

LOCAL LAW ESTABLISHING
THE WATER CODE
OF THE
TOWN OF HARTLAND
NIAGARA COUNTY, NEW YORK

Enacted: March 10, 2011

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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 City Town Village
(Select one:)

of Hartland

Local Law No. 1 of the year 2011

A local law Establishing a Water Code for the Town of Hartland.
(Insert Title)

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

County City Town Village
(Select one:)

of Hartland

as follows:

SECTION 1.0 - GENERAL INFORMATION

1.1 Establishment, General Information and Conditions of Service

- A. The Town of Hartland hereby establishes the Water Code of the Town of Hartland. This code is established for the purpose of regulating water usage in the Town, providing for payment for water usage, providing for and insuring proper and safe water usage, and establishing rights and obligations of water users in the Town and to any out of district users.
- B. From time to time, water in the mains must be shut down due to repairs, leaks, maintenance, or other reasons. It is the intention of the Town where practical to notify owners when the water in the mains

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

is to be shut off; however, it is often impractical and sometimes impossible to do so, and the Town shall not be obligated to provide such notice.

- C. Whenever the water is shut off for any reason, all hot water boilers should be immediately banked and water content checked often and thoroughly.
 - D. Service pipes from the street to buildings shall maintain four feet minimum trench depth to avoid danger of freezing. Particular care shall be exercised to maintain the minimum when crossing gutters, drainage ditches or other like depressions.
 - E. When property is conveyed, written notice shall be given to the Water Billing Clerk of said conveyance so that the transfer of ownership may be noted and the new owner notified of his accounts.
- 1.2 This law shall apply to all that area within the boundaries of the Town of Hartland exclusive of the Village of Middleport, and also, to all users outside of the Town of Hartland which are served by this system. Service outside the District shall be at the discretion of the Board.

1.3 Definitions

Terms used in this Code are defined as follows:

"Board" means the Town Board of the Town of Hartland.

"Consumer" means the person, partnership or corporation or the entity to be served, or their agent.

"District" means the Town of Hartland Water District.

"Irrigation" means the application of water to land for the production of farm crops only.

"Non-Irrigation" means drawing water from a hydrant for any purpose other than irrigation.

"Owner" means the person(s), partnership, corporation or other entity owning the property to be served, or their authorized agent. The Owner shall be a consumer even when there is another consumer such as a tenant or lessee.

"Superintendent" means the Superintendent of the Hartland Water District, or his authorized representative or the person designated by the Board to oversee the operations of the District, or his authorized representative.

"Water Rental Charge" shall mean water usage charges; the charge for using water from the Water District. ✓

"Water System" means the water distribution system and appurtenances of the Town of Hartland.

SECTION 2.0 - APPLICATION FOR SERVICE; TAP-IN FEE

2.1 Application for New Service

Application for new service shall be made by the owner in writing, on forms provided by the Superintendent. Such application shall be made not later than ten (10) days prior to the beginning of service, and shall contain such information as the Superintendent may require. The time for application may, at the discretion of the Superintendent, be waived.

The Board reserves the right to accept or reject any or all applications for services of a nature not consistent with this Code, including the right to determine the rates for such services and shall approve only those applications which it finds are in the best interests of the District.

2.11 Application for New Service from Out of District

The Board may accept or reject applications for service from out-of-district users, and shall determine rates for service. It will approve only those applications which it finds are in the best interests of the District. The Board shall, from time to time, by resolution of the Board, establish and amend the water use rates for Out-of-District users. These rates may be set higher than those for in-district users. The rate schedule shall be on file in the Town Clerk's Office.

2.2 Application for Transfer of Existing Service

Application for transfer of an existing water service to a

new owner shall be made by the new owner on forms provided by the Superintendent. Such application shall be made not later than thirty (30) days after the transfer and shall contain such information as the Superintendent may require.

