

# Local Law Filing

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

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

~~XXXXXX~~  
County

~~City~~

of Duanesburg

Town

~~Village~~

Local Law No. 6 of the year 20<sup>02</sup>

A local law Amending Appendix B to the Town of Duanesburg Sewer Use Law As  
(Insert Title)

It Applies To Schools Effective January 1, 2003

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

~~County~~

~~City~~

Town of Duanesburg

Town

~~Village~~

as follows:

Attached

(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. \_\_\_\_\_ 6 \_\_\_\_\_ of 20<sup>02</sup> of the ~~(County)~~(City)(Town)(Village) of \_\_\_\_\_ Duanesburg \_\_\_\_\_ was duly passed by the \_\_\_\_\_ Duanesburg Town Board \_\_\_\_\_ on 12/12 \_\_\_\_\_ 20 02, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*

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)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_ 20\_\_\_\_\_,  
*(Elective Chief Executive Officer\*)*  
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)(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)(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 \_\_\_\_\_ 20\_\_\_\_\_, 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.)

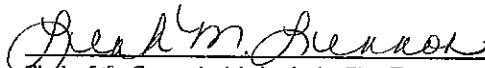
I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of 20\_\_\_\_ of the City of \_\_\_\_\_ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority 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)

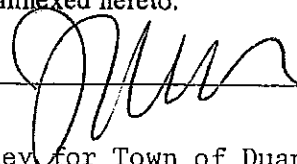
Date: December 12, 2002

(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 Schenectady

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.

Signature



Attorney for Town of Duanesburg

Title

~~COUNTY~~  
~~CITY~~  
Town  
~~VILLAGE~~

of Duanesburg

Date: December 12, 2002

## RESOLUTION

#177-02

WHEREAS, on the 8th day of August, 2002, the Town Board adopted Local Law No. 3 of the year 2002 by Resolution No. 117-02, amending Appendix B to the Town of Duanesburg Sewer Use Law as it applies to schools effective January 1, 2003; and

WHEREAS, the purpose of amendment to Appendix B to the Town of Duanesburg Sewer Use Law as it applies to schools was to eliminate faculty and staff from the calculation of equivalent dwelling units applicable to schools; and

WHEREAS, a question has arisen with respect to the interpretation of the amendment to Appendix B to the Town of Duanesburg Sewer Use Law as it applies to schools, specifically as to whether "full time students" includes students other than those in grades 1 through 12, and excludes kindergarten students, BOCES, VOTEC and other students; and

WHEREAS, in the adoption of Local Law No. 3, it was the intention of the Town of Duanesburg that the only change in the calculation of equivalent dwelling units under the Sewer Use Law as it applies to schools was to eliminate faculty and staff from the calculation of equivalent dwelling units; and

WHEREAS, a resolution was duly adopted by the Town Board of the Town of Duanesburg for a public hearing to be held at 7:00 p.m. on December 5, 2002 at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056 for the purpose of obtaining input from the public with respect to a proposed amendment to Appendix B to the Town of Duanesburg Sewer Use Law; and

WHEREAS, notice of said public hearing was duly advertised in the Schenectady Gazette, the official newspaper of the Town of Duanesburg, and posted on the official Town sign board located in the lobby of the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056; and

WHEREAS, said public hearing was duly held on December 5, 2002 at 7:00 p.m. at the Town of Duanesburg Town Hall, 5853 Western Turnpike, Duanesburg, New York 12056 and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition of to said proposed amendment; and

WHEREAS, the Town Board of the Town of Duanesburg, after due deliberation, finds it in the best interests of the Town of Duanesburg to adopt a local law amending Appendix B to the Town of Duanesburg Sewer Use Law as it applies to schools effective January 1, 2003 to

state under Classification #15, School, that the number of persons to be used to determine the number of units will include all students;

NOW, THEREFORE, be it is resolved, that the Town Board of the Town of Duanesburg hereby adopts said Local Law No. 6 of the year 2002, a copy of which is attached hereto and made a part of this Resolution, and be it further

RESOLVED, that the Town Clerk be and she hereby is directed to enter said Local Law in the minutes of this meeting and in the local law book of the Town of Duanesburg and give due notice of the adoption of said Local Law to the Secretary of State of the State of New York.

