

## SEWER RENTS

### Chapter 42

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**[HISTORY: Adopted by the Attica Village Board 3-26-1956, effective 6-1-1956. Amendments noted where applicable.]**

### **S 42-1. Establishment and purpose of scale of rents.**

There is hereby established in the Village of Attica a scale of rents to be called “sewer rents,” the revenues from which shall be used for the payment of the cost of the management, maintenance, operation and repair of the sanitary sewer system, including treatment and disposal works, and, in the event of any surplus thereafter, may also be used for the enlargement or replacement of the same and for the payment of the interest on any debt incurred for the construction of such sanitary sewer system, including sewage pumping, treatment and disposal works, and for retiring such debt.

**S 42-2. Imposition of sewer rents. [Amended 2-21-1967; 6-15-1972; 4-28-1977 by L.L. No. 2-1977; 4-28-1981 by L.L. No. 1-1981; 5-5-1983 by L.L. No. 2-1983; 10-3-1985 by L.L. No. 3-1985; 5-3-1990 by L.L. No. 2-1990]**

- A. The village of Attica hereby establishes the rates to be charged for the users of the sewer system. The rate for the property owned by the New York State Department of Corrections shall be as established by contract between the Village of Attica and the Department of Corrections. The rate for all other users of the sewer system shall be \$2.05 per 1,000 gallons of water used. [Amended 7-15-1998 by L.L. No. 1-1998]
- B. The rates for the use of the sewer system as set forth herein shall be based upon the usage as calculated by the water meter at each residence or other facility. The rate for the Department of Corrections shall be established by the flow meter at the Department of Corrections facility. Notwithstanding the actual water usage, there

shall be a minimum bill of \$12.50 per quarter. **[Amended 7-15-1998 by L.L. No. 1-1988]**

- C. The Village of Attica, if unable to read a water meter in any quarter, shall be able to calculate or estimate the usage until the meter is read.
- D. The cost of all extraneous flow treatment shall be distributed among all users in accordance with 40CFR 35.929-2(d)(1)-(2).
- E. Each user discharging toxic pollutants or conventional pollutants of abnormal strength which increase the operation and maintenance costs of the treatment works will pay the increased costs.
- F. The village will review, not less than biennially, the wastewater contributions, total costs of operation and maintenance and revise as required to comply with 40 CFR 35.929-2(b)(1)-(3).
- G. Each user will be notified annually of the rate and portion of the user charges attributable to wastewater treatment services.

#### **S 42-3. Levy and collection of sewer rents.**

- A. All sewer rents shall be payable quarterly on the dates as established by the Village Board. The sewer rents shall be payable, without penalty, on the due date specified on the bill. A late charge of 10% shall be added to any bill not paid by the due date. **[Amended 10-3-1985 by L.L. No. 3-1985; 5-3-1990 by L.L. No. 2-1990; 10-4-1990 by L.L. No. 3-1990]**
- B. Such sewer rents shall constitute a lien upon the real property served by sewers, and such lien shall be prior and superior to every other lien or claim, except the lien of an existing tax, water rent or local assessment.

#### **S 42-4. Sewer Fund.**

- A. All revenues imposed hereunder, together with all interest and penalties thereon, shall be kept in a separate fund, to be known as the "Sewer Fund."
- B. No expenditures chargeable against said Sewer Fund shall be incurred except upon authority of the Board of Trustees and for a purpose for which such Sewer Fund has been established as hereinbefore provided.

#### **S 42-5. Notice of discontinuance. [Amended 5-3-1990 by L.L. No. 2-1990; 10-4-1990 by L.L. No. 3-1990]**

Notwithstanding any other remedy or penalty available to the Village of Attica for nonpayment of a sewer bill, the village shall also be able to disconnect the sewer and/or water supply to each parcel. The village shall be able to disconnect the sewer and/or water supply at any time after the due date on any quarterly sewer bill. The village shall send a notice to the user after nonpayment by the due date, at least 10 days prior to the disconnection, advising the user that he has 10 days to pay the sewer bill. In the event that payment is not made in that time period, the village has the right to discontinue the sewer and/or water at any time after the ten-day notice.

**S 42-6. Charge for disconnecting or reconnecting. [Amended 5-3-1990 by L.L. No. 2-1990]**

A charge of \$50 will be made for discontinuing or reconnecting such service on account of nonpayment of sewer rents, which charge or charges will be treated as sewer rents.

**S 42-7. Severability.**

The provisions of this ordinance are severable, and if any of its provisions, words, phrases, clauses or terms or the application thereof to any person, firm or corporation, or to any circumstances, shall be held invalid, unconstitutional or illegal by any court of competent jurisdiction, such decision or finding shall not in any way affect the validity, legality or constitutionality of any other provision, word, phrase, clause or terms, and they shall continue in full force and effect.

**S 42-8. Effect on other agreements. [Added 10-3-1985 by L.L. No. 3-1985]**

Sewer rents will take precedence over any inconsistent agreements between the village and its users as set forth in 40 CFR 35.929(g).

**S 42-9. When effective. [Amended 10-3-1985 by L.L. No. 3-1985]**

This ordinance shall take effect immediately.

**S 42-10. Effective date. [Added 5-3-1990 by L.L. No. 2-1990]**

The provisions of this local law shall take effect with the quarter beginning June 1, 1990.