

**VILLAGE OF HIGHLAND FALLS INTRODUCTORY LOCAL LAW NO. __ OF 2020
AMENDING CHAPTER 235**

BE IT ENACTED by the Village Board of Trustees of the Village of Highland Falls, County of Orange, State of New York, as follows:

Section 1. Legislative Findings, Purpose and Intent.

The Board of Trustees of the Village of Highland Falls hereby finds and determines that there exist in the Village water service lines that are shared among one or more properties and that such sharing is detrimental to the management of the Village water infrastructure because responsibility and liability for shared lines may be difficult to determine. The Board of Trustees determines that it would be beneficial to replace all shared water service lines with individual service lines over time.

Section 2. Authority.

This local law is enacted by the Village Board of Trustees of the Village of Highland Falls pursuant to its authority to adopt local laws pursuant to the New York State Constitution and Section 10 of the Municipal Home Rule Law.

Section 3.

Chapter 235, titled, “Water,” of the Village of Highland Falls is hereby amended as follows:

Section 235-16, titled “Service installation requirements,” is amended by adding subsection F, to read as follows:

F. Shared service lines prohibited.

1. Service lines on individual properties. All service lines shall be placed on the property to be serviced. Shared service lines are not permitted. Existing shared service lines shall be replaced by individual service lines at the property owners sole cost and expense and in conformance with all applicable specifications herein.
2. Existing shared service lines shall be replaced upon the occurrence of, (1) a leak detected at any point whatsoever along the shared service line or, (2) upon written notification by the Village Board that the shared water line must be replaced.
3. Where a leak is detected, the shared line shall be replaced by individual lines within thirty (30) days of detection, or as soon thereafter as reasonably possible. The Board of Trustees may determine that the leak is substantial and may require replacement sooner than the time set forth

herein. Where the Board of Trustees determines that the shared line must be replaced for reasons other than a leak, the property owners shall be provided with reasonable time to effect the replacement.

4. The property owners so affected shall be entitled to a hearing before the Board of Trustees prior to the installation of the new service lines. Except, however, where a substantial leak is identified, the Board may require immediate replacement.
5. Exclusions. Where the property owners demonstrate to the Board of Trustees that a shared water line is necessary because of topography or the unique attributes of the land, the Board may allow a shared line. However, the Board shall require proof of shared maintenance responsibility in the form of a maintenance agreement between property owners duly recorded in the Orange County Clerk's Office.

Section 4. Supersession, of Inconsistent Laws, if any.

The Village Board of Trustees hereby declares its legislative intent to supersede any provision of any local law, rule, or regulation and any provision of the state Village Law or other special law that may be declared inconsistent or in conflict with this local law. The courts are specifically requested to take notice of this legislative intent and apply such intent in the event the Village has failed to specify any provision of law that may require supersession. The Village Board hereby declares that it would have enacted this local law and superseded such provision had it been apparent.

Section 5. Severability.

If any section, part or provision of this local law or the application thereof to any person, property or circumstance is adjudged invalid by any court of competent jurisdiction, such judgment shall be confined in its operation to the section, part, provision or application directly and expressly adjudged invalid and shall not affect or impair the validity of the remainder of this local law or the application thereof.

Section 6. Effective Date.

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