

§ 67-1

SEWER RENTS

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Chapter 67

SEWER RENTS

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Attachment I

[HISTORY: Adopted Liberty Village Board 5-19-75 as L.L. No. 2-1975. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers — See Ch. 88.
Water rents — See Ch. 83.

- § 67-1. Sewer rents authorized.

The Village of Liberty, pursuant to Article 14-F of the General Municipal Law, hereby establishes a sewer rental for all users of the sewer system.

§ 67-2. User charge system. [Amended 6-3-85 by L.L. No. 2-1985; 6-1-89 by L.L. No. 4-1989]

The user charge system is the means whereby the Village of Liberty collects funds from the system users for payment of the operations and maintenance costs of the facilities. Additionally, the local share of capital costs (construction and development) is collected from users and benefited property owners to pay the debt service associated with the financing of these costs.

A. General.

- (1) Basis for operations and maintenance charges. The Liberty sewer use charge system is based on a schedule of water usage as the Village of Liberty's central water system has individual water meters. Those users in the village sewer system not connected to the central water system are billed for sewer based on an estimated consumption of twenty-four thousand (24,000) gallons per quarter.
 - (2) Review of operations and maintenance charges. Every year the Village of Liberty will review the sewer user charge system, the system operations and maintenance costs and the waste contribution of certain users to ensure that the system remains equitable and to ensure that the adequate moneys are collected to support the total costs of operations and maintenance.
 - (3) User notification. Each year, every user will be notified, in conjunction with their sewer use bill, of the charge per one thousand (1,000) gallons of water usage to fund the following:
 - (a) Operations and maintenance.
 - (b) Debt service.
 - (c) Miscellaneous costs, including equipment replacement.
- B. Capital costs. Capital costs of the recent construction projects will represent a portion of the charge system payable by the village sewer user.

- C. Operations and maintenance. Operations and maintenance expenses represent a significant portion of the charge levied to a Liberty sewer user. The operations and maintenance charge system will be based upon the operations and maintenance of the village collection system, village interceptor sewer system and village wastewater treatment plant.
- D. Basis of charge system.
- (1) The village is served by a central water system. Water usage is metered in the Village of Liberty. Sewer use charges and capital recovery will be based on water usage and a service charge which is presented in Attachment I.¹ Those users in the village sewer system not connected to the central water system are billed for sewer based on an estimated consumption of twenty-four thousand (24,000) gallons per quarter.
 - (2) The Village of Liberty Sewer Use Ordinance² prohibits inducement of sewage with concentrations higher than two hundred forty (240) milligrams per liter of BOD and three hundred (300) milligrams per liter of SS into the village system.
 - (3) In the case where a user contributes a significant pollutant or toxic waste, as defined by the USEPA/NYSDEC, which will not be controlled by the Village of Liberty Sewer Use Ordinance, the village will impose an additional charge on the user for the estimated additional operations and maintenance cost that the pollutant or toxic waste would introduce to the village.
 - (4) All costs associated with the treatment of extraneous flow within the Village of Liberty sanitary sewer system will be distributed among all users in accordance with 40 CFR 35.929-2(d)(1) and (2).
 - (5) This user charge system takes precedence over any inconsistent agreements.

¹ Editor's Note: Attachment I is included at the end of this chapter.

² Editor's Note: See Chapter 68, Sewers.

§ 67-3. Large customers.

Large customers, as hereinafter defined, shall be charged by adding the total of Formula One to Formula Two. Before large customers are connected to the sewer system, they may be required to execute an appropriate agreement with the Village of Liberty.

§ 67-4. Payment of bills.

Sewer rents shall be billed and paid on a quarterly basis. For those users whose water meter is read on a monthly basis, sewer rents will be billed and paid monthly.

(Cont'd on page 6703)

§ 67-5. Unpaid rents to become lien.

Unpaid sewer rents shall constitute a lien against the property which benefited by the use of the sewer system. Upon certification by the Village Clerk, the Village Board, by resolution, shall add all unpaid sewer rents billed before March 1 and unpaid by May 1 to the real property tax of the owner of the property whose property benefited by the use of the sewer system.

