

(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.

~~County~~  
~~City~~ of Hillsdale  
Town  
~~Village~~

Local Law No. 4 of the year 2007

A local law Establishing Sewer Use Charges for Sewer District No. 1 of the Town of Hillsdale  
(Insert Title)

Be it enacted by the Town Board of the

~~County~~  
~~City~~ of Hillsdale as follows:  
Town  
~~Village~~

**Section 1. Purpose.**

The purpose of this Local Law shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the sewage treatment system and the repayment of the financing obligations for the capital cost of the establishment and construction of the treatment system.

**Section 2. Determination of Total Costs.**

(a) The Town Board shall annually determine the total cost of the operation and maintenance of the sewage treatment system necessary to maintain the capacity and performance for which such system was designed and constructed. The total annual cost of operation and maintenance shall include, but not be limited to, labor, repairs, equipment, replacement maintenance, necessary modifications, utilities, sampling, laboratory tests, and a reasonable contingency fund.

(b) The Town Board shall also annually determine the annual cost of the amortization of both principal and interest of the financing of the capital costs of the construction of the sewage treatment facility, and all modifications and extensions thereof, together with a reasonable contingency fund.

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

**Section 3. Sewer Use/Benefit Charges.**

The annual sewer use charge comprised of operation and maintenance costs as provided for under Section 2(a) above, and financing costs as provided for under paragraph 2(b) above, shall be based upon the number of Equivalent Dwelling Units (EDU's) usage for each parcel connected to or entitled to be connected to the sewer district system, as follows:

| <b>Type of Usage</b>  | <b>EDUs</b> | <b>Unit</b>                           |
|---|-------------|---------------------------------------|
| 1 Family Residence (1 to 3 bedrooms)  | 1           | per residence                         |
| 2 Family Residence (1 to 3 bedrooms per unit)   | 2           | per residence                         |
| 3 Family Residence (1 to 3 bedrooms per unit)   | 3           | per residence                         |
| Apartments (up to two bedrooms)   | 0.75        | per apartment                         |
| Additional bedrooms over Usage Type Allowance   | 0.25        | per bedroom                           |
| Offices, Retail, Automotive Repair & Convenience Store<br>(or commercial uses not included elsewhere in this<br>schedule, up to 30 employees) | 1           | per business                          |
| Additional Employees over Usage Type Allowance  | 0.5         | for up to 15 additional<br>employees  |
| Hair Dresser/Salon/Barber Shop (up to 3 chairs/stations)  | 1           | per business                          |
| Additional Chairs/Stations over Usage Type Allowance  | 0.25        | per chair/station                     |
| Doctor/Dentist Office   | 1           | per doctor/dentist                    |
| Restaurant/Diner/Bar (up to 12 seats)   | 1           | per establishment                     |
| Additional Seats over Usage Type Allowance  | 0.5         | for up to 6 additional<br>seats       |
| Hotel/Motel/Inn (up to 4 rooms)   | 1           | per establishment                     |
| Additional Rooms over Usage Type Allowance  | 1           | for up to 4 additional<br>rooms       |
| Supermarket (up to 3,500 sq. ft.)   | 1           | per business                          |
| Additional Square Footage over Usage Type Allowance   | 1           | for up to 3,500 additional<br>sq. ft. |
| Vacant Land/Parking Lot/Storage Lot   | 1           | per parcel                            |

The Hillsdale Town Board will determine appropriate EDUs to be charged for any use not listed or conforming to the usage types listed above.

**Section 4. Vacant Land/Benefit Charges.**

(a) The Town Board hereby determines that parcels of vacant land located within the district are specifically benefitted by the existence of the sewage district facilities, including the ability to connect such vacant land properties to the treatment system in the future.

(b) Therefore, there is hereby established as a charge upon such benefitted vacant land a special benefit assessment to defray the cost of the financing of the improvements of the sewage treatment system, which is determined to be equivalent compensation for the enhanced value derived from the sewage treatment system.

(c) The amount of the special benefit assessment for vacant land parcels shall be one Equivalent Dwelling Unit per parcel, as set for in Section 3 above.

**Section 5. Billing and Unpaid Charges.**

(a) The sewer use/benefit charge shall be billed quarterly on January 1, April 1, July 1, and October 1 of each year.

(b) All sewer use bills shall be due and payable on presentation. If not paid within 30 days of presentation, a penalty of 10% per annum shall be added to said bill.

