

VILLAGE OF PORT DICKINSON
Village Board Meeting Agenda
August 22, 2023
5:00 pm
Port Dickinson Village Hall

Please take a moment to ensure that your cellphones are OFF or SILENCED.

CALL TO ORDER

PUBLIC HEARING

1. Proposed Local Law 6-2023, A Local Law Implementing Short-Term Rental Regulations
2. Proposed Local Law 7-2023, A Local Law Amending Chapter 62 of the Village Code Entitled 'Water' Regarding Fees for Digital and Manual Read Meters
3. Proposed Local Law, 8-2023 A LOCAL LAW AMENDING CHAPTER 41 OF THE VILLAGE CODE ENTITLED 'PARKS' REGARDING PROHIBITED ACTIVITIES AND RESERVATIONS
4. Proposed Local Law, 9-2023 A Local Law Amending Chapter 52 of the Village Code Regarding Excavations of Streets and Sidewalks.

APPROVAL OF MINUTES: August 8, 2023 meeting

PUBLIC PARTICIPATION:

AUDIT & PAYMENT OF CLAIMS #5 (2023-2024)

1. Abstract of Unaudited vouchers for the General Fund for \$40,289.73
2. Abstract of Unaudited vouchers for the Water Fund for \$15,114.44
3. Abstract of Unaudited vouchers for the Sewer Fund for \$9,061.60

COMMUNICATIONS:

RESOLUTIONS FOR APPROVAL:

1. RESOLUTION APPROVING LOCAL LAW NO. 6-2023
 At a meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 22nd day of August, 2023, the following resolution was offered and seconded:
WHEREAS, notice was given that the Village Board will hold a public hearing on August 22, 2023 at 6:00 p.m. for Local Law No. 6 of the year 2023 entitled "A LOCAL LAW IMPLEMENTING SHORT-TERM RENTAL REGULATIONS"; and
WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk's signboard; and
WHEREAS, said public hearing was duly held August 22, 2023 at 6:00 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and
WHEREAS, pursuant to the State Environmental Quality Review Act ("SEQRA"), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and
WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said local law.
NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby adopts said local law as Local Law No. 6 of 2023 entitled "A LOCAL LAW IMPLEMENTING SHORT-TERM RENTAL REGULATIONS" a copy of which is attached hereto and made a part hereof; and it is further
RESOLVED that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State; and it is further
RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

2. RESOLUTION APPROVING LOCAL LAW NO. 7-2023

At a meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 22nd day of August, 2023, the following resolution was offered and seconded:

WHEREAS, notice was given that the Village Board will hold a public hearing on August 22, 2023 at 6:01 p.m. for Local Law No. 7 of the year 2023 entitled “A LOCAL LAW AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED ‘WATER’ REGARDING FEES FOR DIGITAL AND MANUAL READ METERS”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk’s signboard; and

WHEREAS, said public hearing was duly held August 22, 2023 at 6:01 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby adopts said local law as Local Law No. 7 of 2023 entitled “A LOCAL LAW AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED ‘WATER’ REGARDING FEES FOR DIGITAL AND MANUAL READ METERS” a copy of which is attached hereto and made a part hereof; and it is further

RESOLVED that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State; and it is further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

3. RESOLUTION APPROVING LOCAL LAW NO. 8-2023

At a meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 22nd day of August, 2023, the following resolution was offered and seconded:

WHEREAS, notice was given that the Village Board will hold a public hearing on August 22, 2023 at 6:02 p.m. for Local Law No. 8 of the year 2023 entitled “A LOCAL LAW AMENDING CHAPTER 41 OF THE VILLAGE CODE ENTITLED ‘PARKS’ REGARDING PROHIBITED ACTIVITIES AND RESERVATIONS”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk’s signboard; and

WHEREAS, said public hearing was duly held August 22, 2023 at 6:02 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby adopts said local law as Local Law No. 8 of 2023 entitled “A LOCAL LAW AMENDING CHAPTER 41 OF THE VILLAGE CODE ENTITLED ‘PARKS’ REGARDING PROHIBITED ACTIVITIES AND RESERVATIONS” a copy of which is attached hereto and made a part hereof; and it is further

RESOLVED that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State; and it is further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

4. RESOLUTION APPROVING LOCAL LAW NO. 9-2023

At a meeting of the Village Board of the Village of Port Dickinson, held at Village Hall, 786 Chenango Street in said Village on the 22nd day of August, 2023, the following resolution was offered and seconded:

