the entire Village of Stillwater sewer system, including the sewage treatment plant and the collection system.

Section 1.3 Authority

This Local Law is enacted pursuant to the grant of powers to local governments provided for in (i) Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law, (ii) General Municipal Law Article 14-F, (iii) General Municipal Law Sections 451 and 452, and (iv) Village Law Article 14.

Article 2. Sewer System Description

Section 2.1 Inside Users

All building premises within the boundaries of the Village of Stillwater except for those on Ferry Lane, Kellog Road, the East side of Riverside Drive and the South side of Stratton Lane until such time as sewer services can be provided to those locations. Also excepted are those existing buildings located more than one thousand (1,000) feet from an existing sewer line.

Section 2.2 Outside Users

All other users of the Village of Stillwater sewer system.

Article 3. Sewer Rents and Charges

Section 3.1

All Inside Users of the sewer system shall pay a charge for (i) Debt Service and (ii) Operation and Maintenance of the system. The Debt Service charge shall be set at a rate

based on the assessed valuation of the user's property per year as determined by the latest completed final Town of Stillwater assessment roll as of the date of billing. The Operation and Maintenance charge shall be set at a rate based on gallons of water consumption by the user.

Section 3.2

All Outside Users of the sewer system shall pay a charge for Operation and Maintenance of the system to be set at a rate to be determined by the Village Board, unless otherwise prescribed by contract between the Village and Outside User.

Section 3.3

In case any water meter shall fail to accurately register the quantity of water passing through same or no meter is installed, the Operation and Maintenance charge shall be based on such equitable basis as the Village may determine, which may take into account previous usage and charges, if any, and all other pertinent information and factors in the discretion of the Village. All unmetered water consumed by leaks or other sources in service connection pipes or for which there are no available readings shall be estimated by the Superintendent of Public Works and the costs thereof, with interest and penalties, may be added to the sewer rent due.

Section 3.4

There shall be a minimum sewer rent charge based on minimum gallons of water consumption, regardless of actual usage.

Section 3.5

The Village may impose late payment charges, penalties and interest, connection and disconnection fees, and other charges as provided by this Article.

Section 3.6

The Village Board of Trustees shall, from time to time, set by resolution such sewer rents and charges. Such resolutions shall be adopted after a public hearing upon five days' public notice. The Village Clerk shall maintain a schedule of such sewer rents and charges.

Article 4. Cooperation by Owner of Real Property

Section 4.1

The Village may require each owner and/or occupant of real property within the Village connected to the Village sewer facilities to furnish such information as may be necessary and reasonable in order to carry out the provisions of this Article. Any duly authorized officer, employee, contractor, or agent of the Village Department of Public Works or other person duly authorized by the Village, shall be permitted to enter on any Village property at reasonable hours for the purpose of reading meters, inspecting, disconnecting, repairing or for any other purposes reasonably necessary to carry out the provisions or purposes of this Article.

Article 5. Payment and Penalties; Liens for Unpaid Sewer Rents

Section 5.1

Sewer rents and charges set forth herein shall be due and payable on a calendar period basis as determined by resolution of the Village Board of Trustees.

Section 5.2

A. The Village Clerk or other person authorized by the Village Board shall keep a record of all properties within the Village which are connected to the Village water system and the Village sewer system, and sewer bills shall be mailed to the owner or any other person to whom a water bill is addressed, billed, or mailed by the Village or other entity performing water billing services for the Village, and at the address appearing on said water bill. Sewer rents and charges may be added to the water bills sent to such users.

B. If property is connected to the Village sewer system but not to the Village water system, and unless the property owner has directed the Village in writing to use a different address, then the sewer rent bill shall be sent to the address to which real estate tax bills for the property are sent.

C. The failure of any owner or other user to receive a bill shall not excuse nonpayment thereof, nor shall it operate as a waiver of the penalty herein prescribed, and in the event that the owner or other user fails to receive a bill promptly, he or she shall obtain the same at the office of the Village Clerk.

D. Notwithstanding any other provision in this Article, all sewer rents, surcharges or other fees or charges relating to sewer service, shall be a charge against the owner of the premises connected to the Village sewer system, and such owner shall be liable for the payment of all such rents and charges, including penalties and interest.

E. If sewer rents or charges are not paid within 60 days from the date on which they are due, the Village may cause a notice to be delivered or mailed to the owner, addressed as provided for above in this Section, and to the occupant of the premises, addressed at the premises, stating the amount due and demanding payment thereof within a period of at least 10 days of the date of the notice and stating that if such payment is not made, the water service or the sewer service, or both, shall be discontinued without further notice, and at the expiration of such period, the Village Department of Public Works or the duly designated employees, officers or agents of the Village may enter on said premises and cause the water service or the sewer service or both to be disconnected and discontinued. A charge shall be imposed for discontinuing and for reconnecting each of such services on account of nonpayment of sewer rents, in an amount set by resolution of the Village Board of Trustees pursuant to the provisions of Article 3 above.

Section 5.3

Sewer bills may be paid by mail and must be postmarked on or before last date acceptable to avoid penalty, in person, or by use of the drop box at the Village Hall. Any unpaid bills for sewer rents and charges shall incur late payment charges,

penalties and interest in a manner and amount set by resolution of the Village Board of Trustees pursuant to the provisions of Article 3 above.

Section 5.4

Sewer rents and any other charges payable hereunder shall constitute a lien on the real property served by the sewer system within the Village of Stillwater. The priority of such lien and the enforcement thereof shall be in accordance with Article 14-F of the General Municipal Law which presently provides that the lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof.

Section 5.5

The Village may bring an action (a) as upon contract for sewer rents, surcharges thereto, and all other charges incurred by the owner of property in connection with sewer service, which are in arrears, together with interest and penalties thereon, or (b) to foreclose liens for such sewer rents and surcharges. Also, in the alternative, the Village Board may cause any unpaid sewer rents, surcharges, or other charges to be levied and collected in the same manner and in the same time as the Village tax in accordance with the provisions of Article 14-F (Subdivision 4 of § 452) of the General Municipal Law, or any amendment thereof.

Section 5.6

Any costs and expenses or other charges other than those hereinbefore described, incurred by the Village because of any repair or other work to the sewer system or otherwise for which the owner of any property served by or connected to the sewer system is obligated under this Article or any other local law, ordinance, statute or provision of law, may be collected in the manner provided for the collection of sewer rents in this Article, and shall be a lien upon real property served by the sewer system within the Village of Stillwater and enforceable in accordance with the provisions of this Article, or any other applicable provision of law.

Article 6. Severability, Effective Date

Section 6.1

The invalidity of any section, clause, sentence or provision of this local law shall not affect the validity of any other part of this local law which can be given effect without such invalid part or parts.

Section 6.2

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