(c) The Town Supervisor shall file, prior to the time for completion of the annual town tax levy, a certificate of all unpaid sewer use/benefit charges, together with a statement as to the property on which the same were incurred, with the Town Board, which shall, in preparation of the next annual tax levy, levy these said amounts upon such property, and the same shall be levied and collected and enforced in the same manner, by the same proceedings, at the same time, with the same penalties and having the same lean upon the property assessed as the general town tax and as a part thereof.

**Section 6. Parcel Usage Inspection/Review.**

The Hillsdale Town Board, or its duly authorized representative, shall have the right to periodically inspect all parcels in the District, and shall have access to such parcels (including the buildings and improvements thereon) for the purpose of verifying the type of usage occurring on the parcel and the correctness of the EDU charge for such parcel usage. Such inspection shall also occur upon :

- (a) Any change in use occurring on the parcel;
- (b) Any sale of the parcel, or portion thereof;

- (c) The issuance of a building permit for the parcel;
- (d) Upon request of the parcel owner (but not more than once per year).

**Section 7. Prohibited Discharges.**

The discharge of any waters containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge or effluent of the sewage treatment system, or to injure or interfere with the sewage treatment process, or to constitute a hazard in or have an adverse affect on the property or waters receiving any discharge from the sewage treatment facility is hereby prohibited.

**Section 8. Effective Date.**

This Local Law shall take effect immediately.



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 \_\_\_\_\_ 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 \_\_\_\_\_, \_\_\_\_\_ 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 \_\_\_\_\_ of the County of \_\_\_\_\_ State of New York, having been submitted to the electors at the General Election of November \_\_\_\_\_, \_\_\_\_\_, 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

**RUTH DODDS, Town Clerk**

Date: April 17, 2007

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK  
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature Nelson R. Alford, Jr.

\_\_\_\_\_  
Town Attorney

\_\_\_\_\_  
Title

~~County~~

~~City~~

Town of Hillsdale

~~Village~~

Date: April 17, 2007

(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.

County  
City of Hillsdale  
Town  
Village

Local Law No. 5 of the year 2007

A local law Establishing Sewer Use Regulations for Sewer District No. 1 of the Town of Hillsdale

(Insert Title)

Be it enacted by the Town Board of the

County  
City of Hillsdale as follows:  
Town  
Village

**Section 1. Purpose.**

The purpose of this Local Law is as follows:

(a) To prohibit excessive volumes and/or inordinate rates of flow of sewage and waste into the sewage treatment system of the Town of Hillsdale Sewer District No. 1.

(b) To prohibit the contribution of sewage, industrial waste, or other wastes of a flammable nature or which create in any way a poisonous or hazardous environment for the sewage system operation personal.

(c) To prohibit the contribution of sewage, industrial waste, or other waste which may cause maintenance difficulties in the lateral and trunk sewers, force mains, pumping stations and other structures and appurtenances of the sewage treatment system.

(d) To prohibit the contribution of sewage, industrial waste, or other waste which require, for treatment at the sewage treatment facility, greater expenditures than are required for equal volumes of normal sewage.

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

(e) To require the treatment, before introduction into the district sewer lines, such wastes as may otherwise impair the strength and/or durability of the structures appurtenant to the sewage system, by direct or indirect chemical action, or interfere with normal treatment processes.

(f) To protect the public health and prevent nuisances.

## **Section 2. Prohibitive Practices; Use of Public Sewers Required.**

(a) It shall be unlawful for any person to place, deposit, or permit to be deposited on public or private property within the boundaries of the Town of Hillsdale Sewer District No. 1, or in any area under the jurisdiction of the Town of Hillsdale, any human or animal excrement, garbage, or other objectionable waste.

(b) It shall be unlawful to discharge into any natural outlet within boundaries of the Town of Hillsdale Sewer District No. 1 any sewage or other polluted waste, except where suitable treatment has been provided in accordance with the subsequent provisions of this Local Law.

(c) As of the effective date of this Local Law, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool, or other facility intended or used for the disposal of sewage within the boundaries of Sewer District No. 1 of the Town of Hillsdale.

(d) The owners of all houses, buildings, or property used for human occupancy, employment, recreation or other purposes, situate within the boundaries of Sewer District No. 1 are hereby required at their expense to install suitable toilet facilities therein and to connect such facilities directly with the district sewer system in accordance with the provisions of this Local Law within 90 days after date of official notice to do so.