WHEREAS, notice was given that the Village Board will hold a public hearing on August 22, 2023 at 6:03 p.m. for Local Law No. 9 of the year 2023 entitled “A LOCAL LAW AMENDING CHAPTER 52 OF THE VILLAGE CODE REGARDING EXCAVATIONS OF STREETS AND SIDEWALKS”; and

WHEREAS, notice of said public hearing was duly advertised in the official newspaper of the Village, and posted on the Village Clerk’s signboard; and

WHEREAS, said public hearing was duly held August 22, 2023 at 6:03 p.m. and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law or any part thereof; and

WHEREAS, pursuant to the State Environmental Quality Review Act (“SEQRA”), it has been determined by the Village Board that adoption of the proposed Local Law constitutes a Type II Action as defined under 6 NYCRR 617.5(26) and (33); and

WHEREAS, the Village Board, after due deliberation, finds it in the best interest of the Village to adopt said local law.

NOW, THEREFORE, BE IT RESOLVED that the Village Board of the Village of Port Dickinson hereby adopts said local law as Local Law No. 9 of 2023 entitled “A LOCAL LAW AMENDING CHAPTER 52 OF THE VILLAGE CODE REGARDING EXCAVATIONS OF STREETS AND SIDEWALKS” a copy of which is attached hereto and made a part hereof; and it is further

RESOLVED that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and to enter said Local Law in the Local Law Book of the Village of Port Dickinson, and to give due notice of the adoption of said Local Law to the Secretary of State; and it is further

RESOLVED that this resolution will take effect immediately upon filing with the Department of State.

- 5. Resolution setting fee of \$50 for Failure to schedule an appointment for water reading and \$25 for Manual Reading fee pursuant to Village Code § 62-8 F.
- 6. Grant proposal

NEW BUSINESS/DISCUSSION:

ADJOURNMENT

**VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 6 OF 2023**

A LOCAL LAW IMPLEMENTING SHORT-TERM RENTAL REGULATIONS

Be it enacted by the Board of Trustees of the Village of Port Dickinson, as follows:

Section 1. Purpose

The Village of Port Dickinson has determined that short-term rentals can be incompatible with the sense of privacy and community currently enjoyed within the Village. However, the Village recognizes that short-term rentals can attract visitors to the Village, providing an additional source of income to Village residents. This local law imposes mandatory regulations and requirements on all Village of Port Dickinson property owners that desire to rent on a short-term basis. Accordingly, the Village desires to assure that the properties being rented meet certain minimum safety and regulatory requirements that protect the property owners, the occupants of the rental, and the residents of the Village of Port Dickinson.

Section 2. Authority

This local law is enacted pursuant to the Municipal Home Rule Law of the State of New York and the Village Law of the State of New York.

Section 3 – Adoption of Short-Term Rental Regulations

The Village Code shall be amended by adding the following Chapter:

Chapter 68 Short-Term Rentals

§ 68-1. Definitions.

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

- (a) “Bedroom” means any room or space used or intended to be used for sleeping purposes.
- (b) “Board of Trustees” means the Board of Trustees of the Village of Port Dickinson.
- (c) “Code Enforcement Officer” means the Code Enforcement Officer of the Village of Port Dickinson.
- (d) “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.
- (e) “Manager” means a person specifically named on the application who is responsible for the day-to-day operation of the short-term rental, and who may be contacted, day or night, if there is a problem at the short-term rental.
- (f) “Permit” means a short-term rental permit as granted by the Code Enforcement Officer of the Village of Port Dickinson pursuant to this local law.
- (g) “Person” means an individual, corporation, partnership, or any other group acting as a unit.
- (h) “Property” means the real property, including land, buildings, and any dwelling unit, owned by the persons listed on the short-term rental permit application.

- (i) “Short-Term Rental” means property or any portion of real property, including any dwelling unit, that is rented for compensation in exchange for lodging for a period of not more than 31 consecutive days. For the purpose of this law, the term “short-term rental” shall not include a bed-and-breakfast, boarding/lodging house, hotel, motel, or ongoing month-to-month tenancies.
- (j) “Owner” means all persons having an ownership interest in real property which is used as a short-term rental.
- (k) “Village” means the Village of Port Dickinson, a municipal corporation organized and existing under and by virtue of the laws of the State of New York and with offices at 786 Chenango Street, Port Dickinson (mailing address Binghamton, NY 13901).

