

SEWER RENTS

LOCAL LAW NO. 7 OF THE YEAR 1995

A Local Law Establishing Sewer Rents to be Imposed Upon Properties Within Sewer Districts and Extensions Thereof in the Town of Kirkwood

Adopted August 1, 1995

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

Section 1. Title:

This Local Law shall be known and may be cited as the Town of Kirkwood Sewer Rent Local Law.

Section 2. Purpose and Intent:

The Town Board of the Town of Kirkwood hereby finds and determines that the most equitable manner of collecting funds from the various properties within Sewer District No. 1 and the various extensions thereof (hereinafter sometimes referred to as the "District") to defray the fees imposed by the Binghamton-Johnson City Joint Sewage Treatment Board for treatment of the effluent pumped to the sewage treatment plant operated by said Board is to be based upon the consumption of water on the premises connected with and served by the said District. All other costs of expenditures for operating and maintaining the facilities of said District shall continue to be computed and assessed upon benefited real property pursuant to the Guide for Unit Assessment for all Water and Sewer Districts of the Town of Kirkwood (last revised November 29, 1994) as the same may be enacted and amended from time to time hereafter.

Section 3. Definitions:

For the purposes of this local law, the definitions set forth in section 451 of the General Municipal Law shall be controlling.

Section 4. Sewer Rents:

A. Imposition. Pursuant to subdivision 1 of section 198 of the Town Law and pursuant to article 14-F of the General Municipal Law, the Town hereby establishes and imposes sewer rents for the use of the sewer system or any part or parts thereof and establishes and imposes such sewer rents as a minimum charge and a water use surcharge on the real property using such sewer system.

B. Computation. Sewer rents shall be based on water consumption and computed in the following manner on all water consumed:

1. For property located in the district the sewer rent shall be Four Dollars and Sixty-Five Cents (\$4.65) per one hundred (100) cubic feet of water usage billed for each one-third of a year on the first day of January, May and September commencing with water consumed May 1, 2016.
(Latest Amendment: 5-3-16)

2. For property located outside the district which has been issued a permit to discharge sanitary sewage for disposal and treatment into the facilities of the district pursuant to Section 21 of An Ordinance Establishing And Setting Forth Rules And Regulations Governing The Installation of Lateral Sanitary Sewers and Lateral Sanitary Sewer Connections, Together With Specifications Therefor In All Sanitary Sewer Districts And Within Any Extensions Thereof In The Town of Kirkwood, Broome County, New York, the sewer rent shall be Seven Dollars and Thirty-Five Cents (\$7.35) per one hundred (100) cubic feet of water usage billed for each one-third of a year on the first day of January, May and September, commencing with water consumed September 1, 2015. (Latest Amendment: 6-2-15)

3. In the absence of a metered water supply, or in case of consumers of water who discharge into the sewer system an amount of sewage substantially less than or substantially greater than the amount of water supplied to such consumer, the Commissioner of Public Works may require or permit the installation of a water meter by the owner or occupant of the premises to measure the quantity of water supplied from such source, and the quantity of water measured by such meter shall constitute the basis for computing the sewer rent in accordance with

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the provisions of paragraph (1) above. The cost of the purchase and installation of water meters shall be paid by the property owner.

4. Any owner or occupant of premises charged for sewer rents may install, without any cost to the Town or the sewer district, a sewer meter device acceptable to the Commissioner of Public Works to measure actual sanitary sewage discharge, upon which the same rate shall apply as set forth in paragraph (1) and (2) above.

5. Provisions Relative to Frito-Lay, Inc.

In that a portion of the metered water supplied is evaporated through the production process and not discharged into the sewer system, the sewer rents payable by Frito-Lay, Inc. for all of its real property shall be the quantity of metered water supplied adjusted by subtracting therefrom a factor of 4% as recommended by the Town Engineer and approved by the Town Board based upon calculations provided by Frito-Lay, Inc. The reduced quantity of water discharged into the sewer system as approved by the Town Board shall be utilized in calculating the sewer rent to be charged.

