

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Mamaroneck

FILED
STATE RECORDS

JUL 05 2016

DEPARTMENT OF STATE

Local Law No. 7 of the year 2016

A local law amend Article III of Chapter 282 Sewers of the Code of the Village of

(Insert Title)

Mamaroneck to provide for Sewer Use Charges based upon Water Consumption

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

☐ County ☐ City ☐ Town ☒ Village
(Select one:)

of Mamaroneck

as follows:

See Attached

(If additional space is needed, attach pages the same size as this sheet, and number each.)

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 7 of 2016 of the ~~(County)(City)(Town)~~(Village) of Mamaroneck was duly passed by the Board of Trustees on April 25th 2016, in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 2016, in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. (Elective Chief Executive Officer*)

Such local law was submitted to the people by reason of a (mandatory)(permissive) referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the (general)(special)(annual) election held on _____ 20____, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

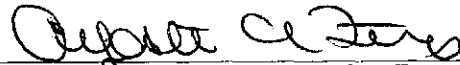
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____ 20____, became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____ 20____, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph 1 above.



Clerk of the county legislative body, City, Town or Village Clerk or officer designated by local legislative body

Date: 5/2/16

(Seal)

LOCAL LAW 7 – 2016

A Local Law to amend Article III of Chapter 282 Sewers of the Code of the Village of Mamaroneck to provide for Sewer Use Charges based upon Water Consumption

BE IT ENACTED by the Board of Trustees of the Village of Mamaroneck as follows:

Section 1. The current provisions of Article III User Charge System of Chapter 282 of the Code of the Village of Mamaroneck are hereby repealed.

Section 2. New Article III Sewer Charges is hereby added to Chapter 282 of the Code of the Village of Mamaroneck to read as follows;

§282-3.1 Background.

A. In recent decades, federal and state legislation has been enacted along with strict regulatory action dealing with the collection, treatment, and discharge of human wastewater. The Village of Mamaroneck manages and maintains forty three (43) miles of a sanitary collection sewer and two (2) Village-maintained sewer pump stations within its borders. Volumes from the sewers flow into the Westchester County trunk sewer system and are treated at county sewage treatment plants, eventually discharging into the Long Island Sound. It is critically important that the Village maintain, repair, improve and replace, when necessary, components of its sanitary sewer collection system in order to reduce extraneous flows and illegal discharges into its collection system before such flows enter the county trunk lines. A major component of the extraneous flows into the sanitary sewer collection system is inflow and infiltration from groundwaters and poorly functioning storm drainage pipes. Municipalities must, by law, take action to fix and maintain sanitary sewer collection systems and storm drains to reduce all nonsanitary flows into the sanitary sewer system, as the additional volumes adversely impact the trunk lines and the ability to treat waste at treatment plants.

B. The Federal Water Pollution Control Act, also known as the "Clean Water Act," creates strict guidelines for municipalities for managing stormwater and sanitary sewer systems, with the goal of optimal public health and safety. Under Section 402(p)(3)(B) of the Clean Water Act, municipal separate stormwater sewer systems (MS4) are required to reduce pollutants in stormwater systems to the maximum extent practicable. To regulate such stormwater systems, the Environmental Protection Agency (EPA) is authorized to enforce the Clean Water Act and to encourage municipalities to reduce harmful pollutants going into the stormwater system. Section 304(m) of the Clean Water Act sets forth guidelines which deal with discharges and pollutants. The Village of Mamaroneck, which manages an MS4, must adhere to a set of six minimum measures in the administration of its stormwater system. One of those minimum measures is maintaining the separation of stormwater and sanitary sewer systems to prevent inflow between the two systems.

C. Section 824.11 of the Westchester County Code also mandates that municipalities "take immediate action to reduce extraneous flows of water due to infiltration, illegal inflow and

illegal stormwater connections to tributary [sanitary] sewer systems within a municipality's borders which are adversely impacting upon many County POTW treatment plants in their ability to treat waste, comply with their State Pollution Discharge Elimination System permits (SPDES permits), and to protect and enhance the local environment." Therefore, a municipality must take all actions necessary to ensure that the sanitary sewer system and stormwater system are not integrated.

D. Article 14-F of the New York State General Municipal Law allows for municipalities to impose a sewer rent fee on real property, to be used solely for the maintenance, repair and improvements of the sanitary sewer system. These funds will help further facilitate the Village of Mamaroneck's compliance with the federal, state, and county guidelines on sanitary sewer systems by establishing a steady stream of dedicated funding to perform the necessary maintenance, repairs and improvements to mitigate the infiltration and inflows from other sources, including, but not limited to, stormwater and other illicit connections to the sanitary sewer system. Compliance with federal, state, and county code further enhances and protects the public health, safety and welfare.