§ 68-2. Presumption of a short-term rental.

- A. There shall be a presumption that a property is being used as a short-term rental where all or part of the property is offered for lease or rent on short-term rental websites, applications, and any other medium utilized for publishing or promoting short-term rentals for a rental period of not more than 31 days.
- B. The foregoing presumption may be rebutted by evidence presented to the Code Enforcement Officer that the dwelling unit or property is not operated as a short-term rental.

§ 68-3. Authority of Code Enforcement Officer.

The Board of Trustees authorizes the Code Enforcement Officer to issue permits to property owners to operate short-term rentals. Applications for a permit to operate a short-term rental shall be processed under the procedures set forth in this local law.

§ 68-4. Short-term rental permit application requirements.

- A. Applications for a short-term rental permit may be obtained from either the Clerk of the Village or the Code Enforcement Officer. An applicant shall submit the application for a short-term rental permit to the Village Code Enforcement Officer, accompanied by payment of a nonrefundable permit fee, to be determined from time to time by resolution of the Board of Trustees. The application shall include the following:
 1. The names, addresses, telephone numbers, and signatures of all owners, including the signature of an authorized representative of any entity owners.
 2. A statement authorizing the Code Enforcement Officer to inspect the property to ensure compliance with all requirements and standards contained within this law, the Village Code, and State and Federal requirements.
 3. An acknowledgement of present and ongoing compliance with any applicable federal, state, and local laws, rules and regulations, including the short-term rental standards as defined in this law.
 4. If the owner does not reside or have a principal place of business in the Village, then the owner must designate a manager as an agent. The application shall include the name of any manager or management agency managing the property, if any, including names, addresses, telephone numbers, and email addresses of each.
 5. An accurate and suitable site plan and floor plan of the short-term rental, including any buildings

on the property that will not be utilized as the short-term rental. The site plan and floor plan do not need to be prepared by a professional, but must include the following:

- i. The location of buildings;
 - ii. The location of on-site and off-street parking; and
 - iii. For each floor of all buildings on the short-term rental property, the location of utilities, all rooms, windows, exits, and any heating/cooling units.
6. A statement indicating the manner in which the lawn maintenance, garbage removal, snow and ice removal, and repairs to the dwelling unit and property shall be maintained during the permit period.
 7. Evidence of property and liability insurance coverage.
- B. Nothing in this local law shall alter or affect any regulations or requirements of the Village of Port Dickinson Code, any regulations or requirements imposed by the County of Broome, or any State or Federal regulations or requirements.

§ 68-5. Review and approval of permit application.

- A. Short-term rental permit applications shall be filed with the Code Enforcement Officer with all supporting documentations and the nonrefundable permit fee. Only completed applications will be accepted by the Code Enforcement Officer. The Code Enforcement Officer may decline to accept an application for consideration for any of the following reasons:
1. The application or documentation required by this law was not included or the full permit fee was not paid;
 2. The property or dwelling unit does not comply with all requirements pursuant to this law; or
 3. A previously issued short-term rental permit was revoked and any defects and/or violations have not been corrected after inspection by the Code Enforcement Officer.
- B. Upon submission of a completed short-term rental permit application, adjacent property owners of the short-term rental shall be notified in writing, by the applicant, of the intent to operate a short-term rental by certified mail return receipt requested. The notification shall include the name, phone numbers, and addresses of the property owner and manager, if any, who will be available for problems or emergencies that may arise and who the neighbors may contact in the event of complaints or problems with the short-term rental.
- C. The Code Enforcement Officer shall conduct a property inspection to determine whether the short-term rental is in compliance with applicable federal, state, and local laws, rules and regulations, including the requirements of this law.
- D. The Code Enforcement Officer shall have forty-five (45) calendar days from the date of the receipt of a completed application to determine whether the applicant has complied with the requirements of this law. Failure of the Code Enforcement Officer to act within forty-five (45) days shall constitute an approval unless the applicant and the Code Enforcement Officer agree to extend this time limit.
- E. Upon approval of the short-term rental application by the Code Enforcement Officer, a short-term rental

permit will be issued. Short-term rental permits issued pursuant to this section shall state the following:

1. The address of the property that is to be used as a short-term rental;
2. The names, addresses, and phone numbers of each person that is an owner of the short-term rental property;
3. The name, address, and phone number of a manager, if any, who shall be available during the entire time the short-term rental permit is being valid; and
4. Any conditions imposed by the Code Enforcement Officer.