At any time, whether or not, a written application for service has been received by the Superintendent, any owner and consumer shall be bound by the provisions of this Code.

The Board may accept or reject any or all applications for services of a nature not covered by this Code, including the right to determine the rates for such services and shall approve only those applications which it finds are in the best interests of the District.

2.3 Connection

No person, corporation, owner or consumer shall make any connection or opening into a public water main, except upon authorization of the Superintendent. All connections to water mains, including service line work and excavation within public rights-of-way, shall be done by the District or its authorized representatives, including all excavation around or near public water mains, unless the Superintendent authorizes or requires a duly licensed and insured contractor make such connections.

2.4 Tap-In Fee

Prior to connection to a public water supply for water service, the owner shall pay to the District a tap-in fee. Said fee shall be established by the Board from time to time by resolution of the Board. The fee schedule is on file in the Town Clerk's office. The Superintendent may require a greater fee for larger tap-ins or where special circumstances apply in the amount of the actual cost to the District for making the tap-in.

SECTION 3.0 - INSTALLATION OF SERVICE

3.1 Inspection

No water main shall be tapped nor any service connection made, or covered, except on authorization of the Superintendent after he has approved all work and materials.

No person, except the Superintendent, shall turn the water on or off at any connection to the water main. Water will be turned on by the Superintendent to test the pipes before they are covered and immediately turned off until final approval of the completed service installation by the Superintendent.

3.2 Service Connections (Permanent)

Taps and connections shall be three-quarter inch (3/4") and shall be carried full size from the water main to the meter, except that larger services will be permitted upon application made to the Superintendent, where need for such service is established and where water main size is adequate. Where larger than three-quarter inch (3/4") is required, the owner shall pay to the Town an installation fee, which will fully compensate the District for the cost of the larger service.

Service pipe two inches (2") and smaller shall be Type K copper or Type PT-CTS Plastic Tubing, or such other material as shall be approved by the Superintendent. No underground joints will be permitted except where distances are greater than the lengths available from the manufacturer. In this case, a minimum number of joints will be permitted and these shall be of the flare compression type with copper tubing or push-on joint with PT-CTS Plastic Tubing or as otherwise designated by the Superintendent. Service pipe larger than 2" shall be of such material and installed in such manner as the Superintendent shall approve, and shall be of type, material and grade as is currently standard in the building industry. All pipe shall meet all requirements for a working pressure of 150 PSI. All service pipe shall be laid in a trench not less than four (4) feet below the surface of the earth.

Service pipe will be laid by the District from the main to and including the curb stop and box. Owners of vacant lots must demonstrate by commencing construction that they intend to use water. No service will be laid to vacant lots, except as part of developer's work in an approved subdivision extending off of a trunk line installation by the developer. All lines installed, but not intended for immediate use, shall be capped and sealed until ready for immediate use by the consumer.

Permission will not be granted to supply more than one owner from a single tap unless approved by the Superintendent due to some extreme hardship. In such cases, a separate shut-off cock must be provided for each such building and, where necessary for access, a permanent easement must be granted to the Town by the owners.

For multiple residences, one meter will be installed for each unit or consumer up to two (2). For residences with more than two (2) units or consumers, the District will install one master meter and the owner will be responsible for separating out usage to his or her tenants.

No installation shall be permitted which has connections, direct or indirect, with any public or private pumping and/or distribution system or source not fully approved by the New York State Water Resources Commission and by the New York State Department of Health.

3.3 Service Connections (Temporary)

Temporary service connections shall consist of, but shall not be limited to, connections to construction jobs, fairs, circuses, military installations, emergency inter-system connections and for service of water to a premises or property upon which no permanent structure is or has been erected or for a use not serviced from a permanent service.

Except as otherwise directed by the Superintendent, or as set forth herein, all requirements for permanent service shall apply to temporary service.

The Superintendent may reject any application for service which he determines will not be in the best interests of the district or its customers.

