

DRAFT LOCAL LAW NO. \_\_\_\_ OF 2017

CITY COUNCIL  
CITY OF BEACON

PROPOSED LOCAL LAW TO REPEAL  
CHAPTER 191, ARTICLE III OF THE CODE OF THE  
CITY OF BEACON

A LOCAL LAW to  
repeal Chapter 191,  
Article III concerning  
the Installation of Water  
and Sewer Utilities.

BE IT ENACTED by the City Council of the City of Beacon as follows:

**Section 1.** Chapter 191, Article III of the Code of the City of Beacon entitled “Installation of Water and Sewer Utilities” is hereby repealed in its entirety.

~~§ 191-22. Installation of water and/or sewer utilities on existing city streets where none presently exist.~~

~~In the event that an owner of a parcel of real property or a majority of the owners of multiple parcels, which real property is not currently serviced by city water and/or sewer utilities, petitions the City Council for the installation of water and/or sewer utilities on existing city streets, the following criteria shall be applied:~~

- ~~A. The Assessor and City Engineer must determine that the cost of the City's share of the utilities will be no more than 10% of the property value at completion of the project;~~
- ~~B. The City Engineer must determine that the property or contiguous properties under the control or formerly under the control of the same owner do not abut a City street with such services;~~
- ~~C. The City Engineer must determine that the proposed installation is the most cost effective means for providing water and/or sewer;~~
- ~~D. The City will pay for the work up to 150% of the standard average cost for the installation of utilities in rock-free soil as determined by the City Engineer. In the event the cost exceeds 150% of the standard average cost as set forth above, the~~

~~owner or owners shall pay any additional cost in a proportion determined by the City Engineer.~~

~~E. The owner or owners of the property to which the utilities are to be provided must agree that the proposed improvements creating the value in Subsection A will be made within two years of the installation of the utilities. The owner or owners shall provide a bond or bonds to the City in an amount determined by the City Engineer to insure full compliance with this section.~~

**~~§ 191-22.1. Installation of water and/or sewer utilities on City streets created by prescription.~~**

~~In the event that all owners of parcels of real property located on a City street created by prescription petition the City to replace and upgrade the water and/or sewer utilities servicing said properties, the City will undertake the replacement and upgrade of said water and/or sewer utilities and charge the owners who are benefited their proportionate share of said costs. By petitioning the City, said owners understand and agree that the City Council shall, in its annual budget, allocate sufficient funds to finance the replacement of said water lines and/or sewer lines, which shall be repaid by the landowners, with interest, over a ten-year period. This water and/or sewer line loan shall become a lien against the improved property and shall be repaid in full in the event that the property is sold or transferred. Once the water and/or sewer line has been installed, the City will maintain said water and/or sewer line.~~

**Section 2. Ratification, Readoption and Confirmation**

Except as specifically modified by the amendments contained herein, Chapter 191 of the City of Beacon is otherwise to remain in full force and effect and is otherwise ratified, readopted and confirmed.

**Section 3. Effective Date**

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