

# *Local Law Filing*

(draft of October 18, 2005-clean copy)

**Village of Croton-on-Hudson**

**Local Law Introductory No. 1 of the year 2005**

**A local law** to establish sanitary sewer rents in the Village of Croton-on-Hudson

Be it enacted by the Board of Trustees of the Village of Croton-on-Hudson as follows:

SECTION 1. A new Article V is hereby added to Chapter 191, Sewers, of the Code of the Village of Croton-on-Hudson, to read as follows:

## § 191-26: Purpose

The purpose of this article is to establish a separate sanitary sewer rent fund and impose sanitary sewer rents in the Village of Croton-on-Hudson in accordance with Chapter 14-F of the General Municipal Law, to ensure a proportional distribution of operation and maintenance costs, and to use the sewer rents as the principal source of revenue for the operation and maintenance of the Sanitary Sewer System.

## § 191-27: Definitions

As used in this Article, the following terms shall have the following meanings:

**OWNER** – The owner of the premises, a mortgagee or vendee in possession, assignee of rents, receiver, executor, trustee, lessee or other person, firm or corporation in control of a building or premises.

**PREMISES** – A lot, plot or parcel of land, including any building or structure .

**SANITARY SEWER SYSTEM** -- All sewer pipes and other appurtenances that are used or useful in whole or in part in connection with the collection, treatment, or disposal of sewage, industrial waste, and other wastes, that are owned, operated or maintained by the Village of Croton-on-Hudson and that connect to the Ossining Sanitary Sewage Treatment Facility or are within the Ossining Sanitary Sewer District.

**VILLAGE** – The Village of Croton-on-Hudson, New York.

§ 191-28: Establishment of Sanitary Sewer Rents.

The owner of all premises within the Croton portion of the Ossining Sanitary Sewer District or using the Sanitary Sewer System or any part thereof shall be required to pay sanitary sewer rents for the payment of the costs of operating, maintaining, repairing, and replacing the Sanitary Sewer System.

§ 191-29: Determination of Costs.

In April of each year, the Village of Croton-on-Hudson shall determine the total annual costs of operation and maintenance of the Sanitary Sewer System that are necessary to maintain the capacity and performance during the life of the Sanitary Sewer System for which such works were designed and constructed. The total annual costs of operation and maintenance shall include, but need not be limited to, labor, repairs, replacement, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund. This determination of costs shall serve as the basis for the calculation of rents.

§ 191-30: Calculation of Rents

- A. All sanitary sewer rents and penalties shall be established by the Board of Trustees of the Village of Croton-on-Hudson by resolution approved after a public hearing held on at least five days notice.
- B. For premises that use Village water and are within the Ossining Sanitary Sewer District or are using the Sanitary Sewer System, the sewer rent shall be calculated as a certain percentage of the Village water bill for those premises. The percentage to be applied shall be the percentage of the Village's total water bills for premises within the Croton portion of the Ossining Sanitary Sewer District that is equal to the annual costs of operation and maintenance of the Sanitary Sewer System.
- C. For those premises that do not use Village water but are connected to or served by the Sanitary Sewer System, the sewer rent shall be a flat fee based upon the volume of water measured by meter at comparable premises or, if there are no comparable premises, upon such other equitable method as the Village deems appropriate.

§ 191-31: Billing and Payments.

- A. Sanitary sewer rent charges may be obtained at the Village's administrative offices. The Village Treasurer may mail bills for sewer rents as an accommodation to the premises owner, but the failure to mail any such statement, or the failure of the addressee to receive the same, shall not in any manner affect the validity of the sewer rent charges or the

interest imposed for late payment. If the premises owner does not receive a bill, it is his or her responsibility to contact the Village Treasurer to obtain one.

- B. Sanitary sewer rent bills shall cover the same billing period as covered by the Village water bill. For premises that do not use Village water, sanitary sewer rents shall be billed semi-annually, unless the Village Treasurer determines that more frequent billing is more efficient.
- C. All bills for sanitary sewer rents are due and payable to the Village Treasurer.

§ 191-32: Late Payments, Penalties, Liens and Collection.

- A. Penalties for nonpayment of sewer rent charges.
  - (1) The following penalties are prescribed for failure to pay sewer rent charges:
    - (a) No penalty shall be assessed if sewer rent charges are paid within thirty (30 ) days from the period ending date of the bill.
    - (b) If the sewer rent charge is not paid within thirty (30) days from the period ending date of the bill, a penalty of five percent (5%) of the account due shall be assessed, and a further penalty of one percent (1%) shall be added for each succeeding month or any portion of a month in which the sewer rents are not paid. The Village Treasurer shall cause, on the next succeeding April 15, any unpaid sewer rents charges and penalties in excess of sixty (60) days to be added to the Village tax bills.
- B. In accordance with General Municipal Law Section 452, sanitary sewer rents shall constitute a lien upon the premises served by the Sanitary Sewer System. This lien shall have priority and be senior to every other lien with the exception of the lien of an existing tax, assessment, or other lawful charge imposed by the State or of a political subdivision or district thereof.
- C. Delinquent accounts, including sanitary sewer rents and penalties shall be collected in a manner provided for in General Municipal Law Section 452 (4).
- D. The Village, in its discretion, may elect to send out for collection any unpaid sewer rent bills.

§ 191-33: Collected Sanitary Sewer Rents.

All revenues generated from sanitary sewer rents, including penalties shall be kept in a separate bank account to be denominated as the "Sewer Rent Fund." All such funds, together with the interest thereon, shall be used in accordance with General Municipal Law Section 453.

§ 191-34: Consistency with General Municipal Law.

This article shall be construed in a manner consistent with the provisions of Article 14-F of the General Municipal Law.

§ 191-35: Severability.

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

SECTION 2. Renumbering.

Article V shall be redesignated as Article VI, section 191-26 shall be renumbered as 191-36, and section 191-27 shall be renumbered as 191-37.

SECTION 3. Effective Date.

This Local Law shall become effective December 1, 2005.