3.4 Service Connections for Fire Protection Only

A service may be installed to serve as a source for fire protection only. The Board shall establish from time to time, by resolution, the water usage rate and fee for a meter for fire protection. The schedule shall be on file in the Town Clerk's office.

3.5 Service Connections for Hydrant Use

Hydrant use, for purposes of either irrigation or non-irrigation, is considered a temporary service connection

covered under the guidelines in section 3.3. No hydrant use is permitted during periods of hard freeze or when temperatures are below 25° Fahrenheit.

No person shall open a hydrant for any reason unless he has obtained a permit from the Superintendent for a temporary service connection. This section shall not apply to volunteer fire companies when engaged in training or fire fighting.

Any person desiring to draw water from a hydrant shall use an approved gate valve, meter and backflow device, which shall be furnished and installed only by District personnel. No meters are to be moved from one hydrant to another by any person except District personnel. Meters shall be locked to hydrants by the District. If a customer requests that a meter be moved from one hydrant to another, there will be a fee.

All hydrants must be in full-on position during operation and water flow controlled by a gate valve at the meter.

Any and all damage to hydrant, meter or backflow shall be the responsibility of the owner or consumer.

3.51 Irrigation Hydrant Use

Irrigation pertains ONLY to the application of water to land for the production of farm crops. All rules for hydrant use pertain to irrigation.

3.52 Non-Irrigation Hydrant Use

Non-Irrigation pertains to hydrant use for any purpose other than irrigation. All rules for hydrant use pertain to non-irrigation use.

3.6 Service Connections Requiring a Meter Pit

A water meter shall not be installed in a crawl space, under a kitchen sink, in a closet or in any location not approved by the Superintendent. If a building does not have a basement, the meter must be installed in a District-approved meter pit. The owner shall pay to the District the Meter Pit Fee.

SECTION 4.0 - METER VALVES, METERS, AND BACKFLOW PREVENTERS

4.1 Meter Valves

Meter valves are required on every installation and are the responsibility of the owner or consumer. When a meter is changed or repaired by District personnel on any service that does not have a properly functioning meter valve one may, at the discretion of the Superintendent, be installed by the District and the fee for such device shall be billed to the owner as part of the next water bill. Meter Valves will ONLY be installed when District personnel are on the premises for a meter change or repair. No special trips will be made for meter valve installation, as this is the owner's responsibility.

4.2 Meters

4.21 Necessity

No water shall be drawn from the Town water system for any purpose unless metered in accordance with this Code. This provision shall not apply to volunteer fire companies while training or fighting fires using hydrants. Meters shall be signed for by the owner, or his duly authorized agent, for whose premises the water is to be used.

4.22 Meter Fee

The Board shall establish by resolution from time to time the fee for each size of meter.

4.23 Maintenance

To the extent of ordinary wear and tear, all meters will be maintained by, and at the expense of, the District. The consumer must pay for any damage or replacement due to freezing, hot water, or other external causes.

4.24 Inspection

The Superintendent shall be entitled to inspect, test, clean, repair, remove and replace any meter at any time and to substitute another meter in its place.

4.25 Size

The Superintendent shall, subject to Board direction, determine the size, type and make of any and all meters employed within or without the District.

4.26 Meter Accuracy Disputes

In the case of a disputed account involving the question of accuracy of the meter, such meter will be tested by the District upon request of the consumer, upon payment of a fee by the owner. In the event that the meter so tested is found to have a registration error in excess of acceptable limits, to the prejudice of the consumer, the fee advanced for testing will be refunded and the bill for the current period adjusted to correct such over registration.

4.3 Backflow Preventer Requirement

The district mandates New York State Department of Health approved backflow prevention devices for use in all service connections. The backflow prevention devices must be installed per the District's directive before installation is complete and water used, as follows:

House service 3/4" or 1" line: Watts #7 Backflow Preventer Device or McDonald 11-3JM-43 Inline Dual Check or equivalent as approved by the Superintendent

Any service larger than 1" line: Backflow Preventer Device of a type approved by the Superintendent

All backflow preventers shall be installed by a competent installer and inspected and approved by the Superintendent or other authorized District representative.