§ 67-6. Disconnection of nonresident users.

All users of the sewer system not within the boundaries of the Village of Liberty who have not paid the sewer rental for six (6) months may be disconnected from the sewer system by proper resolution of and notice from the Board of Trustees.

§ 67-7. Amendment by resolution.

The Board of Trustees may change the sewer rental rates by resolution.

§ 67-8. Definitions.

As used in this local law, the following terms shall have the meanings indicated:

CAPITAL COSTS — Principal and interest on indebtedness for the sewer system.

FORMULA ONE — Operation and management cost.

$$O \& M \text{ costs} = 0.3A \times \frac{F}{Q} + 0.3A \times \frac{S}{S.S.} + 0.4A \times \frac{B}{BOD}$$

A = Total annual operating and maintenance cost as defined.

F = Average daily flow (million gallons per day) of the large customers.

- Q = Annual daily influent (million gallons per day) to the treatment facility.
- S = Average daily solids, in pounds, of the large customers.
- S.S. = Average daily solids, in pounds, in the treatment plant influent.
- B = Average daily BOD, in pounds, of the large customers.
- BOD = Average daily solids, in pounds, in the treatment plant influent.

FORMULA TWO — Capital expenditure share.

Capital expenditure share =

$$\frac{F}{Q} \times \text{F.C.} + \frac{S}{\text{S.S.}} \times \text{S.C.} + \frac{B}{\text{BOD}} \times \text{B. C.}$$

- F = Average daily flow (million gallons per day) of the large customers.
- Q = Annual daily influent flow (million gallons per day) to the treatment facility.
- F.C. = Proportioned capital costs allocated to flow.
- S = Average daily solids, in pounds, of the large customers.
- S.S. = Average daily solids, in pounds, in the treatment plant influent.
- S.C. = Proportioned capital costs allocated to suspended solids.
- B = Average daily BOD, in pounds, of the large customers.
- BOD = Average daily solids, in pounds, in the treatment plant influent.
- B.C. = Proportioned capital costs allocated to BOD.

LARGE CUSTOMERS — Industrial users as defined by the Environmental Protection Agency and/or any other municipality and/or any customer that, by using the total of Formula One added to the total of Formula Two, would be charged three thousand five hundred dollars (\$3,500) or more per year sewer rental.

OPERATION AND MANAGEMENT COST — Those costs associated with the annual needs of operating and maintaining (exclusive of capital replacements) the collection system, treatment and other utility facilities related to sewerage systems.

OTHER MUNICIPALITIES — Any other municipality of the State of New York other than the Village of Liberty, including special districts.

SEWER SYSTEM — All trunk, lateral and house lines which gather sanitary waste and flow into the sewage treatment plant, including the sewage treatment plant.

§ 67-9. Repealer.

All ordinances, local laws and/or resolutions thereof conflicting or inconsistent with the provisions of this local law are hereby repealed.

§ 67-10. Severability.

Should any section, paragraph, sentence or word of this local law or of the code hereby adopted be declared for any reason invalid or unconstitutional, the other provisions hereinabove adopted shall nevertheless remain in full force and effect.

§ 67-11. Effective date.

This local law shall become effective June 1, 1975.

SEWER RENTS

**Village of Liberty
Sewer Rent Law
Attachment I**

**[Added 6-1-1989 as part of L.L. No. 4-1989; amended
6-15-1992 by L.L. No. 9-1992; 6-7-1995 by L.L. No.
7-1995; 5-29-1996 by L.L. No. 3-1996]**

Sewer rents for all users of the sewer system of the Village of Liberty are as follows, effective as of June 1, 1996: three dollars and ninety-seven cents (\$3.97) per thousand gallons of water used. There is also a service charge of one dollar and fifty cents (\$1.50) per month for sewer line maintenance [four dollars and fifty cents (\$4.50) per quarter].

Sewer penalties. All sewer rents not paid within thirty (30) days shall be charged a ten-percent penalty fee. **[Added 6-7-1995 by L.L. No. 7-1995]**