

L A W S

OF THE

STATE OF NEW YORK.

VOL. I,

PASSED AT THE

ONE HUNDRED AND FIFTEENTH SESSION

OF THE

LEGISLATURE,

BEGUN JANUARY FIFTH, 1892, AND ENDED APRIL TWENTY-FIRST, 1892,
IN THE CITY OF ALBANY; AND AT AN EXTRAORDINARY SES-
SION, BEGUN ON APRIL TWENTY-FIFTH, 1892 AND
ENDED ON APRIL TWENTY-SIXTH, 1892.



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Determin-
ation of
trustees.

Notice to
owners or
occupants.

Trustees
may cause
work to be
done.

Expenses,
how
collected.

May bor-
row money
therefor.

hear all persons coming before them, interested therein, for or against such improvement, to be published in one of the public newspapers published in said village, once a week for two successive weeks immediately previous to the time specified in such notice for such hearing, and after hearing all persons interested coming before them as aforesaid, the said trustees shall determine for or against such improvement. And in case they determine to make the same, they shall cause a notice, in writing or printed, or partly written and partly printed, signed by the clerk of said village, and containing a particular description of the improvement to be made, the manner in which the same is ordered to be done, and the materials to be used and the quality thereof (if the trustees deem proper), and setting forth the time, not less than thirty days after the service thereof, as hereinafter provided, within which the said improvement shall be completed by such owner or occupant, to be served, in case such owner or occupant of said lands resides in said village, personally upon either such owner or occupant, and if neither said owner or occupant are residents thereof, then by posting the same in three public places in said village and placing the same in some conspicuous place on said lands. And in case the owner or occupant of any such lands or lots shall neglect or refuse to complete such required improvements within the time specified in said notice, the said trustees may cause such improvement to be made and completed and the expense thereof, with ten per centum thereon, may be then assessed upon such owner or occupant neglecting or refusing and added to the next annual village tax upon said lands or lots and be collected with such annual tax by virtue of the warrant of the said trustees, as provided in respect to the collection of such annual village taxes; and the said trustees may also, at their option, sue for and recover the expense aforesaid incurred by them, with ten per cent thereon, together with interest and cost of suit, by an action in the name of the corporation against such owner or occupant, in any court having cognizance. The trustees may borrow the necessary money to defray the expenses of such improvement, to be repaid, with interest, from such assessment when collected.

§ 20. This act shall take effect immediately.

CHAP. 345.

AN ACT to amend chapter one hundred and seventy-seven of the laws of eighteen hundred and eighty-seven, entitled "An act to provide for supplying the village of Sing Sing with water, and authorizing the issue of bonds therefor and to create a board of water commissioners for said village," passed April eighteenth eighteen hundred and eighty-seven, and the acts amendatory thereof passed April eighteenth, eighteen hundred and eighty-nine.

APPROVED by the Governor April 20, 1892. Passed, three-fifths being present.

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Issue of
additional
bonds for
comple-

SECTION 1. For the purpose of carrying out the provisions of chapter one hundred and seventy-seven of the laws of eighteen hundred and eighty-seven, and chapter one hundred and sixty of the laws of

eighteen hundred and eighty-nine, and fully completing the work authorized thereby, the board of water commissioners of the village of Sing Sing is hereby authorized and empowered to issue bonds in the name of the village of Sing Sing for an amount not to exceed twenty thousand dollars, and payable in not less than ten nor more than thirty years from the date thereof, bearing interest at a rate not to exceed four per centum per annum, payable semi-annually. Such bonds to be in addition to the bonds heretofore issued by the said board of water commissioners under the provisions of the laws of eighteen hundred and eighty-seven, chapter one hundred and eighty-seven, and of section three of chapter one hundred and sixty of the laws of eighteen hundred and eighty-nine, and except as herein expressly provided, such bonds to be issued and disposed of and the proceeds applied according to the provisions and requirements of section four, chapter one hundred and seventy-seven of the laws of eighteen hundred and eighty-seven, and subject to all restrictions therein contained; which bonds are hereby made a charge upon the real estate and personal property of said village of Sing Sing.

tion of work.

Bonds, how issued, disposed of, etc.

§ 2. Section five of chapter one hundred and seventy-seven of the laws of eighteen hundred and eighty-seven, is amended so as to read as follows:

§ 5. The said board of water commissioners is hereby authorized and empowered to make such prudential rules, regulations and by-laws in relation to the use of water as they may from time to time deem to be necessary, and shall have the full and exclusive control of said works under this act and management of the finances connected with them, and shall have full power to establish the rates and charges for the use of water, and stop the use thereof upon any premises when the same shall not have been paid for, or any of the rules or by-laws of said board have not been complied with, and to fix the penalties for violation of the rules established by it. The said board shall have power to assess upon every building within said village of Sing Sing, and the lot upon which the same shall stand, an amount which said board shall deem proper to be paid by the owner thereof for the protection from fire, and the said board shall have power to exempt from such fire protection tax any building from its location the said board shall not deem to be protected from fire by said water-works, but every such exemption so made shall be upon some general plan of exemption adopted by said board. In making such assessment for such fire protection it shall be made pro rata, taking the valuation of the property from the last assessment-roll of the village of Sing Sing, as a basis. Whenever a building shall be assessed in said village roll, with a parcel of land greater than five acres, it shall be deemed by the board of water commissioners to be a greater proportion than said premises should be assessed for fire protection purposes, said board may reduce, by resolution, such assessment to such sums as it may deem proper, and fix the bounds of the lands upon which such valuation shall be assessed, but in every other instance such property shall be assessed at the same valuation as the same is valued in said assessment-roll. It shall be the duty of the board of water commissioners, after completing such assessment-roll, to cause a notice of the completion to be published once in two or more of the newspapers of said village, at least ten days before the first of October in each year, which notice shall state a place within the said village of Sing Sing, where said assessment-roll can be examined, and the same shall be left at said place during such ten

By-laws and regulations.

Powers as to water rates, etc.

Assessments for fire protection.

Reductions in certain cases.

Notice of completion of assessment-roll, etc.

Appeals
from as-
sessment.

Hearing
and notice
thereof.

Alteration
of assess-
ments.

Taxes,
liens upon
real estate.

Reassess-
ment of
fire protec-
tion taxes.

Delivery of
roll to re-
ceiver of
water
rents.

Collection
of fire pro-
tection
taxes.

days and be open to inspection to all persons, from ten o'clock in the forenoon until four o'clock in the afternoon of each day, except Sunday and public holidays, which shall be the only notice required to be given by the said board of water commissioners of the completion of said roll, and that fire protection taxes are due. In case any person feels aggrieved by such assessment for fire protection, he may, within ten days after said first day of October in each year, appeal to said board of water commissioners by serving the president of the said board of water commissioners with a written statement of his objections and grievances. It shall be the duty of the said board of water commissioners upon receiving the said statement within such time to appoint a time and place prior to the first day of November next thereafter for the hearing of such appeals as may have been made, and shall give five days previous notice of the time and place of hearing such appeal by causing a written notice thereof to be served upon such person or persons as may have appealed personally or by leaving the same at the residence of each person so appealing and if the said person can not be found and has no residence in the village of Sing Sing then such notice may be served by leaving the same with some person of mature age residing or occupying the premises, and if there be no such person residing upon the premises, then by posting such notice upon a conspicuous place on said premises at least five days before the time mentioned therein for the purpose of hearing such appeal. The said board shall at such other time and place and at such other times and places to which they may for that purpose adjourn, have power to alter the proportions of such assessment in such manner as they may deem just. But such alterations shall be made only in cases as provided in this section where the parcel of land exceeds five acres. And from and after the first day of November in each year all taxes for fire protection shall be liens upon the real estate of the person against whom such taxes shall have been assessed and the amount therein set down shall be binding and conclusive upon all parties unless the board of water commissioners shall unanimously vote that a clerical error has been made. If at the time of levying any fire protection tax any tax or any proportion thereof levied upon any real estate in the previous year or years shall for any cause remain unpaid the amount thereof with four per centum for the first month and one per centum for each succeeding month the same has remained unpaid may be added to such annual tax and charged upon the real estate which it was originally assessed and the same proceedings in all respects for the collection thereof may be had with like effect as in the case of the fire protection tax on the same real estate for the current year, but the year or years in which such tax was originally levied and the amount of the overdue tax shall be separately stated therein in a separate column in said roll for that purpose. On the first day of November in each year or as soon thereafter as possible the said commissioners shall deliver a copy of the assessment-roll for taxes as finally adopted by them to the receiver of water rents and fire protection taxes appointed by them, under section five of chapter one hundred and sixty of the laws of eighteen hundred and eighty-nine, to which shall be attached the warrant under their hands and seals or a majority of them, commanding such receiver to collect from the several persons named in such roll the several sums as charged therein, who shall proceed to collect the same, giving notice of the time and place where he will attend for the purpose of receiving payment of said taxes, such notice to be given by publishing the same in two newspapers in said village, once a week

