

LOCAL LAW NO. _____ OF 2015 TO AMEND THE HENRIETTA TOWN CODE AT CHAPTER 219, "SEWERS," IN ORDER TO UPDATE AND CLARIFY SEWER RENTS

BE IT ENACTED, by the Town Board of the Town of Henrietta, Monroe County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with Section 10 of the New York Municipal Home Rule Law.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. ____ of 2015, To Amend The Henrietta Town Code At Chapter 219, "Sewers," In Order to Update and Clarify Sewer Rents

Section III. Legislative Finding

The Town Board of the Town of Henrietta finds and hereby determines that the Henrietta Town Board shall regularly review sewer rent provisions, and shall ensure that they are set forth accurately, clearly and reflect that costs and value of sewer services within the Town.

Section IV. Amendment.

1. Chapter 219 entitled "Sewers," Article 3, "Commercial Establishment Surcharge" shall be repealed.
2. Chapter 219 entitled "Sewers," Article 1, "Sewer Rents," shall be amended such that it is replaced in its entirety with the following:

Article I. Sewer Rents

§ 219-1. Authority and Purpose.

Pursuant to the authority of New York Law, and any and all amendments thereto, there are hereby established and imposed sewer rents for Henrietta Sewer District No. 1 and its extensions in the Town of Henrietta.

§ 219-2. Definitions.

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

PART

As used in relation to the term "sewer system," all lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, and private on-site wastewater disposal systems, each part with necessary appurtenances including sewage pumping stations.

RESIDENTIAL PROPERTY

A property which contains a structure or structures used as the primary/permanent residence and/or living quarters for a person or persons. Such structures shall include single family dwellings, two family dwellings and multiple family dwellings, including apartments.

SEWAGE

The water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such groundwater infiltration and surface water as may be present. The admixture with sewage as above defined of industrial waste or other wastes as hereafter defined also shall be considered "sewage" within the meaning of this article.

SEWER RENTS

A scale of charges related to the use of the Town of Henrietta Sewers, established and imposed in Henrietta Sewer District No. 1 and its extensions in the Town of Henrietta for the use of the sewer system or any part or parts thereof.

SEWER SYSTEM

All sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes and which are owned, operated or maintained by Henrietta Sewer District No. 1 and its extensions in the Town of Henrietta, including sewage pumping stations and sewage treatment and disposal works and private on-site wastewater disposal systems, if any.

§ 219-3. Calculation of Sewer Rents.

- A. **Residential Property – Units.** Residential Property shall be charged the Residential Sewer Rent Fee as specified in the Town of Henrietta Fee Schedule, for each residential unit at the Residential Property.

Premises designed for and/or occupied by more than one family / household unit shall be charged a Residential Sewer Rent Fee for each residential unit designed and/or occupied by a family / household unit. For example, a single family residence shall be charged one Fee, a two family residence or duplex shall be charged two Fees, and an apartment building shall be charged a Fee for each

apartment within the building (for example, a 50 unit apartment building would be charged 50 Residential Sewer Rent Fees).

B. Non-Residential Property. All other property which is not Residential Property, including but not limited to schools, churches, motels, commercial and retail stores, restaurants, industrial establishments, etc., shall be charged as on a quarterly basis according to the Town of Henrietta Fee Schedule, based upon the consumption of water at said property.

1. Biochemical Oxygen Demand:

a. The consumption charge applies to raw sewage which has a biochemical oxygen demand of not more than 300 milligrams per liter by weight and not more than 350 milligrams per liter by weight of suspended solids and not having any of the characteristics described in § 219-11C of Article II.

b. Where the raw sewage discharged by any such user has a biochemical oxygen demand in excess of 300 milligrams per liter by weight or contains more than 350 milligrams per liter by weight of suspended solids or has characteristics described in said § 219-11C, an additional charge per 100 cubic feet of water consumption will be imposed as set forth in the Town Fee Schedule.

c. The imposition and collection of such charges shall not be deemed a waiver of any of the provisions of § 219-11F of Article II, Sewer Use, or of any other requirements of said Article II, and shall not relieve the user of the duties imposed by said Article II.

2. Separate Metering:

a. The owner of any premises falling within the classification set forth in this Subsection B shall be allowed, at their own expense, to separately meter all water being used for sprinkling, washing, flushing or cooling operations which do not return water to the sanitary sewer system, which water will be subtracted from the calculation otherwise used to compute the sewer rent fee. Such an installation must be inspected and approved by the Henrietta Sewer District before being used.

b. The owner of any Non-Residential property shall have the further alternative, at their own expense, to directly meter the sewage discharged through their sewer connection, using a special meter designed to handle sewage flow. This type of meter and its installation shall be inspected and approved by the Sewer District and shall be

periodically inspected and read by the Sewer District. When so installed, inspected and approved, the fee shall be based upon the sewer discharge meter.

- C. Mixed Residential / Non-Residential: In the event that any parcel of real property falls within both Residential and Non-Residential classifications, the applicable classification for sewer rent purposes shall be that classification for which the subject structures comprises the greatest square footage. In the event that the square footage is equal, the classification shall be Non-Residential.

§ 219-4. Rents established.

Sewer rents are hereby established and imposed for the Henrietta Sewer District No. 1, serving the sewer district now existing, those hereafter created and extensions of either, on behalf of said sewer district.

§ 219-5. Town Board to determine rents.

The Town Board, by Resolution, shall fix and determine the amount of the sewer rental rent to be charged. A schedule of the current rates is on file in the office of the Town Clerk and is set forth in the Town of Henrietta Fee Schedule.

§ 219-6. Due Date; Statements; Penalty.

A. Sewer rents for Residential property comprising 4 or less units shall become due and payable annually and will be levied prospectively on property tax bills January 1 of each year. Sewer rents for all other properties, including non-Residential property, shall be billed quarterly on March 1, June 1, September 1 and December 1 of each year, and due 45 days thereafter.

B. Should any quarterly sewer rent become overdue, a late fee of 10% of the amount due shall be added to the amount of said rental due.

C. Unpaid, delinquent bills and penalties may be added to the Town of Henrietta / Monroe County property tax bill of the property on which the sewer rent charge was incurred.

§ 219-7. Use of Revenue.

Revenues derived from sewer rents shall be credited to a special fund to be known as the "Sewer Rent Fund." Moneys in such fund shall be used only in the manner and for the purpose specified and in the order required by the Sewer Rent Law of the State of New York.

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Henrietta which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.