

(Please Use this Form for Filing your 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 of Niagara, New York
Town
Village

Local Law No. 2 of the year 19 87

A local law regulating the construction, maintenance, removal, destruction and/or alteration of natural and man-made systems affecting surface water drainage throughout the County of Niagara, New York.

Be it enacted by the Legislature of the
(Name of Legislative Body)

County
City of Niagara, New York
Town
Village as follows:

Section 1: TITLE:

This Local Law shall be known as the "Niagara County Drainage Law".

Section 2: PURPOSE:

To regulate the construction, maintenance, removal, destruction and/or alteration of man-made systems for the drainage of surface water to prevent the adverse settlement or flow of said waters and to regulate the man-made alteration, change or destruction of natural patterns of surface water settlement or flow where said alteration, change or destruction would be detrimental to the interests of the residents of Niagara County.

Section 3: PROHIBITED ACTS:

It shall be unlawful for any person, partnership, entity or corporation, without a permit issued by the Niagara County Department of Public Works, to:

1. place, deposit or permit to be placed or deposited any debris, fill, sand, stone or other solid materials of any kind or nature or construction of any kind into or across any stream, ditch, culvert, pipe, watercourse or other drainage system owned or operated by the County of Niagara or constructed by the County of Niagara and over which the County of Niagara maintains control by way of an easement or otherwise, or allow or permit the same;
2. construct and/or place any ditch, pipe, culvert or artificial watercourse of any kind or nature which shall collect and direct the flow of natural surface waters or drainage or increase intensity or quantity the flow of surface waters or drainage from paved surfaces, structures, roads or improvements directly into any stream, ditch, culvert, pipe or watercourse or other drainage system owned or operated by the County of Niagara or constructed by the County of Niagara and over which the County of Niagara maintains control by way of an easement or otherwise, or allow or permit the same;
3. fill, obstruct, dam, divert or otherwise change or alter the natural or artificial flow of waters or drainage or the intensity or quantity of flows, through any

stream, ditch, pipe, culvert, watercourse or other improvement of drainage system owned or operated by the County of Niagara or constructed by the County of Niagara and over which the County of Niagara maintains control by way of an easement or otherwise, or allow or permit the same;

4. construct, erect or replace bridges and culverts on all watercourse ditches, streams or sluices owned or operated by the County of Niagara or constructed by the County of Niagara and over which the County of Niagara maintains control by way of an easement or otherwise which affect adjoining properties, or cause or permit the same;

5. do any construction, soil movement and/or regrading where alteration of the natural drainage pattern results, effecting any ditch, pipe, culvert or artificial watercourse of any kind or nature, or other drainage system owned or operated by the County of Niagara or constructed by the County of Niagara and over which the County of Niagara maintains control by way of an easement or otherwise or allow or permit the same;

6. the above restrictions shall not apply to work or construction done under a permit issued by the State of New York.

Section 4: PERMITS:

1. All applicants for a permit to do any of the acts set forth above shall present plans to the Niagara County Soil and Water Conservation District and the Niagara County Department of Public Works, which plan shall include, but not be limited to, a description of the existing drainage pattern together with a description of the affected adjoining properties, as well as a description of the effect the acts described herein shall have on the existing drainage pattern, including, but not limited to, changes thereto and the effect of said changes upon adjoining property owners.

2. The issuance of a permit by the Niagara County Department of Public Works shall not obligate the Niagara County Soil and Water Conservation District or the Niagara County Department of Public Works for any costs in connection with the work performed under the permit and shall not obligate the Niagara County Soil and Water Conservation District or the Niagara County Department of Public Works to maintain any such improvements.

3. In the exercise of their discretion to grant or deny any permit, the Niagara County Department of Public Works shall give consideration to the effect such proposed construction may have on the drainage, health, beauty, preservation of natural resources and control of pollution and welfare of the County of Niagara, and shall deny any such permit where in their judgment they determine such proposed construction is detrimental to the drainage, health, beauty, preservation of natural resources and control of pollution and welfare in the County of Niagara.

Section 5: NOTICE OF VIOLATION:

Upon violation of this Local Law, the Public Works Commissioner of the County of Niagara, New York, or an authorized agent thereof, shall serve by ordinary mail upon any person, partnership, entity or corporation a written notice stating that the recipient is in violation of this Local Law. Such written notice shall set forth the nature of the violation(s), the penalty(-ies) therefore, and a demand that all acts in violation of this Local Law shall immediately cease. Such notice shall also state that any and all remedial work necessary to return the site of the violation(s) to its previous state shall be performed and completed within thirty (30) days of the date of said Notice.

Section 6: PENALTIES:

1. Any person, partnership, entity or corporation knowingly engaging in prohibited acts in violation of Section 3 of this Local Law, after receipt of a Notice of Violation in compliance with Section 5, shall be guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment for a period not greater than ninety (90) days or a fine not greater than Five Hundred (\$500.00) dollars, or both.

2. Any person, partnership, entity or corporation failing to perform and complete remedial work as described in the Notice of Violation, pursuant to Section 5 of this Local Law, within thirty (30) days of the date of said Notice, without the

express written consent of the Public Works Commissioner of the Legislature of the County of Niagara, New York, shall be guilty of a misdemeanor and, upon conviction, shall be subject to imprisonment for a period not greater than ninety (90) days or a fine not greater than Five Hundred (\$500.00) dollars, or both.

3. In the event any person, partnership, entity or corporation shall fail to perform and complete remedial work as described in the Notice of Violation within thirty (30) days of the date of said Notice, without the express written consent of the Public Works Commissioner of the Legislature of the County of Niagara, New York, the Public Works Commissioner of the Legislature of the County of Niagara, New York, may, with the approval of the Legislature of the County of Niagara, New York, cause such remedial work to be performed at its direction. All costs associated with the remedial work so performed shall be assessed to the party(-ies) failing to perform and complete said remedial work and they shall be liable for same.

4. In the event any person, partnership, entity or corporation shall violate any of the provisions of this Local Law, said party shall be liable for any loss or damage resulting from said violation and experienced by the County of Niagara, New York.

Section 7: EFFECTIVE DATE:

This Local Law shall take effect immediately.

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein 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.2..... of 19..87..
County
of the ~~City~~ of Niagara, NY, was duly passed by the Legislature of the County of Niagara, NY,
~~Town~~ (Name of Legislative Body)
~~Village~~
on July 7, 19 87 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer,* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *
and was deemed duly adopted on 19....., 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 19.....
County
of the City of was duly passed by the
Town (Name of Legislative Body)
Village
on 19..... and was approved by the
not disapproved repassed after disapproval Elective Chief Executive Officer *
on 19..... Such local law was submitted to the people by reason of a
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting
permissive general
thereon at the special election held on 19....., in accordance with the appli-
annual
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. of 19.....
County
of the City of was duly passed by the on
Town (Name of Legislative Body)
Village
..... 19..... and was approved by the on
not disapproved repassed after disapproval Elective Chief Executive Officer *
..... 19..... Such local law being subject to a permissive referendum and no
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on
..... 19....., 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 chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with 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 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 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 election held on general 19 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 19..... of the County of, State of New York, having been submitted to the Electors at the General Election of November, 19, 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 of 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.

David J. Kyzmir

DAVID J. KYZMIR
Clerk, Niagara County Legislature

Date: 7/9/87

(Seal)

(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 NIAGARA

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.

Glen J. Hackett
.....
Signature
NIAGARA COUNTY ATTORNEY
.....
Title

Date: 7-7-87

County
City of Niagara, New York