§ 68-6. General Short-term rental permit regulations.

- A. All permits shall expire on December 31 of the year issuance, having a term of at most one (1) calendar year.
- B. Owners shall not use their property or any dwelling unit as a short-term rental without obtaining a short-term rental permit.
- C. The short-term rental permit is not transferable to a new owner. A new owner must file a new and separate short-term rental permit application.
- D. The short-term rental permit is applicable to only the property and dwelling unit as listed on the short-term rental permit. Applicants must submit a separate application and obtain a separate short-term rental permit for each property and dwelling unit to be used as a short-term rental.
- E. Those properties and dwelling units with short-term rental commitments existing on the date this law takes effect shall be permitted to honor such existing commitments and continue to make commitments for short-term rentals, but must apply for a permit within 180 days of the local law's effective date for all future short-term rental commitments. In the event such application is denied, all commitments shall be cancelled.
- F. One sign identifying the short-term rental shall be allowed measuring no more than four square feet on a side. The sign may be double-sided but not internally lighted. The location, design and dimensions of the sign shall be reviewed and approved by the Code Enforcement Officer prior to erection of the sign.
- G. The short-term rental property must have a minimum of one off-road parking space for every bedroom shown on the floor plan included with the application.
- H. No person may be housed separately or apart from a dwelling unit in any tent, trailer, camper, lean-to, recreation vehicle, or non-dwelling unit.
- I. Continuing requirements of a short-term rental property.
 1. The property address number shall be on display so that the number is clearly visible from both the road and the driveway.
 2. Exterior doors shall be operational and all passageways to exterior doors shall be clear and

unobstructed.

- 3. Property insurance and liability insurance shall be maintained continually for the duration of the term of the short-term rental permit.
- 4. Electrical systems shall be in good operating condition, labeled, unobstructed and shall be visible for the Code Enforcement Officer during the permitting process.
- 5. Garbage containers shall be secured with tight-fitting covers at all times to prevent leakage, spilling, or odors, and shall be placed where they are not clearly visible from the road, except at approximate pick-up times.
- 6. In the event that the property has a septic system, the maximum occupancy shall be defined by the capabilities of the septic system. Any septic system must have been pumped within the past four years and proof of pumping and satisfactory inspection by a qualified septic disposal firm shall be available to the Code Enforcement Officer. Once a short-term rental permit is issued, the septic system must be pumped at least once every four years.

J. All short-term rental permit holders must have a rental contract, which includes, at a minimum, the following:

- 1. Maximum property occupancy;
- 2. Maximum on-site parking provided; and
- 3. A good neighbor statement providing that:
 - i. Renters should be considerate of the residents in the neighboring homes;
 - ii. Renters are requested to observe quiet hours from 11:00 P.M. through 7:00 A.M.;
 - iii. All renters will be subject to New York Penal Law § 240.20 or any successor statute regarding disorderly conduct;
 - iv. Littering is illegal; and
 - v. Recreational campfires must be attended to at all times.

§ 68-7. Compliance and display of the short-term rental permit.

- A. If the Code Enforcement Officer has probable cause to believe that the premises is not in compliance with the provisions of this law, the Code Enforcement Officer may request permission from an owner or the designated manager of the short-term rental to enter the premises and to conduct an inspection of the short-term rental for purposes of ensuring compliance. If the request is refused, the permit may be revoked.
- B. The short-term rental permit and the contact information of the owner or manager shall be prominently displayed inside and near the front entrance of the short-term rental.
- C. The short-term rental permit holder shall ensure that current and accurate information is provided to the Code Enforcement Officer and that they notify the Code Enforcement Officer immediately of any change in the information displayed on the permit.

§ 68-8. Complaints.

- A. Complaints regarding the operation of a short-term rental shall be in writing and submitted to the Code Enforcement Officer.

B. Upon receipt of a complaint, the Code Enforcement Officer shall investigate to determine, in its sole discretion, the presence of a violation, and upon finding that a violation was or is currently occurring, the Code Enforcement Officer shall issue to the short-term rental owner or manager a notice detailing the alleged violation(s).

§ 68-9. Violations and penalties.

A. Any person found to be offering or providing short-term rentals without a short-term rental permit shall be determined to be in violation of this law.