TOWN OF DUANESBURG

Local Law No. 6 of the year 2002

A LOCAL LAW AMENDING APPENDIX B TO THE TOWN OF  
DUANESBURG SEWER USE LAW AS IT APPLIES TO SCHOOLS  
EFFECTIVE JANUARY 1, 2003.

Be it enacted by the Town Board of the Town of Duanesburg as follows:

SECTION 1.            AUTHORITY

This local law is enacted pursuant to the authority of Chapter 634 of the laws of 1932, as amended, constituting Chapter 62 of the Consolidated Laws of the State of New York, Town Law Section 198(1)(i), authorizing towns to establish charges, fees or rates for the use of a sewer system and pursuant to Chapter 24 of the Consolidated Laws of the State of New York, General Municipal Law Section 452, as amended, providing for the establishment of sewer rents by local law, ordinance or resolution.

SECTION 2.            AMENDMENT TO TOWN OF DUANESBURG SEWER USE LAW

A.     The Town of Duanesburg Sewer Use Law adopted April 12, 2001 by Resolution No. 64-01 and amended November 26, 2001 by Resolution Nos. 147-01 and 148-01 and further amended by Local Law No. 3 adopted August 8, 2002 (collectively, the "Sewer Use Law") is hereby amended by deleting from Appendix B, User Unit Schedule, Classification #15 (as amended) in its entirety and replacing it with the following:

15	School (see Note 3)	1 unit for 10 students
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B.     The Sewer Use Law is hereby amended by deleting from Appendix B, User Unit Schedule, Note 3, as amended, in its entirety and replacing it with the following:

Note 3: Under Classification #15, School, the persons used to determine the number of units will be the total number of students only, and will not include faculty or staff.

### SECTION 3.           VALIDITY

See Town Law Section 198, L.1932, c. 634; amended L.1933, cc. 645, 706; L.1935, c. 915, § 4; L.1937, c. 495, § 15; L.1938, c. 634, §§ 2 to 4; L.1939, c. 589, §§ 1, 2; L.1940, c. 365; L.1940, c. 599, §§ 4 to 6; L.1940, c. 662; L.1941, c. 263, §§ 7 to 12; L.1942, c. 674; L.1943, c. 184; L.1943, c. 345, § 1; L.1945, c. 797, § 1; L.1946, c. 325; L.1946, c. 709; L.1947, c. 760, § 3; L.1950, c. 399; L.1951, c. 765, §§ 5 to 7; L.1952, c. 76, § 2; L.1952, c. 773, § 1; L.1952, c. 775; L.1953, c.858, § 3; L.1953, c. 740; L.1954, c. 269, § 4; L.1955, c. 345, § 5; L.1955, c. 729, § 2; L.1956, c. 433; L.1957, c. 777; L.1959, c. 30, §§ 2 to 6; L.1960, c. 750; L.1961, c. 789, § 1; L.1962, c. 250; L.1962, c. 320, § 7; L.1962, c. 538, § 3; L.1962, c. 725; L.1963, c. 420, § 7; L.1963, c. 520, § 7; L.1963, cc. 758, 764; L.1964, c. 61; L.1966, c. 945, § 3; L.1967, c. 602, § 2; L.1968, c. 420, § 303; L.1968, c. 722, § 2; L.1968, c. 812, § 1; L.1969, c. 1049, § 37; L.1970, c. 798, § 1; L.1972, c. 72, § 1; L.1973, c. 136, §§ 2, 3; L.1973, c. 326, §§ 4, 5; L.1973, c. 672, § 1; L.1980, c. 338, § 8; L.1984, c. 622, § 24.

See General Municipal Law Section 452 added L.1951, c. 765, § 1; amended L.1954, c. 211, § 2; L.1954, c. 795, § 4; L.1965, c. 755, § 14; L.1980, c. 388, § 39; L.1994, c. 362, § 1; L.1998, c. 469, § 13, eff. July 22, 1998.

### SECTION 4.           EFFECTIVE DATE

This local law shall be effective January 1, 2003 and upon filing with the Department of State.