for at least two weeks prior to the first day fixed for receiving payment of such taxes and before the first day of January following the levying of such tax. In case any such tax for fire protection shall not be paid on or before the first day of February following the issuing of the warrant for collection of the same, it shall be lawful for said board to add four per centum to the amount so assessed or charged and one per centum per month for each and every month thereafter until the amount be paid. At any time after the first day of February in each year it shall be lawful for the said board to issue warrants for the collection of all amounts due and unpaid as may appear upon the assessment-roll for fire protection, and the charges for the use of water against the owner or owners of such property or real estate so assessed, for fire protection and against the persons against whom such charges for the use of water shall be made, said warrants to be issued under the hand of the president of said board and delivered to any constable of the town of Ossining or village of Sing Sing, commanding them to immediately proceed and collect the same by distress and sale of the goods and chattels of the person against whom such tax has been assessed, wheresoever the same may be found, or upon any personal property found upon the premises against which said tax shall have been assessed, and expose said personal property for sale at public auction, by giving the same notice of sale that is required by law on sales by constables on execution; and if no personal property be found to satisfy the claim (of which fact the constable's certificate shall be sufficient evidence) then it shall be lawful for the said board to bound said pieces of property or real estate upon which said assessment for fire protection or on account of which charges for the use of water remain unpaid, and the same with a statement and charges for the use of water so due and unpaid shall be placed in the hands of the board of trustees of the village of Sing Sing, and the said board of trustees shall advertise and expose for sale the said bounded property or real estate aforesaid forthwith in the same manner that bounded pieces of property are sold for unpaid taxes or assessments by the supervisor of the town of Ossining. And the time and mode of redemption thereof shall govern the sale of property for the payment of unpaid taxes for fire protection and it shall be the duty of the president or clerk of the village of Sing Sing to bid off said property in the name of the board of water commissioners at such sales of such property in the same manner as the supervisor of the town of Ossining is required to bid off property at the sale of land in the town for non-payment of taxes and all the provisions of law with reference to purchasers at sales in said town of Ossining shall apply to purchase at sales made by the said board of trustees under the provisions of this act. The clerk of the village of Sing Sing shall on or before the fifteenth of November following such sales make a true and correct return to the said board of water commissioners of all the bounded pieces of property on his hands for sale and pay over to the treasurer of the said board of water commissioners the amounts received from the sales of each piece or parcel of property or real estate so sold by said board of trustees, after deducting the expenses of sales and shall also within the same time make and deliver to the president of the said board a certificate of such purchase as shall have been made in the name of the said board of water commissioners. The said board of water commissioners is hereby authorized and empowered to take leases of all lots or parcels of land as may be bid off by such village officers in the name of the said board and which shall not be redeemed

Collection of unpaid taxes by distress and sale of personal property.

Sale of real estate in certain cases.

Annual return of village clerk.

Certificates of purchase.

Lease of lands bid in by village.

Use of water from mains a lien.

as provided by law with reference to leases made by the supervisor of the town of Ossining and said board may sell, assign and dispose of any such leases in such manner as such board may deem proper. Any water used from pipes running from the water-mains upon any private premises upon the same being charged upon the book of the said board of water commissioners to the owner or occupant of the premises upon which said pipe leads, shall be and become a lien upon said real estate and the owner thereof shall be liable to pay for the same up to such time as he shall serve a written notice upon the president of the board of water commissioners to shut off the water from said premises, and upon his serving said notice said water shall be shut off from said premises.

Water may be shut off.

Appropriations from water tax.

§ 3. Subdivision two of section six, chapter one hundred and seventy-seven of the laws of eighteen hundred and eighty-seven, is hereby amended to read as follows:

To pay interest on bonds, etc.

2. To pay the interest on the bonds under the provisions of this act and apply the balance of such moneys then remaining toward the payment of the principal of said bonds when due, or to extending the necessary pipe throughout the said village or to such additional construction and extension as the board may from time to time determine to be necessary and proper.

For extension of pipes, etc.

§ 4. Section six of chapter one hundred and sixty of the laws of eighteen hundred and eighty-nine is hereby repealed.

Election of water commissioners.

§ 5. At the annual election for the election of village officers in and for the village of Sing Sing, in April, eighteen hundred and ninety-two, there shall be elected two water commissioners of said village, who together with the three water commissioners of said village whose terms of office expire in April, eighteen hundred and ninety-three, shall constitute the board of water commissioners of said village; the respective terms of office of each of said commissioners shall be determined between them by casting lots as hereinafter provided.

Classification of terms.

§ 6. It shall be the duty of the said board of water commissioners to meet on the second Tuesday after the annual election for the village officers in the year eighteen hundred and ninety-two or within thirty days next succeeding, and determine by ballots marked, one, two, three, four and five to be drawn by them, their respective terms of office which shall be for one, two, three, four and five years as the same shall be determined by the ballot drawn by each, and thereafter there shall be elected annually at the annual election for village officers in said village, one water commissioner, who shall hold such office for the term of five years from the first day of May next succeeding his election or until his successor is elected and qualifies.

Annual election of commissioners.

Vacancies, how filled.

§ 7. Any vacancy occurring in said board by reason of death, resignation, or removal from the said village or from any cause except by the expiration of term of office, shall be filled by appointment to be made by such board of water commissioners for the residue of such unexpired term.

Repeal.

§ 8. All provisions of chapter one hundred and seventy-seven of the laws of eighteen hundred and eighty-seven, and of chapter one hundred and sixty of the laws of eighteen hundred and eighty-nine inconsistent with the provisions of this act are hereby repealed.

§ 9. This act shall take effect immediately.