Upon the transfer of real property or before the issuance of a certificate of occupancy, the owner thereof must submit to the Town Water Superintendent and Town Building Inspector verified proof that the backflow prevention device, as specified by this section, is installed.

When a meter is changed or repaired by the District, any service that does not have the proper backflow prevention device installed shall have one installed by the District if the building's plumbing will accommodate it and the Superintendent determines to make such installation. Backflow devices will ONLY be installed when District personnel are on the premises for a meter change or repair. No special trips will be made for backflow device installation, as this is the owner's responsibility. The cost of such device shall be billed to the owner as part of the next water bill. If the District determines not to or is unable to install a backflow device due to the plumbing configuration, or if the owner chooses not to have District personnel install one, the property owner shall be required to have one installed by a competent installer at the owner's expense within 60 days. Upon installation, the owner shall notify the District and make the property available for inspection by District personnel as soon as possible.

SECTION 5.0 - TERMINATION OF SERVICE

5.1 Termination by the District

No person, except the Superintendent shall terminate or restrict service at any connection to or from the Town water system.

The Superintendent may shut off the water from or in any District main or to any service connection, at any time, without notice when necessary for repair, maintenance or emergency situations. The District will not be responsible for any damage that may result therefrom.

Upon 15-days notice to the consumer, service may be terminated by the Superintendent for any of the following reasons:

- (a) Failure to provide the Superintendent access to property for maintenance, reading, replacement or repair of a water meter;
- (b) Failure to repair an unmetered leak in the service within 10 days of detection and notification to repair (verbal or written) by the Superintendent. If, in the Superintendent's opinion, large volumes of water are being lost, the Superintendent may immediately terminate service after notice to the consumer.

- (c) Failure to install a meter valve or back flow preventer upon notice to do so.

The Superintendent may immediately terminate service wherever necessary to preserve the integrity of the system; prevent contamination; prevent backflow; or when necessary for the safety of residents of the Town.

5.2 Termination by the Owner

5.21 Long-term Termination Requests (one year or longer)

An owner requesting discontinuance of service shall submit a "Water Service Termination Request Form" to the Superintendent. Upon receipt of such form, the water will be shut off at the curb, after payment of the turn-off fee; provided the Superintendent will not terminate service when the premises is occupied by a tenant. When turn off is permanent, water rents will cease.

5.22 Short-term Termination Requests (less than one year)

Short-term termination requests must be made in writing to the Superintendent. Upon notification, District personnel will turn off the water at the curb; provided service will not be terminated when the premises are occupied by a tenant. Any owner requesting that water be turned off at the curb for a period of less than one year will be charged turn-off and turn-on fees. Quarterly minimum billings will continue during the time the water is shut off.

SECTION 6.0 - HYDRANTS AND FIRE REGULATIONS

6.1 Fire

In case of fire or an alarm of fire, all water consumers shall cease the use of water for motors, fountains, sprinkling and power purposes during such fire, in the interest of keeping up a strong and effective pressure for fire purposes.

6.2 Operation of Hydrants

No persons except the Superintendent, or persons acting under his direction or permission, shall open any fire

hydrant or draw water therefrom, except that the Chiefs of the Town Fire Departments and members of those fire companies shall be authorized to draw water as necessary to fight fire, and for training purposes, and at scheduled fire drills. In no case shall inexperienced persons be allowed to manipulate or interfere with any such hydrants, gates, valves or other fixtures of said District.

6.3 Hydrant Location

All hydrants shall be installed on lands, easements or rights-of-way permanently owned or controlled by the District or Town.

