

Guy L. Gagné, P.E.
Town Engineer
townengineer@somersny.com

Sabrina D. Charney Hull
Town Planner
townplanner@somersny.com

PLANNING AND ENGINEERING DEPARTMENTS

Town of Somers

WESTCHESTER COUNTY, N.Y.

Town House
335 Route 202
Somers, N.Y. 10589
Tele #: 914-277-5366
FAX #: 914-277-4093



Date: December 22, 2005

To: Town Board

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

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

This office has attached a copy of the proposed Local Law revised in accordance to the Town Attorney's recommendations.

GLG/wg

Enc.

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

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A Local Law amending the Code of the Town of Somers to add 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

- §A176.1. Legislative Intent.
- §A176.2. Short Title.
- §A176.3. Sewer Rental Charges.
- §A176.4. Payment processing and Enforcement.
- §A176.5. Sewer system described.
- §A176.6. Sewer rent fund.
- §A176.7. Severability.

Section A176-1. Legislative Intent.

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 General Municipal Law.

§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: Total User Unit Charge per gallon = OM / Q_t

Where the terms are defined as follows:

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

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

C. Basis of charge.

The volume of flow to be used in computing the individual sewer service charge shall be based upon actual 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 on a quarterly basis. 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.

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.