

## Chapter 144

### SEWER RENTS AND CHARGES

#### GENERAL REFERENCES

Building construction — See Ch. 76.

Water — See Ch. 189.

Sewer use — See Ch. 147.

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#### § 144-1. Authority to establish rents.

Pursuant to the authority of the Sewer Rent Law of the State of New York (Chapter 765 of the Laws of 1951)<sup>1</sup> and any and all amendments thereto, there is hereby established and imposed sewer rents as a means of producing revenue for the sewer system of the Village of Palmyra, New York.

#### § 144-2. Nature and use of sewer rents.

Sewer rents shall constitute charges established and imposed pursuant to this chapter and any and all amendments thereto for the use of the sewer system operated and maintained by the Village of Palmyra, New York, or any part or parts thereof.

#### § 144-3. Scope of sewer system.

The sewer system shall be deemed to include all sewer pipes and other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial waste and other wastes, and which are owned, operated, or maintained by the Village of Palmyra, New York, including sewage pumping stations and sewage treatment and disposal works.

#### § 144-4. Definitions.

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

**EQUIVALENT DWELLING UNITS ( EDU)** — An occupied unit with water use generally equivalent to that of a single-family home. **[Added 10-7-2019 by L.L. No. 1-2019]**

**INDUSTRIAL WASTE** — Includes any liquid, gaseous, solid or other waste substance, or a combination thereof, resulting from any process of industry, manufacturing, trade or business or from the development or recovery of any natural resources.

**OTHER WASTES** — Includes garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals and all other discarded matter in sewage or industrial waste.

**PART** — Includes all lateral sewers, or all branch sewers, or all interceptor sewers, or

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1. Editor's Note: See General Municipal Law § 452.

all trunk sewers, and any sewage treatment and disposal works, each part with necessary appurtenances including sewage pumping stations, and also including all channels, streams or watercourses into which is introduced stormwater.

**SEWAGE** — As used herein, includes all water-carried human or animal wastes or body wastes, normal culinary, laundry, and washing wastes and the like, from residences, buildings, industrial establishments or other places. The admixture, with sewage as above defined, of industrial waste or other wastes as hereafter defined, also shall be considered sewage within the meaning of this chapter.

**WCWSA SEWER USE RULES** — The Wayne County Water and Sewer Authority Amended and Restated Sewer Use Rules and Regulations, adopted by resolution of the Wayne County Water and Sewer Authority Board of Directors on May 28, 2019, as may be amended from time to time. **[Added 10-7-2019 by L.L. No. 1-2019]**

**§ 144-5. Rents to be paid by all owners.**

The sewer rents established herein shall be imposed on the owners of all premises located within the corporate limits of the Village of Palmyra, New York, connected with or required to be served by the sewer system.

**§ 144-6. Payment dates. [Amended 2-15-1999 by L.L. No. 2-1999; 2-15-2010 by L.L. No. 2-2010]**

Sewer rents for the use of the water system shall be paid quarterly in advance for sewer quarters, commencing on September 1, December 1, March 1 and June 1 in each year. Sewer rents shall be due and payable on the first day of each month of the aforesaid quarters, and shall be paid within 45 days after each quarterly due date. In the event that payment is not made within the forty-five-day period, then 10% shall be added to said sewer rent.

**§ 144-7. Charges and consumption. [Amended 11-1-1976 by L.L. No. 4-1976; 5-3-1982 by L.L. No. 1-1982; 10-1-1990 by L.L. No. 2-1990; 10-20-1997 by L.L. No. 2-1997]**

- A. Sewer charges shall be levied on the owners of all premises connected to the sewer system based upon the water consumption metered by the Village in the immediately preceding quarter and will be the same quantity as used for water billing. The sewer rent shall consist of two components: a minimum quarterly bill and a quantity usage charge. The minimum quarterly bill shall be at least sufficient to cover the administrative costs incurred to process each quarter billing.
- B. Exceptions to the water quantity billed may be considered by the Board of Trustees in circumstances where the consumption claimed not to have been returned to the sewer system can be clearly quantified and confirmed by the Village Water Superintendent or Public Works Superintendent. Each exception must be requested in writing and will be considered on a case-by-case basis. The request must be signed by the property owner and also contain the signature of the appropriate superintendent confirming the quantity to be exempt from billing.