B. The Code Enforcement Officer is authorized to issue appearance tickets for any violation of this law.

C. In addition to such other penalties as may be prescribed by New York State law:

1. Any owner who violates any provision of this law shall be punishable by a fine of not more than \$250 per day of violation, or imprisonment not exceeding 15 days, or both.
2. Any owner who violates any provision of this law shall be liable to pay a civil penalty of not more than \$250 for each day or part thereof during which such violation continues. The civil penalties provided by this paragraph shall be recoverable in an action instituted in the names of this Village.
3. An action or proceeding may be instituted in the name of this Village, in a court of competent jurisdiction, to prevent, restrain, enjoin, correct, or abate any violation of, or to enforce, any provision of this law. No action or proceeding described in this paragraph shall be commenced without the appropriate authorization of the Board of Trustees.
4. The Code Enforcement Officer may suspend or revoke a short-term rental permit by providing all owners written notice of said suspension or revocation and the reason for said penalty, including but not limited to, (i) a violation of this law, the Village Code, or any applicable federal or state laws, rules and regulations or (ii) any conduct that occurred or is occurring at the short-term rental that disturbs the health, safety, peace, or comfort of the neighborhood.

D. No remedy or penalty specified in this section shall be the exclusive remedy or remedy available to address any violation described in this section, and each remedy or penalty specified in this section shall be in addition to, and not in substitution for or limitation of, the other remedies or penalties specified in this section or in any other section of this law. Any remedy or penalty specified in this section may be pursued at any time, whether prior to, simultaneously with, or after the pursuit of any other remedy or penalty specified in this section or in any other section of this law.

§ 68-10. Application for renewal of a short-term rental permit.

A. Owners with a valid short-term rental permit that timely submit an application for renewal pursuant to this section may continue to operate a short-term rental until and unless the Code Enforcement Officer denies said application for renewal.

B. The renewal of a short-term rental permit will be granted for an additional one (1) year term if the following conditions are met:

1. An application for renewal of the short-term rental permit shall be made at least 30 calendar days but

- not more than 60 calendar days prior to expiration of the current short-term rental permit;
2. An application for the renewal of a short-term rental permit shall include all of the requirements of the short-term rental permit application and the owner or designated agent must present the previous short-term rental permit;
 3. A renewal of a short-term rental permit is subject to the inspection of the property performed by the Code Enforcement Officer;
 4. Any violations must be remedied prior to renewal of a permit for short-term rental; and
 5. An application for renewal shall include a nonrefundable short-term rental permit fee, as to be determined from time to time by resolution of the Board of Trustees.
- C. The Code Enforcement Officer shall have forty-five (45) calendar days from the date of the receipt of a completed application for renewal to determine whether the applicant has complied with the requirements of this law. Failure of the Code Enforcement Officer to act within forty-five (45) calendar days shall constitute an approval unless the renewal applicant and the Code Enforcement Officer agree to extend this time limit.

§ 68-11. Appeals.

The owner of a short-term rental is entitled to appeal the Code Enforcement Officer's determination to the Board of Trustees when an owner's application for a short-term rental permit or a short-term rental permit renewal is denied or a short-term rental permit is suspended or revoked. A notice of appeal shall be filed with the Village Clerk within 60 days of the Code Enforcement Officer's notification to the owner of the denial, suspension, or revocation. A hearing shall be held by the Board of Trustees not more than 45 days after the filing of the notice of appeal.

Section 3. Separability

The provisions of this Local Law are separable and if any provision, clause, sentence, subsection, word, or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this Local Law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this Local Law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word, or part had not been included therein, and as if such person or circumstance, to which this Local Law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Effective Date

This Local Law shall take effect immediately upon filing with the New York State Secretary of State in accordance with § 27 of the Municipal Home Rule

**VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 7 OF 2023**

**A LOCAL LAW AMENDING CHAPTER 62 OF THE VILLAGE CODE ENTITLED ‘WATER’
REGARDING FEES FOR DIGITAL AND MANUAL READ METERS**

Be it enacted by the Board of Trustees of the Village of Port Dickinson as follows:

Section 1. Chapter 62 of the Village Code entitled “Water” is hereby amended in its entirety as follows:

§ 62-1. Remains the same.

§ 62-2. Definitions.

The following definition shall be revised as follows:

AUTOMATIC METER READING (“AMR”) TECHNOLOGY – The technology of automatically collecting consumption, diagnostic, and status data from water meter devices and transferring that data to a central database for billing, troubleshooting, and analyzing. All provisions of this Chapter that reference “water meters” or “meters” shall apply equally where AMR Technology has been or will be installed, except for references to “manual meters”.

