

L A W S

OF THE

STATE OF NEW YORK,



PASSED AT THE

ONE HUNDREDTH SESSION



OF THE

LEGISLATURE.

BEGUN JANUARY SECOND AND ENDED MAY TWENTY-FOURTH, 1877,
IN THE CITY OF ALBANY

ALBANY: WEED, PARSONS AND COMPANY, PUBLISHERS.



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1877.

this state, and schooners exclusively employed upon the rivers and waters of this state, shall pay the same rates as such boats or barges were liable to pay under the provisions of the act passed April tenth, eighteen hundred and sixty; but no boat or vessel over fifty tons burden shall pay less than fifty cents for a day or a part of a day, and the class of sailing vessels now known as lighters shall be at one-half the first above rates; but every other vessel making fast to a vessel lying at any pier, wharf or bulk-head within said cities, or to another vessel outside of such vessel, or at anchor within any slip or basin, when not receiving or discharging cargo or ballast, one-half the first above rates; and from every vessel or floating structure, other than those above named, or used for transportation of freight or passengers, double the first above rates, except that floating grain elevators shall pay one-half the first above rates; and every vessel that shall leave a pier, wharf, bulk-head, slip or basin, without first paying the wharfage or dockage due thereon, after being demanded of the owner, consignee, or person in charge of the vessel, shall be liable to pay double the rates established by this act.

CHAP. 316.

AN ACT to amend chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers."

PASSED May 23, 1877; three-fifths being present.

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

SECTION 1. Section twenty-eight of chapter thirty-six of the laws of eighteen hundred and seventy-three, entitled "An act to provide for a supply of water in the city of Yonkers," is hereby amended so as to read as follows:

Laws of 1873, chap. 36, amended.

§ 28. The entire annual income from all sources, after deducting therefrom such sums as may be necessary to defray the expenses of repair of said water-works, and of managing and using the same, and other necessary expenses, shall be applied toward the payment of the interest on the water bonds and toward the creation of a sinking fund for the payment of the principal of all of the water bonds, as it shall from time to time become due and payable, which sinking fund shall be managed by said commissioners. After the introduction of water into the city for general use, said board of water commissioners shall annually, on the first Monday in December of each year, report to the common council the amount of moneys received by them from all sources, and the payments made by them for the support and maintenance, and the necessary expense of managing of the water-works during the preceding year, and for work authorized by law, and shall pay over to the treasurer of the city of Yonkers any balance of revenue remaining in their hands to be applied by him to the payment of interest on water bonds. In case the amount of revenue received by the said commissioners during the preceding year shall not have been sufficient for the support and maintenance of and the necessary expense of managing the water-works during such year, the said commissioners shall certify the amount of such deficiency to the common council. In case the amount so reported and paid by the water com-

Annual income, application of.

Commissioners to report annually financial condition.

Deficiencies.

Payment of, provided for.

missioners should not be sufficient to pay the interest on the water bonds for the ensuing year, the difference between the sum paid as aforesaid to the city treasurer and the sum required to meet the interest on said water bonds for the ensuing year shall be raised by tax, to be known and called the water tax, and which tax shall be levied and assessed by the common council of the city of Yonkers on and become a lien upon and be collected from the real property within a district, the boundaries of which district shall from time to time be fixed by the common council and may by the common council from time to time be altered and changed, and which district shall be known as the water district. Such boundaries shall not extend farther than to include all the pieces and parcels of land lying between the Hudson river on the west and a line on the other sides of said district, distance not exceeding one thousand feet from the exterior line of distribution pipe, which, at the time of fixing or changing said district, shall have been laid in the said city, but to include nevertheless in said district all docks, wharves and piers built in said river, and all buildings and other constructions built or erected on land under the waters of said river. The assessors of said city of Yonkers shall annually make a

Water district assessments.

