

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.

FILED
STATE RECORDS

MAY 06 2016

County City Town Village
(Select one.)

of Larchmont, NY 10538

DEPARTMENT OF STATE

Local Law No. 5 of the year 2016

A local law amending Chapter 229, "Sewers" of the Larchmont Village Code by establishing

(Insert Title)
Sanitary Sewer Rents

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

County City Town Village
(Select one.)

of Larchmont, NY 10538

as follows:

Section One. Chapter 229 of the Code of the Village of Larchmont shall be amended by adding new Article III to read as follows:

Article III. Sanitary Sewer Rent

§ 229-10. 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 Larchmont manages and maintains 22 miles of a sanitary collection sewer 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 non-sanitary flows into the sanitary sewer system, as the additional volumes adversely impact the trunk lines and the ability to treat waste at treatment plants.

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

- 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 Larchmont, 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 rents 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 Larchmont'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.

§ 229-11. 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.

§ 229-12. Definitions.

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

CLEAN WATER ACT

The Federal Water Pollution Control Act (33 U.S.C. § 1251 et seq.) and any subsequent amendments thereto.

PUBLICLY OWNED TREATMENT WORKS (POTW) TREATMENT PLANT

The portion of the POTW which is designated to provide treatment (including recycling and reclamation) of municipal sewage and industrial wastewater.

SANITARY SEWAGE

Sewage discharging from the sanitary conveniences of dwellings (including apartment houses), office buildings, assisted-living facilities, or institutions and free from stormwater, surface water, industrial water, industrial wastes and other wastes.

SANITARY SEWER

A sewer intended to carry only sanitary or sanitary and industrial wastewaters from residences, commercial buildings, and institutions to which stormwaters, surface waters and groundwaters are not intentionally admitted through either direct or indirect connection or lack of maintenance or neglect.

SEWAGE

A combination of the water-carried wastes from residences, business buildings, institutions and commercial establishments, together with such groundwater, surface water and stormwater as may be inadvertently present.

SEWAGE SYSTEM

All facilities for collecting, regulating, pumping and transporting sewage to and away from the POTW treatment plant.

STORMWATER

Any surface flow, runoff, and/or subsurface drainage consisting entirely of water from any form of natural precipitation and resulting from such precipitation.

STORMWATER SYSTEM

Publicly owned facilities on public land or privately owned facilities on private land by which stormwater is collected and/or conveyed, including, but not limited to, any roads with drainage systems, municipal streets, gutters, curbs, inlets, piped storm drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs and other stormwater appurtenances to control and manage the flow of stormwater.

§ 229-13. Sanitary sewer rents; payment schedule.

- A. The owners of real property within the Village of Larchmont 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 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 establish by resolution a per-unit rent schedule based on water consumption and a flat rent for properties that are only connected to the sanitary sewer system and are not served by the Village water system. These rents shall be included in the Village's Fees and Charges Schedule.
- C. The Village Board of Trustees shall consider uses of water, such as irrigation, that do not directly enter the sanitary sewer system and set a sewer rent rate reflective of that consideration.
- D. All sewer rents shall be payable at intervals consistent with the water billing schedule as set forth in § 283-21 of the Larchmont Village Code.

§ 229-14. 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.

§ 229-15. Effective period of sewer rents.

The sanitary sewer rents identified in § 229-13 herein shall be effective for sewer use beginning May 2016 and shall appear on the subsequent water bill and each water bill thereafter.

§ 229-16. Basis for rent schedule; non-consumption of water.

- A. The Village Board of Trustees shall impose a rent schedule based on water consumption, setting a standard sewer rent 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 per quarter shall be imposed and shall also be included in the Village's Fees and Charges Schedule.

§ 229-17. 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 shall be imposed for the first month unpaid and subsequently increased 1% for each succeeding month that the rent remains unpaid.

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

Section Two. 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 Three. This local law shall take effect immediately upon filing with the Secretary of State.

(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. 5 of 2016 of the ~~(County)(City)(Town)~~(Village) of Larchmont, NY 10538 was duly passed by the Board of Trustees on April 18 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) (repassed after disapproval) by the _____ and was deemed duly adopted on _____ 20____, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

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) (repassed after disapproval) by the _____ on _____ 20____.
(Name of Legislative Body)
(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) (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.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

* 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.)

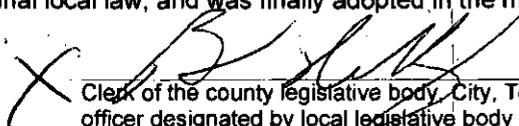
I hereby certify that the local law annexed hereto, designated as local law No. _____ of 20____ of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified 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: April 19, 2016

(Seal)