

**LOCAL LAW NO. \_\_\_\_ OF 2022**  
**VILLAGE OF TUXEDO PARK**

**A LOCAL LAW TO AMEND VILLAGE LAW RELATED TO SEWER RENTS**

BE IT ENACTED by the Board of Trustees of the Village of Tuxedo Park, Orange County, New York as follows:

**Section 1. Legislative Intent.**

It is the intent of this local law to amend Chapter 78 of the Village Code, entitled “Sewers and Sewage Disposal” to include the establishment of sewer rents for the use and service of the sewer system of the Village of Tuxedo Park.

**Section 2. Authority.**

This local law is adopted pursuant to the provisions of General Municipal Law § 451 and § 10 of the Municipal Home Rule Law.

**Section 3. Amendments of Village Law Chapter 78, Sewers and Sewage Disposal**

Chapter 78, Section 24 “Sewer Rents or Charges” shall be repealed in its entirety and replaced as follows:

**A. Establishment of Sewer Rents and Amounts, Generally**

There are hereby established sewer rents for the use and service of the sewer system of the Village of Tuxedo Park. “Sewer system” as used in this article shall mean all sewer pipes and other appurtenances which are used or useful in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes which are owned operated or maintained by the Village of Tuxedo Park, including sewage pumping stations and sewage treatment and disposal works. The calculation of sewer rents shall be based upon the consumption of water on the premises served by the Village’s sewer system.

**B. Sewer Rent Fund; use of fund.**

1. Any revenues derived by the Village from sewer rents, including penalties and interest, shall be deposited in a separate and distinct fund, to be kept in accordance with the General Municipal Law, and known as the “Sewer Fund.”
2. The Sewer Fund shall be used for all Village expenses associated with:
  - (i) The payment of the costs of operation, maintenance, and repairs of the sewer system, or such part or parts thereof for which sewer rents have been established and imposed;

(ii) The payment of the interest on and amortization of, or payment of, indebtedness which has been or shall be incurred for the construction of the sewer system or such part or parts thereof for which sewer rents have been established and imposed;

(iii) The construction of sewage treatment and disposal works with necessary appurtenances, including pumping stations, or for the extension, enlargement, or replacement of, or additions to, such sewer systems, or part or parts thereof.

3. A sewer rent charge shall be assigned to owners of properties located within or without the corporate limits of the Village who contribute wastes to the Village sanitary system.

### **C. Imposition of Sewer Rents**

1. In addition to any and all other fees and charges provided by law, the owner of any parcel of real property connected with the sanitary sewer system of the Village of Tuxedo Park shall pay a sewer rent for the use of such sanitary sewer system.

2. A sewer rent shall be assigned to owners of properties located within or outside the corporate limits of the Village of Tuxedo Park who contribute wastes to the municipal sanitary sewer system.

3. The sewer rent shall be based on the unit fee schedule determined by the Village Board of Trustees by resolution and such rents shall be based upon water consumption by individual property owners. The proportionate sewer rents based on water usage shall be fair and equitable.

4. The sewer rent assigned to any property owner who is not connected to the public water system, but who is connected to the public sewers, shall be based on the estimated or measured volume of sewage determined by the Sewer Inspector. Such charges shall be expressed in terms similar to water charge arrangements.

5. The Board of Trustees may, from time to time, modify the sewer rent originally or previously assigned to any property owner so long as such modification is rational and equitable.

### **D. Connection Costs**

1. All buildings requiring sewer service as of January 1, 1964, will be provided by the Village with a six-inch building sewer to within five feet of the property line. The cost of the remaining portion of the building sewer shall be the responsibility of the property owner.

2. The cost of the building sewer to sewer for all buildings requiring sewer service after January 1, 1964, shall be borne by the property owner.

3. Subdivisions developed after January 1, 1964 and utilizing any portion of the Village sewage works shall bear the cost of the installation of public sewers and building sewers in the subdivisions.
4. A sewer service charge for transportation, treatment and operation and maintenance costs shall be levied against property owners within such subdivisions.

#### **E. Changes in Basis for Sewer Rents**

The Village reserves the right to change the basis for determining sewer rents.

#### **F. Users not connected to public water system.**

1. The sewer rent assigned to any property owner who is not connected to the public water supply system, but who is connected to the public sewers shall be based on the estimated or measured volume of sewage determined by the Sewer Inspector.
2. The sewer service charge assigned to any property owner with both a public and private water supply whose contribution of sewage to the public sewers exceeds the volume of public water consumed by that owner, as evidenced by his or her water bill, shall be established by the Village. The basis for determining such sewer rent shall be the estimated or measured volume of sewage entering the public sewers.

#### **G. Quarterly Billing**

Sewer service charges shall be billed quarterly.

#### **H. Penalty for Nonpayment**

Each property owner of the Village of Tuxedo Park who shall owe to the Village a sewer rent or service charge for more than 30 days following the bill's date shall have added to such bill and shall pay in addition to the amount thereof a penalty for the first month following such period and an additional penalty for each month thereafter that the same remains unpaid. Said penalties shall be modified from time to time by resolution of the Board of Trustees.

#### **I. Lien Upon Real Property**

Sewer service charges shall constitute a lien upon the real property served by sewers, and such lien is prior to every other lien or claim, except the lien of an existing tax, water rent or local assessment.

### **Section 4. Severability.**

If a court of competent jurisdiction determines that any clause, sentence, paragraph, subdivision, or part of this local law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair,

or invalidate the remainder of this local law, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, or part of this local law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

**Section 5. Effective date.**

This local law shall be effective immediately upon the filing with the Secretary of State.