**§ 144-8. Rates. [Amended 10-20-1997 by L.L. No. 2-1997; 5-4-1998 by L.L. No.**

**1-1998; 4-21-2003 by L.L. No. 1-2003]**

- A. Quarterly usage charge.
- (1) Except as provided in Subsection B below, the minimum quarterly bill for all buildings, structures, and apartments connected to the sewer system and also serviced by a Village water meter shall be established by the Board of Trustees at a specified rate per quarter, which rate shall be \$35 per unit per quarter beginning June 1, 2003.
  - (2) The quarterly usage charge shall be established by the Board of Trustees at a specified rate per quarter per hundred cubic feet of metered water consumed in the current quarter, which rate shall be \$1.50 per hundred cubic feet of metered water beginning June 1, 2003.
- B. Where a building or structure serviced by one meter is so arranged as to contain private and separate quarters, the following rates apply:
- (1) Where a building or structure, other than those described in Subsection B(2) below, contains one or more separate apartments, the total water consumption shall be divided by the number of apartments into which the building or structure is separated. The water consumption thus attributable to each of the separate apartments shall be applied at the minimum quarterly rate per quarter, plus usage as set forth in this chapter. The total amount to be charged for such apartments in the building or structure shall be charged to the property owner. An "apartment" is defined as a portion of a house, building or other structure consisting of a group of rooms containing sleeping, cooking and eating facilities and arranged to be occupied by the members of a family.
  - (2) Where a building or structure contains a commercial establishment on the ground floor, including but not limited to retail stores, barbershops, beauty salons, garages, banks, or other types of businesses not hereinbefore provided for, and additional floors above the main floor are wholly or partly devoted to separate commercial uses, including offices, the said premises shall be charged the minimum quarterly rate per each floor so used. In the event that the said building contains an apartment or apartments above the main floor, there shall be charged the minimum quarterly, plus usage pursuant to § 144-8B for each apartment therein contained above the main floor. The total amount to be charged for all such apartments in the building or structure is then charged to the property owner.
- C. The sewer rates for all consumers outside the sewer district shall be 1 1/2 times the rate for consumers within the sewer district. **[Added 11-17-2003 by L.L. No. 2-2003]**
- D. Sewer charges shall be based on equivalent dwelling units (EDUs) as set forth herein. **[Added 10-7-2019 by L.L. No. 1-2019]**
- (1) Residential (Class A):
    - (a) Single-family residence (estimated 60,000 gallons per year water usage): one EDU.

(b) Mobile home/apartment/town home (with kitchen and bath): one EDU.

[1] Note: Multifamily homes, town homes, or homes with apartments shall be assigned one EDU for each separate home, town home, or apartment containing a kitchen and bath.

(2) Commercial/Institutional (Class B, less than 480,000 gallons per year):

(a) Minimum one EDU per service and an additional one EDU for every 60,000 gallons per year usage above the first 60,000 gallons per year (gpy), up to 480,000 gpy, rounded to the nearest whole EDU.

[1] Example: "Cheerful Daycare Center."

Usage (previous year) = 345,000 gpy

Minimum for first 60,000 gpy = 1 EDU

$345,000 \text{ gpy} - 60,000 \text{ gpy} = 285,000 \text{ gpy}$

$285,000 \text{ gpy} / 60,000 \text{ gpy} = 4.75 = 5 \text{ EDUs}$

(3) Commercial/Institutional (Class B, greater than 480,000 gpy):

(a) Minimum one EDU per service and an additional one EDU for every 60,000 gpy usage above the first 60,000 gpy up to 480,000 gpy and then an additional one EDU for every 120,000 gpy above 480,000 gpy, rounded to the nearest whole EDU.

[1] Example: "Community School Facility."

Usage (previous year) = 1,025,000 gallons per year (gpy)

Minimum for first 60,000 gpy = 1 EDU

$480,000 \text{ gpy} - 60,000 \text{ gpy} = 420,000 \text{ gpy} / 60,000 \text{ gpy} = 7 \text{ EDUs}$

$1,025,000 \text{ gpy} - 480,000 \text{ gpy} = 545,000 \text{ gpy} / 120,000 \text{ gpy} = 4.54 = 5 \text{ EDUs}$

Total EDUs for "Community School Facility" example =  $1 + 7 + 5 = 13 \text{ EDUs}$

(4) Industrial User (Class C, Less than 6,000,000 gpy):

(a) One EDU for every 60,000 gpy up to 6,000,000 gpy, and then rounded to the nearest whole EDU.

(b) Minimum six EDUs.

[1] Example: "X Fabricator Inc."

Usage (previous year) = 900,000 gallons per year (gpy)

$900,000 \text{ gpy} / 60,000 \text{ gpy} = 15 \text{ EDUs}$

(5) Industrial User (Class C, greater than 6,000,000 gpy):

(a) One EDU for every 60,000 gpy usage up to 6,000,000 gpy and then an

additional one EDU for every 120,000 gpy above 6,000,000 gpy, and then rounded to the nearest whole EDU.

[1] Example: "Y Food Processing Corp."

Usage (previous year) = 13,420,000 gallons per year (gpy)

$6,000,000 \text{ gpy} / 60,000 \text{ gpy} = 100 \text{ EDUs}$

$13,420,000 \text{ gpy} - 6,000,000 \text{ gpy} = 7,420,000 \text{ gpy} / 120,000 \text{ gpy} = 61.8 = 62 \text{ EDUs}$

Total EDUs for "Y Food Processing Corp." example =  $100 + 62 = 162 \text{ EDUs}$

- (6) Notes: Industrial users with high flows or with high-strength wastes may be subject to additional surcharges and/or special EDU calculations as determined by a separate permit or agreement or per the Uniform Sewer Use Ordinance.

**§ 144-9. New sewer connection charge. [Amended 10-20-1997 by L.L. No. 2-1997]**

Where a new sewer connection is required, a one-time construction assessment will be made for each sewer connection in an amount established by the Board of Trustees, as may be amended from time to time.

**§ 144-10. Penalties and lien. [Amended 10-7-2019 by L.L. No. 1-2019]**

- A. Sewer rents, together with the amount of any penalty which shall become due and owing as provided in this chapter, shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents shall have been established and imposed. Such rents and/or penalties due may be included in the Village tax levy accounted for and collected pursuant to Article 11 of the New York State Village Law or such rents and/or penalties due may be collected pursuant to the provisions of Article 14-F of the New York State General Municipal Law.
- B. In addition to the penalties set forth in Subsection A above, the Village of Palmyra shall be vested with the enforcement remedies as set out in the Wayne County Water and Sewer Authority Amended and Restated Sewer Use Rules.