The following definitions shall be inserted between “MAIN” and “OWNER, APPLICANT, CUSTOMER, PERSON and CONSUMER”:

MANUAL METER – A water meter with a dial, sweep hand, and/or an odometer recording the amount of water used and does not contain a digital display or AMR Technology.

METER – A device that measures the volume of water used by a specific consumer, which may be measured by AMR Technology or by a Manual Meter.

All other definitions shall remain the same.

§ 62-3. Remains the same.

§ 62-4. Remains the same.

§ 62-5. Water meters.

A. Remains the same

B. The property owner may choose to have installed either a Manual Meter or AMR Technology. The Board will supply and install each meter, for which a charge will be made to the property owner. Each meter shall be pretested and so designed that it cannot overrun or register a greater volume of water than passes through it.

C. Remains the same.

D. Remains the same.

E. Remains the same.

F. (1) Remains the same.

(2) Remains the same.

(3) The property owner shall be responsible for having a new meter installed by the Village Water Department at a cost set by resolution of the Board from time to time, and shall be charged for the water which had been diverted from the meter for a period of time since the most recent correct meter reading in an amount that reflects the highest 6 month consumption during the past 5 years.

G. Remains the same.

§ 62-6. Remains the same.

§ 62-7. Remains the same.

§ 62-8. Rates and bills.

A. Remains the same.

B. Remains the same.

C. Remains the same.

D. Remains the same.

E. Remains the same.

F. Prior to each billing period as provided in paragraph A of this § 62-8, the Village shall mail to each owner or occupant of a property serviced by a Manual Meter a notice that the Village is requesting such owner or occupant to schedule with the Village a reading of the Manual Meter within ten (10) days of such notice. It shall be the responsibility of the owner or occupant that receives such notice to contact the Village Business Office to arrange such reading. Failure to schedule such reading within ten (10) days shall subject the owner or occupant to a penalty as set forth by resolution of the Board from time to time, along with an estimated bill for water use on the basis of the immediately previous billing period for the property. In the event that the owner or occupant fails to comply with such requirement on two (2) consecutive occasions, the Village may either discontinue service after notice and an opportunity to be heard, or require the property owner to pay for the purchase and installation of an outside meter reading device. A property owner or occupant with a Manual Meter

shall pay to the Village an administrative fee for each reading of the Manual Meter that the Village performs, which shall be included with each water bill pursuant to § 62-8. The fee for each reading of a Manual Meter shall be as set forth by resolution of the Village Board from time to time.

§ 62-9. The right to enter onto a consumer's property.

- A. The Board reserves the right to cause Village personnel to enter onto the property of any consumer to examine the pipes and fixtures to determine the quantity of water used and the manner of use and to inspect, test, read, repair, replace, or install the water meter.
- B. The Village shall provide at least ten (10) calendar days written notice, sent by certified mail, return receipt requested, to a property owner or occupant prior to entering said property. Said notice shall identify the five (5) business day period immediately following the conclusion of the ten-day notice, during which Village personnel may enter the premises of the consumer's property during the hours of 7:00 A.M. to 2:00 P.M. to affect the purpose of said notice.
- C. Each property owner or occupant shall provide Village personnel access onto the property and to any area of the property as is necessary to carry out the purpose of the site visit as identified in said notice pursuant to this section.
- D. Failure to provide Village personnel access onto the property and to any area of the property as is necessary to carry out the purpose of the site visit as identified in said notice shall be an offense against this section and of this chapter punishable pursuant to § 62-13 of this chapter.
- E. The Village reserves the right to discontinue water service in the event of a property owner or occupants failure to provide access as required herein.

§ 62-10. Remains the same.

§ 62-11. Remains the same.

§ 62-12. Remains the same.

§ 62-13. Remains the same.

§ 62-14. Remains the same.

§ 62-15. Remains the same.

§ 62-16. Remains the same.

§ 62-17. Remains the same.

Section 2. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 3. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with the Local Law are hereby repealed.

Section 4. Effective Date

This local law shall take effect upon filing with the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 8 OF 2023

A LOCAL LAW AMENDING CHAPTER 41 OF THE VILLAGE CODE ENTITLED ‘PARKS’
REGARDING PROHIBITED ACTIVITIES AND RESERVATIONS

Be it enacted by the Board of Trustees of the Village of Port Dickinson as follows:

Section 1. Section 41-3 of the Village Code entitled “Prohibited Activities” shall be amended as follows:

a. through e. shall remain the same.

f. Intentionally left blank.

g. through bb. shall remain the same.