Changes in location of existing hydrants will be made, except where otherwise required by law, at the expense of the owner requesting such change in location. All such requests shall be made in writing to the Board, and shall be at the discretion of the Board.

6.4 Hydrant Access Requirement

No bushes or large plants shall be planted around or block access to said hydrants. No large objects such as vehicles or machinery shall be parked near to or block access to hydrants.

SECTION 7.0 - PAYMENT FOR WATER SERVICE

7.1 Installation and Repair

A. The following expenses shall be borne by the District:

- i. Cost of making taps, except tap-in fees.
- ii. Maintenance and repair of meters subject to Section 4.0 of these regulations.
- iii. Cost of installing and maintaining service line from main to curb stop inclusive, except in subdivisions involving new water lines.

B. The following expenses shall be borne by the Owner or consumer:

- i. The cost of all materials and labor for laying and maintaining the service pipe upon and within

the premises from the curb box serving said property.

- ii. Tap-in fee as stated in Sections 2.0 and 3.0.
- iii. Water use charges and special assessments.
- iv. Fees for meters in accordance with Section 4.0 of these regulations.
- v. Fees for turning service on or off at the curb as per the fee schedule on file in the Town Clerk's office.
- vi. The cost of the meter, repair and testing of meters, except for mechanical defects or natural wear and tear, as set forth in Section 4.0 of these regulations.
- vii. All other fees and charges as established from time to time by resolution of the Town Board.

7.2 Water Usage Charges

A. Responsibility for Usage Charges

All water usage will be charged to the consumers of the affected real property. Statements may be sent to a tenant upon written request by the owner on the form provided by the District. The sending of statements to the tenant shall not relieve the owner from responsibility for payment of the same.

B. Billing Periods

Water usage, fees and other charges shall be at rates set forth in the most recent, "Hartland Water Fee and Rate Schedule," as established from time to time by resolution of the Town Board.

All usage, except hydrant usage, shall be billed quarterly for the preceding quarter as follows:

January 1 to March 31 - Billed approx. April 15.

April 1 to June 30 - Billing approx. July 15

July 1 to September 30 - Billing approx. October 15

October 1 to December 31 - Billing approx. January 15

All hydrant usage, both irrigation and non-irrigation, shall be billed monthly for the preceding month, or at such intervals as shall be determined by resolution of the Town Board.

C. Reading of Meters by Owners

The District may send postcards to the consumers or owners of property requiring the owner to read their meters, and return the readings to the Water Billing Clerk by a date specified therein. Any user who shall fail to read and return the card by the date specified shall be charged an additional fee.

D. Estimated Readings

The Town shall not be required to read all meters on a quarterly basis. Quarterly billings may be based upon estimated usage, calculated using available data.

E. Adjustment for Actual Usage

Whenever billings are based upon estimated readings or customer readings, any discrepancy disclosed by an actual reading of the meter will be billed as a charge for the quarter for which the reading was made.

F. Payment of Bills; Penalties

All payments shall be received in the office of the Town Clerk by (or by envelope postmarked before) a date 30 days subsequent to the date of the billing. Thereafter, there shall be added to the billed amount a penalty in the amount of ten percent (10%) of the amount of the original billed amount.

G. Adding to Taxes

Water rental charges, fees and other charges shall be a lien upon the real property upon which, or in connection with which, the water was used, and shall be added to the taxes assessed against the premises.

7.3 Special District Assessments

A. Indirect Benefit

A special assessment, as permitted by law, shall be laid against the assessed valuation, including exemptions, public service and public franchise, of all properties within the Town of Hartland, to provide for the indirect benefits enjoyed by all properties because of the existence of said District. The Board reserves the right to set, and from time to time adjust, the rate of this indirect benefit assessment according to the best interests of the Town of Hartland Water District.

