

ARTICLE XII
Charges

§ 315-75. Charges generally.

- A. The sewer service charge for the consolidated sewer district shall be set by the Town Board on a benefit basis as fairly as possible, in proportion to wastewater generation and capacity needs among all the parcels in the District.
- B. The annual cost of sewer service for parcels within the consolidated sewer district will consist of two components: debt service on the capital costs, and the operation and maintenance charges as follows:
 - (1) Operation and maintenance charge: All parcels within the consolidated sewer district discharging or depositing sewage into the public sewers shall pay operation and maintenance charges which shall be imposed quarterly among all parcels or any additional parcels contained within the consolidated sewer district as follows: \$2.87 per 100 cf metered water use; \$3.84 per 1000 gallons metered water use; \$40.17 minimum use up to 1400 cf or 10,500 gallons; and \$45.91 flat rate for unmetered water use. Each customer will pay for 100 cf or 1000 gallons consumed, but if less than 1400 cf or less than 10,500 gallons then the minimum rate shall apply no matter the volume consumed. In addition those parcels connecting to the public sewers shall pay a connection fee. The connection fee shall be established by the Town Board and established annually.
 - (2) Capital project debt charge: All parcels within the consolidated sewer district shall be assessed a capital project debt charge which shall be imposed annually among all parcels or any additional parcels contained within the District as follows: \$100.00 per equivalent dwelling unit for 2022 and then adjusted annually thereafter, if necessary. The number of Equivalent Dwelling Units for each parcel is determined from the Schedule of Assessment Units for each property type and is established each year by the Town Board. Payment of the capital debt charge must be paid regardless of connection status to the public sewer.
- C. The Town Board shall prepare a sewer budget in accordance with Town Law that will specify debt service charges proposed for the succeeding budget year. In accordance with Town Law, sewer rolls for each sewer district will be prepared and adopted by the Town Board annually which set forth capital charges and operation and maintenance expenses. Adoption of the amount of the annual capital charges, the annual amount of operation and maintenance expenses, and any revision to the Schedule of Assessment Units for each property type shall occur at a public hearing noticed in a manner required by the Town Law.

§ 315-76. Billing period.

- A. Annual operation and maintenance charges described in § 315-75B(1) of this article will be invoiced quarterly in February, May, August and November of each year.

Capital project debt service charges described in § 315-75B(2) of this article shall be billed annually by the Town with billings to begin when deemed necessary by the Town Board so that the Town can make timely repayments of the capital project debt service charges with respect to each sewer district.

§ 315-77. Capital recovery.

The Town may institute an equitable procedure for recovering the costs of any capital improvements for those parts of the consolidated sewer district within the Town which collect and pump wastewaters from those persons discharging such wastewaters into the collection system.

§ 315-78. Collection of charges.

A. Delinquent payments.

- (1) If there shall be any payments which are due the Town, or any department thereof, pursuant to any article or section of this chapter, which shall remain due and unpaid, in whole or in part, for a period of 30 calendar days after the due date stated on the bill, or if no due date is stated thereon, 30 calendar days from the date of billing by the Town, the same shall constitute a default, and there shall be added to the entire amount of the original bill, a penalty equal to 10% of the original bill.
- (2) In the event that there are any payments which are due the Town, or any department thereof, pursuant to any article or section of this chapter which shall have been delinquent for a period of at least 60 calendar days as of September 30 of any year, the Town shall report the names of the defaulting persons to the Town Assessor on or before September 30 of the same year. The Town Assessor is hereby directed to cause a statement to be prepared setting forth i) the amount of each lien for payments due the Town under this chapter including penalties and interest, ii) the real property affected thereby and iii) the name of the person or persons in whose name such real property is assessed. Such statement shall be presented to the board or body empowered to levy county taxes before November 15 of the same year. Such board or body shall levy the amounts contained in such statement against the real property liable at the same time and in the same manner as county taxes, and such amounts shall be set forth in a separate column in the annual tax rolls. The amounts so levied shall be collected and enforced in the same manner and at the same time as may be provided by law for the collection and enforcement of county taxes.
- (3) Where charges are delinquent and the violator is not a resident of the Town, or is located outside the geographical boundaries of the Town, then the Town Attorney is authorized to seek recovery of charges, including punitive damages, in a court of competent jurisdiction or make arrangements with the appropriate county where the user is located to add the amount of the sewer assessment or other charges which shall be in default, plus penalty and interest, as

provided for in the chapter, to the real property taxes due the county in the next ensuing year.

§ 315-79. Fiscal year for system.

The Town's consolidated sewer district shall be operated based on a fiscal year commencing on the first day of January and ending on the 31st day of December.

§ 315-80. New development fees.

The Town Board shall have the authority to impose impact fees on both inside new users and outside new users provided that the associated new development:

- A. Causes enlargement of sewers tributary to the POTW treatment plant; or
- B. Causes increased hydraulic and/or treatment demands on the POTW treatment plant.

§ 315-81. Use of revenues.

Revenues derived from penalties and mitigation fees shall be credited to a special fund for the consolidated sewer district. Moneys in this fund shall be used exclusively for the payment of interest on and the amortization of or payment of indebtedness which has been or shall be incurred for the construction of the consolidated sewer district. In the event moneys cannot be used for this purpose for any reason, the moneys shall be used as follows:

- A. For the discovery and correction of inflow and infiltration in the sewer district; or
- B. For the extension, enlargement, replacement of and/or additions to Town sewers tributary to the POTW treatment plant in the sewer district, including any necessary appurtenances.

§ 315-82. Records and accounts.

- A. The Town shall maintain and keep proper books of records and accounts for sewers tributary to the POTW treatment plant, separate from all other records and accounts, in which shall be made full and correct entries of all transactions. The Town will cause an annual audit of such books of record and account for the preceding fiscal year to be made by a recognized independent certified public accountant, and will supply such audit report to authorized officials, and the public, on request. The costs of an audit shall be borne by the consolidated sewer district to which the audit relates.
- B. In conjunction with the audit, there shall be an annual review of the sewer system charge to determine if it is adequate to meet expenditures for all programs for the coming year.
- C. The Town shall maintain and carry insurance on physical properties of sewers tributary to the POTW treatment plant, of the kinds and in the amounts normally carried by public utility companies and municipalities engaged in the operation of sewerage systems. All moneys

received for losses under any such insurance policies shall be applied solely to the replacement and restoration of the property damaged or destroyed.

§ 315-83. District operations open to the public.

It shall be the policy of the Town Board to conduct all business with full disclosure to the public.

§ 315-84. Validity through public inspection.

The Town shall formulate procedures to make available to the public for inspection such statements of policy and interpretations used by the Town in administration of this chapter

§ 315-85. Severability.

Each provision of this chapter is severable from the others, so that if any provision or portion of a provision is held to be illegal or invalid for any reason whatsoever, such illegal or invalid provision, or portion of a provision, shall be severed from this chapter which shall nonetheless remain in full force and effect

§ 315-86. Effective Date.

This local law shall take affect immediately upon filing with the Secretary of State pursuant to Section 27 of the Municipal Home Rule Law.