5(A) Provisions Relative to Triple Cities Metal Finishing Corp.

In that a portion of the metered water supplied is evaporated through the production process and not discharged into the sewer system, the sewer rents payable by Triple Cities Metal Finishing Corp. shall be the quantity of metered water supplied adjusted by subtracting therefrom a factor of 12% as recommended by the Town Engineer and approved by the Town Board based upon calculations provided by Triple Cities Metal Finishing Corp. The reduced quantity of water discharged into the sewer system as approved by the Town Board shall be utilized in calculating the sewer rent to be discharged.

6. Provisions Relative to Properties Not Served by a Town Water District.

In the absence of a metered water supply, single family residences which opt not to install a sewer meter device as provided in paragraph 4 above will be charged a flat rate of Seventy-Nine Dollars (\$79.00) for each for each four month time period.

(Latest Amendment: 12-27-11 by LL #9-2011, effective 3-1-12)

Section 5. Cooperation by Owner of Real Property:

The Commissioner of Public Works may require each owner and/or occupant of real property within the district to furnish him with such information as may be necessary and reasonable in order to carry out the provisions of this article. It shall be permissible for the Commissioner of Public Works or other properly authorized person employed by the district to enter upon real property at reasonable times for the purpose of obtaining such information as may be necessary to carry out the provisions of this article.

Section 6. Payment and Collection:

All sewer rents imposed hereunder shall be due and payable in the same manner and at the same times that water rents due Consolidated Water District No. 1, Town of Kirkwood, are due and payable. Sewer rent shall be billed and collected in the same manner and at the same times as the billing and collection of water rents due Consolidated Water District No. 1. There shall be a penalty of ten (10) percent of the amount due added to a sewer rent bill which is not paid within thirty (30) days after the billing date. All unpaid sewer rents as of December 1st in any year will be added to the real property tax bill rendered on the property the following January.

Section 7. Correction of Errors:

If any owner of real property on which a sewer rent has been imposed deems himself aggrieved because such real property is not served by the sewer system or an error has been made in computing such sewer rent, he may file an application for a refund of all or part of such sewer rent. Such application shall be verified by him and shall set forth the amount of refund sought and the grounds therefor. Such application shall be presented to the Town Board, who may refund all or part of such sewer rent.

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Section 8. Liens:

Sewer rent shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents are hereby established and imposed. The lien shall be prior and superior to every other lien or claim except the lien or an existing tax assessment or other lawful charge imposed by or for the state or political subdivision or district thereof.

Section 9. Sewer Rent Fund:

Revenue derived from sewer rent, including penalties and interest, shall be credited to a special fund to be known as the "sewer rent fund." Moneys in the fund shall be used to pay the fees imposed by the Binghamton-Johnson City Joint Sewage Treatment Board for treatment of the effluent pumped to the sewage treatment plant operated by said Board.

Section 10. Separability Clause:

If any part or provision of this Local Law or the application thereof to any person or circumstance be adjudged invalid by any court of competent jurisdiction such judgment shall be confined in its operation to the part or provision or application directly involved in the controversy in which such judgment shall have been rendered and shall not affect or impair the validity of the remainder of this Local Law or the application thereof to other persons or circumstances and the Town Board of the Town of Kirkwood hereby declares that it would have passed this Local Law or the remainder thereof had such invalid application or invalid provision been apparent.

Section 11. Repeal:

All Ordinances, Local Laws and parts thereof inconsistent with this Local Law are hereby repealed, including but not limited to Local Law #7-1995 entitled "A Local Law Establishing Sewer Rents To Be Imposed Upon Properties Within Sewer Districts and Extensions Thereof In The Town Of Kirkwood," enacted August 1, 1995 and Local Law No. 4-1996 entitled "A Local Law Amending A Local Law Establishing Sewer Rents To Be Imposed Upon Properties Within Sewer Districts And Extensions Thereof In The Town of Kirkwood."

Section 12. Effective Date:

This local law shall take effect on September 1, 1995.