

ESTABLISHING SEWER RENTS

CHAPTER 55

TOWN OF GORHAM

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**(History: Adopted by the Town Board of the Town of Gorham, Local Law #1-87; adopted January 1987; amended LL#1-1990; LL#1-1996; amended LL#5-2007)**

Article I

SHORT TITLE AND APPLICABILITY

55.100 Short Title

This Local Law shall be known as the “Town of Gorham Sewer Rents Local Law”.

55.100.2 Applicability

This Local Law shall apply only within Gorham Sewer District No. 1 established by the Town of Gorham.

55.100.3 Purpose

This Local Law establishes the procedures for determining and imposes equitable sewer rents to be levied on all users which discharge wastewater to the wastewater system operated by Gorham Sewer District No. 1.

ARTICLE II

IMPOSITION OF SEWER RENTS

55.200 Sewer Rents Established

Pursuant to Article 14-F of the General Municipal Law of the State of New York, there is hereby established and imposed sewer rents as a means of producing revenue for the sewer district or districts specified in Section 55.100.2 hereof.

ARTICLE III  
DEFINITIONS

55.300 Definitions

The definitions contained in the Town of Gorham Sewer Use Local Law are incorporated herein by reference, and unless the context specifically indicates otherwise, the meaning of other terms used herein shall be as follows:

55.300.1 - “Sewer Rents” – A scale by unit method of annual charges established and imposed in the district on the basis of equivalent single house units (hereafter referred to as units) for the use of the sewage works or any part or parts thereof.

55.300.2 “Fixtures” – shall mean the waste drain from each sink, water closet or toilet, urinal, shower, tub or other appliance or structure draining from any premises into the sewage works.

55.300.3 “Equivalent Single House Units” = shall be determined as follows:

- A. A single family dwelling shall be charged one unit.
- B. Two family dwellings. Premises occupied or designed to be occupied by two families, including two-family dwellings, shall be charged one and one half units.
- C. Multi-family dwellings and apartments. Premises including apartments, occupied or designed to be occupied by three or more families shall be charged two units for the first two apartments or separate living quarters, and  $\frac{1}{2}$  unit for each additional apartment or separate living quarters.
- D. Gasoline station. Premises occupied or designed to be occupied as a gasoline station shall be charged one unit.
- E. Restaurant. A restaurant shall be charged a minimum of  $1 \frac{1}{2}$  units, plus an additional  $\frac{1}{2}$  unit for each fixture in excess of four fixtures.
- F. Repair garages. Premises occupied or designed to be occupied as a motor vehicle repair, service or repainting garage, without gasoline pumps, shall be charged 1 unit, plus  $\frac{1}{2}$  unit for each fixture in excess of four fixtures.
- G. Retail stores and offices. Premises occupied or designed to be occupied as a retail store or office shall be charged one unit, plus  $\frac{1}{2}$  unit for each fixture in excess of four fixtures.
- H. Laundromat. Premises occupied or designed to be occupied as a Laundromat, whether self-service or otherwise, shall be charged one unit for each three

appliances used for washing. A washer-dryer combination appliance shall be considered one appliance.

I. Any premises not within the above classifications shall be charged the number of units determined by the Superintendent, after a hearing held on not less than five days notice in writing of the proposed charge is mailed to the owner at his address as shown on the latest completed assessment roll. The owner shall have the right to appear and be heard on the imposition of said proposed charge. Such charge shall become final 10 days after the Superintendent mails by registered mail to the owner a statement of its determination of the unit charge imposed after said hearing, unless the owner shall file in the office of the superintendent and the Town Clerk within such ten day period a written notice of appeal containing a sworn statement of the grounds of his appeal.

#### ARTICLE IV APPEALS

55.400 Appeals from determinations of the sewer district shall be heard and determined by the Town Board within 45 days of the date of the filing of the Notice of Appeal.

55.400.1 Notice of the date of such hearing shall be mailed to the owner of the premises at least five days prior to the hearing. The owner shall have the right to appear and be heard at said hearing before the Town Board.

55.400.2 The Town Board shall decide such appeals within 45 days of its hearing. Its decision shall constitute a final determination.

55.400.3 Any determination by the Superintendent from which no appeal is taken within ten days of such determination shall constitute a final determination.

#### ARTICLE V BILLS, PAYMENT AND PENALTIES

55.500 Sewer rents shall be due and payable in equal installments quarterly on February 1, May 1, August 1, and November 1, in each year.

55.500.1 The Town Clerk shall cause a statement to be prepared setting forth the amount of the sewer rents for each of the properties subject thereto and the name of the person in whose name such real property is assessed. Bills for sewer rental shall be mailed to each such owner quarterly.

55.500.2 Sewer rents shall be paid by the property owner or his agent to the Town Clerk. Revenues derived from sewer rents, including penalties and interest, shall be credited to a special fund to be known as the "Sewer Rent Fund". Such money shall be used only for the purposes permitted by law.

55.500.3 A late payment penalty of 10% shall be added to each sewer rent bill not paid in full within 30 days of the date same is due.

55.500.4 The Town may annually cause a statement to be prepared setting forth the amount of each lien for sewer rents in arrears, the real property affected thereby, and the name of the person in whose name such real property is assessed, and cause the amounts contained in such statement to be levied against the real property liable therefore, and collected and enforced in the same manner and at the same time as may be provided by law for collection and enforcement of County or Town taxes, as provided in Section 452 of the General Municipal Law.

## ARTICLE VI SEWER RENT RATE

55.600 Sewer rents are hereby fixed at ONE HUNDRED AND TEN AND NO/100 DOLLARS (\$110.00) per equivalent single house unit per calendar quarter, effective February 1, 2008.

55.600.1 Each user will be notified, at least annually, in conjunction with a regular bill, of the sewer rent charge and that portion of the charges which are attributable to operation and maintenance, separate from the debt service charges.

55.600.2 The Town Board, or its Engineer, will determine the average Suspended Solids. (SS) and Biochemical Oxygen Demand (BOD) daily loadings for the average residential user. The Town Board will assess a surcharge rate for all non-residential users discharging wastes with BOD and SS strengths greater than the average residential user, sufficient to cover the costs of treating such users above normal strength wastes. Normal strength wastes are considered to be 200 ppm BOD and 250 ppm SS.

55.600.3 The charges for operation and maintenance for all flow not directly related to the users (i.e., infiltration or inflow shall be distributed among all users based on the flow volume of the users.

55.600.4 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.

55.600.5 This system service charges shall take precedence over any terms or conditions of agreements or contracts between the grantee and users (including industrial users, special districts, other municipalities, or State and Federal agencies or installations) which are inconsistent with 204(b) (1) (A) of the Clean Water Act (33 U.S.C. 1251 et. Sew., as amended) or the 40 CFR Part 35 rules and regulations.

55.600.6 The total annual cost of operation and maintenance shall include, but not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests and a reasonable contingency fund.

ARTICLE VII  
USER RESPONSIBILITY/ADDITIONAL FEE

55.700 The user or current owner or occupant of a unit as described herein shall be responsible for this maintenance and operation of the effluent piping from all fixtures in the user's facility up to and including the influent baffle of the septic tank.

55.700.1 A fee of ONE HUNDRED SEVENTY FIVE AND NO/100 DOLLARS (\$175.00) shall be charged for any septic tank pump out performed by the Town or its designee which is made at the request of the user if: (i)said tank pump out is found to be unnecessary and (ii)the request comes within five (5) years of the last tank pump out. Said fee shall be imposed and collected in the same manner and according to the same rules as those other charges, rents and fees referenced in the Chapter 55.