separate assessment roll of the real property in said water district, for the use of the common council in levying, assessing and collecting said water tax, which assessment roll shall be made at the same time and in the same manner and form as is or may be provided by law for making the assessment roll for assessing, levying and collecting city taxes. Such water tax shall be apportioned and extended by or under the direction of the common council of said city upon all the different pieces or parcels of land within such water district, and shown upon said separate assessment roll, according and in proportion to the several valuations thereof, as shown on said roll; and in all other respects said water tax shall be assessed, levied and collected in the same manner, as near as may be, as is or may be prescribed by the charter of the city of Yonkers for the assessment, levying and collecting of taxes within said city, but the same shall be assessed and collected by and upon such separate assessment roll, and by a separate warrant, and by a separate return to such warrant; but such warrant shall be issued, as near as may be, at the same time with the warrant to collect city taxes; and for the valid assessment of any lands under this section, it shall be sufficient to give the name of the owner, when known, together with the lot number, if any, on any designated map, the side of the street upon which such lot is located, and the size thereof, as nearly as can be ascertained, and the value thereof. In case the owner or owners of any of said lots shall not be known to the assessors, then the same shall be assessed to "unknown owners." No error in the name of the owners shall invalidate the assessment, nor shall any error in the description invalidate the assessment, unless the same shall mislead the owner of such land. Any water tax assessed and levied under this section shall, to all intents and purposes, be a tax within the intent and meaning of and subject to all the provisions of title six of chapter thirty-five of the laws of eighteen hundred and seventy-three, being the charter of the city of Yonkers; and the same proceedings shall be had by the common council for the sale of lands for the non-payment of any such water tax as is or may be prescribed in said title or elsewhere in said charter for the sale of lands for the non-payment of taxes, and the leasing thereof, with like effect in all respects. In case the said commissioners shall certify to the common council any

Apportioning and extending of.

Collection of.

Manner of assessing.

Errors in name not to invalidate assessment. Water tax subject to same proceedings for collection as other taxes.

deficiency * of revenue as herein above provided for, the amount of such deficiency shall be added to and form a part of the aforesaid water tax and shall be collected therewith in the manner hereinabove in this section provided, and the amount of such deficiency shall, by the warrant to be issued as aforesaid for collection of the water tax, be directed and required to be paid to the treasurer of said board of water commissioners out of the first moneys to be collected under such warrant. The said board of water commissioners shall, by ordinance or by law, establish a day on which shall commence each fiscal year. The first fiscal year shall consist of that period of time between the day when the said commissioners shall elect and determine to commence the supply of water for said city, and the day as aforesaid to be designated as the day on which the fiscal year shall commence. The said board of water commissioners are hereby authorized to ascertain, and by resolution to determine, a day upon which, for all purposes of this act, it shall be deemed that water shall have been introduced for general purposes according to the intent and meaning of this act.

Deficiencies to form portion of water tax.

Commencement of fiscal year to be established, etc.

§ 2. In addition to the bonds authorized to be issued by the sixteenth section of said act, the common council of said city shall issue, as required by said board of water commissioners, the bonds of said city to be known also as water bonds, for a sum not exceeding thirty thousand dollars, which shall bear interest not exceeding seven per cent per annum, payable semi-annually on the first day of April and October in each year; said bonds shall be payable in sums of ten thousand dollars in each year, commencing thirty years after the first day of April, eighteen hundred and seventy-seven; they shall be signed by the mayor and city clerk of the city of Yonkers and a record thereof shall be kept in the clerk's office of said city and shall be delivered to the said water commissioners to be sold by them at not less than par or nominal value, and the proceeds thereof shall be used solely for the purpose of completing the water-works and the extending of the lines and distributing pipe. Such bonds shall not be negotiable until countersigned by the president of said water board. The common council of the city of Yonkers shall levy and cause to be collected, by tax upon the taxable property within said city, the amounts necessary to pay the principal of said bonds falling due in each year, together with one per cent thereon, for treasurer's fees.

Issuing of water bonds.

Interest. When payable.

Execution of Record.

Application of proceeds.

Provision for payment.

§ 3. Whenever in the judgment of the water commissioners the supply of water, provided under the act hereby amended, shall exceed the needs of the city of Yonkers, the said water commissioners shall have power to contract with any corporation or corporations, municipal or otherwise, or person or persons without said city, to supply to such corporation or person such water and to supply and deliver such water under such contract. Such water shall be delivered at such place or places, under such conditions, upon such terms, and for such compensation and during such time, as may be determined by such water commissioners.

When commissioners may contract to supply corporations, etc., with water.

* So in the original.