§282-4. Establishment of sewer rents.

Pursuant to Article 14-F of the New York State General Municipal Law (the "Sewer Rent Law"), and in order to defray the cost of maintaining and improving the Village's sanitary sewer system, sewer rents are hereby established. The revenue collected by these sewer rents shall be used for the general operation, maintenance, repairs and improvements of the municipality's sanitary sewer system in accordance with state law.

§282-5. Sanitary sewer rent fees; payment schedule.

A. The owners of real property within the Village of Mamaroneck and those outside the Village using the Village's sanitary sewer system or any part thereof shall be required to pay a sanitary sewer rent fee for the purpose of defraying the costs of operating, maintaining, repairing, replacing and otherwise improving the sanitary sewer system.

B. The Village Board of Trustees shall annually establish by resolution a per-unit fee schedule based on water consumption. These fees shall be included in the Village's Annual Fees and Charges Schedule.

C. All sewer rents shall be payable at quarterly or monthly intervals consistent with the water billing for the property.

§282-6. Sewer rent fund.

All revenues generated from sanitary sewer rents, including interests and penalties, shall be kept in a separate account to be designated as the "sewer rent fund." All such funds, together with the interest thereon, shall be used in accordance with General Municipal Law §453 and this article.

§282-7. Effective period of sewer rent fee.

The sanitary sewer rent fee as provided in § 282-5 herein shall be effective for sewer use beginning with the May through July calendar quarter or month of May for those accounts billed monthly, and shall appear on the August water bill or in the case of accounts billed monthly the June water bill and the water bill for every quarter or month thereafter as applicable.

§282-8. Basis for fee schedule.

A. The Village Board of Trustees shall impose a fee schedule based on water consumption, setting a standard sewer rent fee per unit of water. One unit of water constitutes 100 cubic feet (one ccf) or 748 gallons.

B. If water is not consumed or utilized, and a connection is maintained with the Village's sanitary sewer system, a flat sewer rent fee per quarter shall be imposed and shall also be included in the Village's Annual Fees and Charges Schedule.

C. No fee shall be imposed on water consumption for seasonal accounts which are used for irrigation and therefore do not contribute to the sanitary sewer system.

D. In establishing the fee schedule, the Board of Trustees may choose to exempt any water accounts which it determines do not contribute to the use of the sanitary sewers due to the nature of the water use.

§282-9. Lien; penalty for nonpayment.

A. Sewer rents shall constitute a lien on the date payable, upon the real property served by the sewer system or such part or parts thereof for which sewer rents have been established and imposed, and such lien shall continue thereon until paid or satisfied. 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 imposed by or for the Village.

B. A penalty of 5% of the sewer rent fee shall be imposed for the first month unpaid and subsequently increased 1% for each succeeding month that the rent remains unpaid.

§ 282-10. User responsible for costs of managing toxic pollutants.

Each user which discharges any toxic pollutant which causes an increase in the cost of managing the effluent or the sludge of the wastewater treatment works shall pay for such increased costs.

§ 282-11 Appeals.

A. Any sewer system user who maintains that his/her/its sewer rent should be reduced for any given year based upon actual use of the sanitary sewer system may make one application to the Village Manager for a reduction in that year's sewer rent. Such application must be in writing and be supported by evidence that proves that the amount of the system user's water consumption that actually was discharged into the sanitary sewer system was less than the amount of water consumption used to calculate the system user's sewer rent.

B. All such applications shall be reviewed by an Appeals Board consisting of the Village Manager, the Village Clerk and the Village Engineer. The Appeals Board shall issue a decision on such application within 30 days of submission and shall advise the applicant in writing.

4/1/16

C. If the Appeals Board reduces a sewer rent pursuant to this section, that system user's sewer rent shall be recalculated based upon the portion of that system user's water consumption that the Appeals Board determines was actually discharged into the sanitary sewer system.

Section 3. Severability

If any section, subsection, clause, phrase or other portion of this Local Law is, for any reason, declared invalid, in whole or in part, by any court, agency, commission, legislative body or other authority of competent jurisdiction, such portion shall be deemed a separate, distinct and independent portion. Such declaration shall not affect the validity of the remaining portions hereof, which other portions shall continue in full force and effect.

Section 4. Effective Date

This local law shall take effect immediately upon filing in the office of the New York State Secretary of State in accordance with section 27 of the NY State Municipal Home Rule Law.