

1-76 Providing for the Institution Administration and Collection of Sewer rents in the Village of Fonda, NY

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

Section 1 The term sewer rents shall mean the rent, rate or charge imposed or levied by the Village of Fonda for the use of the sanitary sewer system or any part or parts thereof.

Section 2 The term sewer system shall mean the sewer system owned and operated by the Village of Fonda and the proportionate share of any treatment plant and disposal works sewer pipes and all other appurtenances which are used or useful in whole or in part in connection with the collection treatment or disposal of sewage industrial wastes and other waste and all extensions additions and improvements which may be made to such system.

Section 3 Sewer rent fund All revenues imposed hereunder together with all interest and penalties thereon shall be kept in a separate fund to be known as the Sewer Rent Fund.

Section 4 For the service rendered by the sewer system to the owners of real property within the corporate limits of the Village and to other users connected with and served by the sewer system, and for the payment of the cost of construction, operation maintenance and repair of said system as herinbefore defined there is hereby established a scale of sewer rents based upon:

(a) The metered use of village water at the rates heretofore established by the Village Board of Trustees times the multiplier factor of three and fifty hundredth (3.50)

Section 5 Sewer rates shall be due and payable at the office of the Village Clerk on the first day of April and October in each year. If bills are not paid within a period of 60 days from the date such bill is due, a penalty in an amount equivalent to 5 percent of the amount of the bill will be added to the amount due.

b. While bills will be delivered or mailed by the Village Clerk, the failure of any owner or other user to receive a bill promptly shall not excuse non-payment of the same when due as herein proved, and in the event that the owner or other user fails to receive a bill promptly he shall obtain the same at the office of the Village Clerk.

c. The Village Clerk or other person authorized by the Board of Trustees shall keep a record of all owners of real property within the Village of Fonda and bills shall be mailed to the owners of such property at the same address to which village tax bills are mailed unless the owner of the property shall direct the village in writing on forms which can be obtained from the village Clerks Office to mail such bills to him or to his agent at any other address. If bills for sewer rents and charges are mailed to a person other than such owner and such bills are not paid such owner shall nevertheless be liable for the payment of all sewer rents and charges including penalties and interest.

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d. If sewer rents or charges are not paid within 60 days from the date on which they are due, the Board of Trustees may cause a notice to be delivered or mailed to the owner addressed as provided for in the subdivision c above and to the occupant of the premises addressed at the premises stating the amount due and demanding payment thereof within a period of at least 10 days of the date of the notice and stating that if such payment is not made, the water service or the sewer service or both shall be discontinued without further notice and at the expiration of such period the Board of Trustees or the duly designated employees or officers of the Village may enter on said premises and cause the water service or the sewer service or both to be disconnected and discontinued. A charge of ten dollars (10) for reconnecting each of such services on account of non-payment of sewer rents the collection of which charge or charges shall be made and shall be enforceable in the same manner as sewer rents.

e. A separate charge shall be made and a separate bill shall be rendered for each water meter when there is more than one such meter on any one property or structure. Each unit for which there is a separate water or sewage meter shall be deemed to be a separate sewer service account and will be billed separately even if there be but one sewer connection with the structure or property in which said unit is located.

f. The minimum charge for sewer rentals established by this chapter shall be charged even if the property is unoccupied and no consumption of water is shown on the water meter or if no sewage is discharged into the sewer system

Section 6 A charge of ten dollars (\$10.00) will be made whenever any water service is disconnected or reconnected because of non payment of sewer rent or other charges relating to the use of the sewer system

Section 7 Contractual rent: Notwithstanding any other provision of this Local Law to the contrary, sewer rents pursuant to this local law shall not be imposed upon nor collected from any industrial user with which the village has in effect a contractual arrangement for the payment to the village by such industrial user of the fair allocable share of the cost of the amortization operation and maintenance of the sewer system

Section 8 Collection and Enforcement

a The Board of Trustees may bring an action as upon a contract to collect sewer rents in arrears including any penalties and interest which may from time to time be adopted from any owner or occupant served by the sewer system or from any other user of said system

b Sewer rents shall constitute a lien upon the real property served by the sewer system and such lien shall have such priority over and superiority to every other lien or claim as is permitted by law

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c. The collection of such sewer rents and the enforcement of any such lien shall be in accordance with the statutes pertaining to such collection and enforcement.

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

Section 9 Any duly authorized officer employee contractor or agent of the village or other person duly authorized by the village shall be permitted to enter on any property at a reasonable hour for the purpose of reading meters inspecting disconnecting repairing or for any other purposes reasonably necessary to carry out the provisions of this local law

Section 10 Invalidity The invalidity of any section clause sentence or provision of this local law shall not affect the validity or any part thereof which can be given effect without such invalid part or parts

Section 11 This local law supersedes Sewer rent ordinance of the Village of Fonda duly adopted on January 16, 1974 and will take effect immediately.