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PLANNING AND ENGINEERING DEPARTMENTS

**Town of Somers**

WESTCHESTER COUNTY, N.Y.

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Date: December 8, 2005

To: Town Board

From: Guy L. Gagné, P.E. *GLG*  
Town Engineer

Re: **Somers Sewer District #1**  
**Local Law Establishing Sewer Rents**

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This office has attached a copy of the proposed Local Law revised to address the concerns raised with the original method proposed to collect the sewer rents. The revised Local Law will distribute the cost of the Somers Sewer District #1 by using the prior year's actual water meter readings to establish a User Unit Charge to arrive at the quarterly bill and incorporated with the water bill as a separate charge.

The implementation of the new sewer rent collection must be coordinated with the elimination of tax-levy method currently used to finance Sewer District #1.

I have also attached a copy of the computation sheet showing an average residence consuming 19,952 gallons of water in one quarter would pay \$66.03 based on the water district's water meter records from 2004.

GLG/wg

Enc.

cc: Town Clerk  
Town Attorney  
Somers Sewer District #1  
Water Superintendent  
Town Assessor  
Nicholas Ward-Willis- Preserve HOA

Z:\PE\General files\Sewer District #1\sewer rates\tb.LL.rates.12.07.2005.doc

Rev. 11.29.2005

A Local Law adding a new Chapter A176, Sewer Rents, to establish sewer rents for Somers Sewer District No. 1.

BE IT ENACTED, by the Town Board of the Town of Somers, as follows:

Section 1. The Code of the Town of Somers is amended to add a new Chapter A176, Sewer Rents, to read as follows:

## **CHAPTER A176**

### **Sewer Rents**

- 176.1. Legislative intent.
- 176.2. Short title.
- 176.3. Sewer rental charges.
- 176.4. Payment processing and enforcement.
- 176.5. Sewer system described.
- 176.6. Sewer rent fund.
- 176.7. Severability.

#### **A176.1. Legislative intent.**

General Municipal Law of the State of New York.

#### **A176.2. Short title.**

This Chapter may be cited as the "Somers Sewer Rent Law".

#### **A176.3. Sewer Rental charges.**

- A. Established.

In addition to any other fees or charges provided by law, the owner of any parcel of real property discharging or depositing wastes into the Somers Sewer District #1 sewers shall pay a sewer service charge proportional to the liquid volume of wastes so deposited, which shall be collected as rent.

B. Establishment of sewer rent.

The sewer rent (which shall be called the "User Unit Charge") is computed as follows:  $\text{Total User Unit Charge per gallon} = \text{OM} / \text{Qt}$

Where the terms are defined as follows:

OM = Total annual Somers Sewer District #1 Operation and Maintenance budgeted costs.

Qt = Total annual flow of the Somers Sewer District #1 system obtained from the prior year's meter readings.

C. Basis of charge.

The volume of flow to be used in computing the individual sewer service charge shall be based upon metered water consumption as shown on the records of meter readings maintained by the Amawalk Shenorock Water Department times the user unit charge as computed in 176-3.B. above and approved by the Town Board. In the event that person(s) discharging wastes into the Somers Sewer District #1 produces evidence to the Town Engineer, demonstrating that a substantial portion of the total amount of the metered water does not reach the Somers Sewer District #1 system, then the Town Engineer shall either establish a percentage of the total metered water to be used as a basis for such computations, or require that a separate water measuring device be installed to measure the actual amount of flow into the Somers Sewer District #1, at the owners expense.

**A176.4. Payment Processing and Enforcement.**

A. Bills will be mailed to the owner. Checks or money orders for the payment of sewer charges shall be made payable to Somers Sewer District #1. Water meters will be read and bills rendered at regular quarterly intervals. Sewer bills for the previous quarter shall be due and payable within 30 days. If bills remain unpaid at the end of 60 days after they become due, the water may be shut off and shall not be turned on again until the bill is paid. The cost to turn the service back on will be as set forth in the fee schedule duly adopted by the Town Board.

B. The payment of sewer bills must include all arrears and charges to date. No payment will be received which leaves a previous charge unpaid.

The purpose of this Chapter is to establish and impose sewer rents for all users of the sewer system of Somers Sewer District No. 1 pursuant to the authority of Article 14-F of the 2

C. Unpaid sewer rents shall constitute a lien upon the real property for which they have been established and imposed. Pursuant to General Municipal Law § 452 (3), the lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge imposed by or for the State or political subdivision or district thereof. Delinquent sewer rents and penalties shall be enforced in the manner provided for in Section 452 (4) of the General Municipal Law.

**A176.5. Sewer system described.**

As used in this Chapter, the "sewer system" for which the sewer rents are established shall mean and include all pipes and other appurtenances, including pumping stations and disposal works used in whole or in part in connection with the collection, or disposal of sewage, industrial waste and other wastes, and which are owned, operated or maintained by Somers Sewer District No. 1.

**A176.6. Sewer rent fund.**

All revenues derived from sewer rents shall be credited to a special fund, to be known as the Sewer Rent Fund and shall be used for the purposes and in the manner provided under Article 14-F of the General Municipal Law.

**A176.7. Severability.**

If any provision of this Chapter or the application thereof to any person or circumstance is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of any other provision of this chapter or the application thereof to other persons or circumstances.

Section 2. This local law shall take effect immediately upon filing in the office of the Secretary of State.

The purpose of this Chapter is to establish and impose sewer rents for all users of the sewer system of Somers Sewer District No. 1 pursuant to the authority of Article 14-F of the 3