Section 2. Section 41-4 of the Village Code entitled “Reservations” shall be amended as follows:

a. through e. shall remain the same.

f. Park Fees for Group Reservations and Athletic Field Reservation Fees

(i) Park Fees for Group Reservations.

(1) Free for Village residents, organizations with a physical presence within the Village, and any tax-exempt charitable organization as defined by IRC § 501(c), as it may be amended from time to time, that regularly donates services, monies, or materials to the Village, including, but not limited to St. Francis of Assisi, First Church of the Nazarene, Community Baptist Church, Ogden Hillcrest Methodist Church, Hillcrest Rotary Club, and Nimmonsburg Rotary Club.

(2) Non-Village resident and all other organizations shall pay a fee as set forth by resolution of the Village Board from time to time.

(ii) Athletic Field Reservation Fees.

(1) Free for Village residents, organizations with a physical presence within the Village, and any tax-exempt charitable organization as defined by IRC § 501(c), as it may be amended from time to time, that regularly donates services, monies, or materials to the Village, including, but not limited to St. Francis of Assisi, First Church of the Nazarene, Community Baptist Church, Ogden Hillcrest Methodist Church, Hillcrest Rotary Club, and Nimmonsburg Rotary Club.

(2) Non-Village resident and all other organizations shall pay a fee as set forth by resolution of the Village Board from time to time.

g. through h. shall remain the same.

Section 3. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 4. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with the Local Law are hereby repealed.

Section 5. Effective Date

This local law shall take effect upon filing with the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

VILLAGE OF PORT DICKINSON
LOCAL LAW NO. 9 OF 2023

A LOCAL LAW AMENDING CHAPTER 52 OF THE VILLAGE CODE
REGARDING EXCAVATIONS OF STREETS AND SIDEWALKS

Be it enacted by the Board of Trustees of the Village of Port Dickinson as follows:

Section 1. Section 52-2 of the Village Code entitled “Applications” shall be amended as follows:

- A. Remains the same.
- B. Applications by public service companies must be accompanied by either a bond of Five Thousand dollars (\$5,000) posted to the Village for a period of one (1) year or a Five Thousand dollars (\$5,000) check made payable to the Village and submitted to the Village Clerk to assure that after completing the excavation said applicant shall leave the street, highway, pavement and curb, sidewalk or gutter in the same condition as it was prior to excavation by a general undertaking in such form as may be approved by the Board of Trustees. In the event the public service company fails to repair or replace such pavement, curb or gutter in the time provided in the permit, the deposit of Five Thousand dollars (\$5,000) shall be forfeited to the extent necessary to repair such surface as left undone by the applicant.
- C. Applications by persons, firms or corporations other than public service companies for excavations in the street or highway must be accompanied by either a bond of Five Thousand dollars (\$5,000) posted to the Village for a period of one (1) year or a Five Thousand dollars (\$5,000) check made payable to the Village and submitted to the Village Clerk to assure that after completing the excavation said applicant shall leave the street, highway, pavement and curb, sidewalk or gutter in the same condition as it was prior to excavation. In the event the applicant fails to repair or replace such pavement, curb or gutter in the time provided in the permit, the deposit of Five Thousand dollars (\$5,000) shall be forfeited to the extent necessary to repair such surface as left undone by the applicant.

Section 2. Separability

The provisions of this local law are separable and if any provision, clause, sentence, subsection, word or part thereof is held illegal, invalid, unconstitutional, or inapplicable to any person or circumstance, such illegality, invalidity or unconstitutionality, or inapplicability shall not affect or impair any of the remaining provisions, clauses, sentences, subsections, words, or parts of this local law or their application to other persons or circumstances. It is hereby declared to be the legislative intent that this local law would have been adopted if such illegal, invalid, or unconstitutional provision, clause, sentence, subsection, word or part had not been included therein, and as if such person or circumstance, to which the local law or part thereof is held inapplicable, had been specifically exempt therefrom.

Section 3. Repealer

All Ordinances, Local Laws and parts thereof inconsistent with the Local Law are hereby repealed.

Section 4. Effective Date

This local law shall take effect upon filing with the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.

This local law shall take effect upon filing with the New York Secretary of State in accordance with Section 27 of the Municipal Home Rule Law.