

ARTICLE III
Sewer Rents
[Adopted 3-26-2020 by L.L. No. 2-2020]

§ 165-21. Purpose; authority.

The purpose of this Article is to more equitably distribute the cost of owning, operating and maintaining the Village of Ardsley sanitary sewer system by allocating such expenses among all properties in the Village that use the sewer system. Pursuant to the authority derived from Article 14- F of the General Municipal Law, the Village of Ardsley hereby creates a program for establishing and collecting sewer rents as a means of funding the costs associated with the Village of Ardsley sewer system. Such program shall consist of annual charges against all properties that use the Village ' s sanitary sewers. The sewer rents as provided for in this Article shall be segregated into a special purpose fund and applied toward defraying the cost of operation, maintenance, upkeep, repair, replacement and otherwise improving the sewer system.

§ 165-22. Sewer rent program.

A. Establishment.

- (1) The Village of Ardsley hereby establishes a sewer rent program. All sewer rent shall be used by the Village for the expense of operation, maintenance, repairs and improvements to the Village sewer system. The record owner of all real property using the Village sewer system, or any part thereof, shall be liable to the Village for the payment of sewer rent, notwithstanding that said property owner may charge a fee or seek reimbursement from a lessee, licensee or other occupant of the real property. The failure to collect fees or obtain reimbursement shall not be a defense to the property owner' s absolute obligation. All sewer rents and penalties shall be a charge against the property for which the property owner and any successor in interest shall be liable.
- (2) The Village Board shall have the authority by resolution to promulgate rules and procedures, and make revisions thereto, for the efficient administration and operation of the sewer rent program. Such rules and procedures shall be made available to the public as with any record of the Village.
- (3) In the event water consumption to a particular property is not indicative of equivalent usage of the sewer system, the Village

may establish a procedure for consumption evaluation and make adjustments for good cause shown on a case-by-case basis.

- B. Applicability. The system for which the sewer rents are established and imposed is the entire sewer system within the Village of Ardsley as defined in § 451 of General Municipal Law as such system does now or as it may from time to time exist.
- C. Setting of rates.
- (1) The initial sewer rent rate and any later adjustments shall be:
- (a) Based upon the consumption of water on the property connected with and served by the sewer system; and
- (b) Established in accordance with § 452 of General Municipal Law by a resolution of the Village Board of Trustees following a public hearing on notice.
- (2) Once established, the rent rate shall be set forth in the Fee Schedule maintained by the office of the Village Clerk.
- D. Payments. Sewer rents shall be payable on the schedule set by the Village Board of Trustees pursuant to its authority to promulgate rules and procedures.
- E. Billing. Sewer rent bills shall be issued on the basis set forth by the Village Board of Trustees pursuant to its authority to promulgate rules and procedures. The Village is authorized to obtain the services of a third-party billing company to generate and send out all sewer rent bills. Such bills shall be sent to the address of the property owner as set forth on the assessment rolls and at a frequency and in accordance with a billing period set by the Village Board. Delivery of such bills to the proper party is not guaranteed. If the property owner does not receive a bill on or before the fifth day following the end of each billing period, the property owner will be provided with contact information of the third-party billing company designated by the Village.
- F. Late payment penalties, liens and collection. All bills for sewer rents are due and payable at the address given on the bill and the time set forth by the Village Board of Trustees. All amounts due for sewer rents will be received without penalty during the first month following the billing. Penalty shall be charged at a rate set forth by the Village Board of Trustees on all bills that remain unpaid past 30 days from the date of billing. Such penalties will be added to the bill, in accordance with the provisions of the

Village Law. The third-party billing company shall send to the Village Treasurer all delinquent accounts which in accordance with General Municipal Law § 452 the delinquent sewer rents shall constitute a lien upon the real property served by the sewer system. 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 state or a political subdivision or district thereof. Delinquent accounts, including sewer rents and penalties, shall be collected in a manner provided in General Municipal Law § 452(4).

- G. Sewer rent fund. All revenues derived from sewer rents, including penalties, shall be credited by the Treasurer to a special fund to be known as the "Sewer Rent Fund." Monies in such fund shall be used in accordance with § 53 of the General Municipal Law.
- H. Sole exemption. All property of the Village shall be exempt from the obligation to pay sewer rent.
- I. Agreement with water source. The Village has received authorization from the New York State Public Service Commission (Matter Number/Case No.: 19-01610) to contract with the water source to utilize its water consumption data and provide any other services necessary to administer this article.
- J. Severability. Should any section or provisions of this article be adjudged by a court of competent jurisdiction to be unconstitutional or otherwise invalidated, such judgment shall not affect, impair or invalidate the remainder of this article, and it shall be construed to have been the legislative intent to enact the local law without such unconstitutional or invalid parts therein.