B. Direct Benefit

A special assessment, as permitted by law, shall be laid against the assessed valuation, including exemptions, public service and special franchise, on properties abutting water mains or not abutting but receiving water therefrom, to provide for the District benefits enjoyed because of the existence of water service. The Board reserves the right to set, and from time to time adjust, the rate of this District Benefit Assessment according to the best interests of the Town of Hartland Water District.

SECTION 8.0 - MAIN EXTENSIONS

8.1 The Board reserves the right to accept or reject any and all application for main extensions in the best interest of the District.

SECTION 9.0 - SUPPLY OF WATER

9.1 General

The Town undertakes to use reasonable care and diligence to provide a constant supply of water at a reasonable pressure to all consumers, but reserves the right, at any time, without notice, to shut off the water in its mains for the purpose of making repairs and/or extensions, or for any other purpose, and the Board and the District shall not be liable for a variation, deficiency or failure in the supply of water, or the pressure thereof, for any cause whatsoever, nor for any damage caused thereby, or by the breaking or bursting of any main or service pipe or any

attachment to the District System. All owners having boilers upon their premises which are dependent upon the pressure in the District mains are cautioned against danger of collapse or lack of water and all such damage shall be borne exclusively by the owner.

9.2 Interconnectors

In the interest of public health, the District will not permit its mains or services to be connected directly or indirectly with any service pipe or piping which is in any way connected to any other source of water supply not fully approved by the Department of Health of the State of New York. The District will not permit its mains or service pipes to be connected in any way, directly or indirectly, to piping, tanks, vats or other apparatus which contains liquids, chemicals, or other matter which, if allowed to back flow into the District System could endanger the water supply.

9.3 Shortage

The Superintendent, subject to direction of the Board, may, if need be, in periods of draught or emergency, restrict the use of water for non-essential uses (such as irrigation, sprinkling or washing cars) to particular hours determined by the District, or to prohibit it entirely. Failure to comply with such restriction shall constitute a violation of this Code.

SECTION 10.0 - IMPROVEMENTS

10.1 The Board may:

Order existing service pipes and fixtures to be replaced with acceptable material, as determined by the Superintendent and to refuse service with all penalties hereinbefore set forth for failure of an owner to comply with such order.

SECTION 11.0 - WATER USE RATES

The Board shall, from time to time, by resolution of the Board, establish and amend the water use rates, fees and charges for the purpose of meeting the expenses of the District in such amounts as shall be determined to be in

the best interest of the District. Such rates shall be on file in the Town Clerk's office.

SECTION 12.0 - VIOLATIONS; PENALTIES FOR OFFENSES

All remedies and penalties set forth are separately applicable. The Town may enforce this Code by any and all remedies set forth in this section.

12.1 Emergencies

If, in the judgment of the Board or Superintendent, an imminent health hazard or imminent danger to property exists, it may immediately cause service to any building or premises to be terminated and not restored until the defects are corrected.

12.2 Notification of Violation

The Board may notify the owner or authorized agent of the owner of the building or premises in which there is found a violation of this Code of such violation and shall set a reasonable time for the owner to have the violation removed or corrected. Upon failure of the owner to have the defect corrected by the end of the specified time interval, the Board may cause the water service to the building or premises or property to be terminated and not be restored until such condition or defects are corrected.

12.3 Fines and Imprisonment

- A. Any violation of this Code shall be an offense and shall be punishable by a fine of not more than \$250 and/or imprisonment for a period of 15 days, provided that any violation which is a misdemeanor or felony pursuant to the New York State Penal Law shall be punishable as set forth therein.
- B. Every week that a violation continues shall constitute a separate offense.
- C. Injunctive Relief

In addition to any other remedy, the Town shall be entitled to injunctive relief and any other

remedy, including termination of service, as provided in Section 5.1.

D. Termination. Service may be terminated as provided in Section 5.1.

E. Nothing herein shall prevent or preclude prosecution pursuant to New York State Penal Law or other state statute.

13. This Local Law shall become effective upon filing with the Secretary of State.