

## Village of Cayuga Heights

### A LOCAL LAW AMENDING ARTICLE XII, SEWER RENTS, OF THE VILLAGE OF CAYUGA HEIGHTS ARTICLES

Be it enacted by the Board of Trustees of the Village of Cayuga Heights as follows:

#### Section I. PURPOSE AND INTENT.

The purpose of this local law is to amend Article XII, Sewer Rents, of the Village of Cayuga Heights (the "Village") Articles and to set forth the terms and provisions for the collection of sewer rents for the purpose of producing revenue, such revenue to be used as hereinafter provided. The Village hereby finds and determines that the most equitable manner of collecting funds from the various properties within the Village served by its sewer system is to charged based upon the consumption of water on the premises connected to and served by the Village sewer system. The sewer system or the part or parts of the sewer system for which such rents shall be established and imposed are as follows:

(a) The sewage treatment and disposal works with necessary appurtenances including pumping station, and the extension, enlargement, or replacement of or additions to such sewage treatment plant; and

(b) The operation, maintenance, and repairs of the entire Village of Cayuga Heights sewer system, including the sewage treatment plant and the collection system.

#### Section II. AUTHORITY.

This Local Law is enacted pursuant to the grant of powers to local governments provided for in (i) Section 10 of the Municipal Home Rule Law to adopt and amend local laws not inconsistent with the provisions of the New York State Constitution or not inconsistent with any general law relating to its property, affairs, government or other subjects provided for in said Section 10 of the Municipal Home Rule Law, (ii) General Municipal Law Article 14-F, (iii) General Municipal Law Sections 451 and 452, and (iv) Village Law Article 14.

#### Section III. AMENDMENT OF ARTICLE XII, SEWER RENTS.

As of the effective date of this Local Law, Article XII of the Village's Articles shall be deleted in its entirety and replaced with the following language:

##### SECTION 1. Establishment of Rents and Amounts

The Village hereby establishes and imposes sewer rents for the use of the sewer system or for any part or parts thereof and establishes and imposes a minimum sewer rent charge. The manner of collecting funds from various properties within the Village served by the sewer system is to be based upon the consumption of water, as measured by the Village or its agent by water meter or similar device, on the premises connected to and served by the Village's sewer system. Pursuant to the aforementioned laws, the Village Board shall, from time to time, set by resolution such sewer rents and charges. Such resolutions shall be adopted after a public hearing upon five days' public notice.

## SECTION 2. Minimum Charge

There shall be a minimum base charge for regular quarterly bills in an amount equal to the sewer rents based upon 10,000 gallons of water consumption, regardless of actual usage. For the treatment of trucked or hauled waste, there shall also be imposed a minimum base charge equal to the sewer rents based upon 10,000 gallons of water consumption, regardless of the size of the deposit,. Any such treatment must be separately permitted by the Village Board and comply with all rules and regulations of the Village.

## SECTION 3. Cooperation by owner of real property

The Village Engineer may require each owner and/or occupant of real property within the Village connected to the Village sewer facilities to furnish such information as may be necessary and reasonable in order to carry out the provisions of this Article. Any duly authorized officer, employee, contractor, or agent of the Village or other person duly authorized by the Village, including employees or other persons associated with the Southern Cayuga Lake Intermunicipal Water Commission, shall be permitted to enter on any property at reasonable hours for the purpose of reading meters, inspecting, disconnecting, repairing or for any other purposes reasonably necessary to carry out the provisions or purposes of this Article.

## SECTION 4. Payment and collection; liens for unpaid sewer rents

A. All rents and charges due hereunder shall be payable quarterly together with the billing for water service and shall be billed on the following dates each year: February 1st for billing period 10/16 – 1/15, May 1st for billing period 1/16 -4/15, August 1st for billing period 4/16 – 7/15 and November 1st for billing period 7/16 – 10/15. Sewer rents and charges shall be paid to the Village Clerk at the Village Offices at 836 Hanshaw Road, Ithaca, New York, except for such rents and charges which are due and payable to any other entity to whom billing authority for sewer rents has been given or delegated by the Village.

B. The Village Clerk or other person authorized by the Village Board shall keep a record of all properties within the Village which are connected to the Village water system and the Village sewer system, and sewer bills shall be mailed to the owner or any other person to whom a water bill is addressed, billed, or mailed by the Village or other entity performing water billing services for the Village, and at the address appearing on said water bill.

If property is connected to the Village sewer system but not to the Village water system, unless the property owner has directed the Village in writing to use a different address, the sewer rent bill shall be sent to the address to which real estate tax bills for the property are sent. The failure of any owner or other user to receive a bill shall not excuse nonpayment thereof, nor shall it operate as a waiver of the penalty herein prescribed. Notwithstanding any other provision in this Article, all sewer rents, surcharges or other fees or charges relating to sewer service, shall be a charge against the owner of the premises connected to the Village sewer system, and such owner shall be liable for the payment of all such rents and charges, including penalties and interest.

C. In the event any sewer rent is not paid within 30 days of the date of the bill, there shall be added a penalty of 10% for late payment.

D. Sewer rents and any other charges payable hereunder shall constitute a lien on the real property served by the sewer system. The priority of such lien and the enforcement thereof shall be in accordance with Article 14-F of the General Municipal Law which presently provides that 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 enforced by or for the state or a political subdivision or district thereof.

E. The Village may bring an action a) as upon contract, for sewer rents, surcharges thereto, and all other charges incurred by the owner of property in connection with sewer service, which are in arrears, together with interest and penalties thereon, or b) to foreclose liens for such sewer rents and surcharges. Also, in the alternative, the Village Board may cause any unpaid sewer rents, surcharges, or other charges to be levied and collected in the same manner and in the same time as the Village tax in accordance with the provisions of Article 14-F (Subdivision 4 of § 452) of the General Municipal Law, or any amendment thereof.

SECTION 5. Collection of other costs.

Any costs and expenses or other charges other than those hereinbefore described, incurred by the Village because of any repair or other work to the sewer system or otherwise for which the owner of any property served by or connected to the sewer system is obligated under this Article or any other local law, ordinance, statute or provision of law, shall be collected in the manner provided for the collection of sewer rents in this Article, and shall be a lien upon the property and enforceable in accordance with the provisions of this Article, or any other applicable provision of law.

SECTION 6. Correction of errors.