## **Section 3. Building and Sewers and Connection.**

(a) No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any district sewer line or appurtenance thereof without first obtaining a written permit from the Town.

(b) The owner or his agent shall make application on a special form furnished by the Town. The permit application shall be supplemented by any plans, specifications, or other information considered pertinent in the judgment of the Town. A permit and inspection fee as set forth from time to time by the Town Board shall be paid to the Town at the time the application is filed.

(c) All costs and expenses incident to the installation and connection of the building to the sewer shall be borne by the owner. The owner shall indemnify the District from any loss or damage which may directly or indirectly be occasioned by the installation of the building sewage facilities and the connection of the same to the District sewage treatment system.



(f) The size, slope, alignment, and materials of construction of a building sewer and the methods to be used in excavating, installing, placing of pipe, joining, testing, and backfilling shall conform to the State Building and Plumbing Code, or such applicable rules and regulations applicable in the District.

(g) No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or of groundwater to a building sewer or building drain which in turn is connected directly to the district sanitary sewer system.

(h) The applicant for the building sewer permit shall notify the building inspector when the building sewer is ready for inspection for connection to the district sewer system. Connection shall be made under the supervision of the Building Inspector or his representative.

(i) All excavations for building sewer installations shall be adequately sheeted and guarded with barricade and lights so as to protect the public from hazard. Streets, sidewalks, and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Building Inspector.

#### **Section 4. Interference With or Damage to a System.**

No person shall maliciously, willfully, or negligently break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage system of the Town of Hillsdale Sewer District No. 1. Any person violating this provision shall be subject to immediate arrest under charge of criminal tampering.

#### **Section 5. Powers and Authority of Inspector.**

(a) The Town Building Inspector, representatives of the New York State Department of Environmental Conservation and the United States Environmental Protection Agency or other duly authorized employee of the Town and/or County bearing proper credentials and identification shall be permitted to enter all property for the purpose of inspection, observation, measurements, sampling, and testing equality and quantity of waste discharged into the sewers or facilities or waste treatment in accordance with the provisions of this Local Law.

(b) Refusal to permit the entry upon private land required to perform the necessary work referred to in subparagraph (a) above shall be punishable by such penalties as prescribed hereafter.

(c) The Building Inspector, representatives of the New York State Department of Environmental Conservation or the United States Environmental Protection Agency or other duly authorized employees of the Town or County bearing proper credentials and identification shall be permitted to enter all private properties through which the District holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurements, sampling, repair and maintenance of any portion of the sewage works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly

negotiated easement pertaining to the private property involved.

(d) The District is authorized to issue an order to cease and desist and direct those persons not complying with the provisions of this Local Law to:

1. comply forthwith;
2. comply in accordance with a time schedule set forth by the District; or
3. take appropriate remedial or preventative action in the event of a threatened violation.

**Section 6. Penalties for Offenses.**

(a) A violation of the provisions of this Local Law shall constitute an offense, each such violation may be punished by a fine not exceeding \$250 or by imprisonment not exceeding 15 days or by both such fine and imprisonment. Each day of continuing violation shall be subject to a separate fine, imprisonment, or both.

(b) Any violation of this Local Law which causes expense to the District may also be punished by a civil suit against the violator, brought in the name of the Town, in Town Court, or other Court of competent jurisdiction, to recover such expense, cost, or damages.

**Section 7. Effective Date.**

This Local Law shall take effect as provided by Town Law.

(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 2007 of the (County)(City)(Town)(Village) of Hillsdale was duly passed by the Town Board on April 17, 2007, 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 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, and was (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ and was deemed duly adopted on \_\_\_\_\_, \_\_\_\_\_, \_\_\_\_\_.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*  
in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. \_\_\_\_\_ of \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, and (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_. 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 \_\_\_\_\_, \_\_\_\_\_, in accordance with the applicable provisions of law.  
*(Name of Legislative Body)*  
*(Elective Chief Executive Officer\*)*

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 \_\_\_\_\_ of the (County)(City)(Town)(Village) of \_\_\_\_\_ was duly passed by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_, and (approved)(not disapproved)(repassed after disapproval) by the \_\_\_\_\_ on \_\_\_\_\_, \_\_\_\_\_. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of \_\_\_\_\_, \_\_\_\_\_, 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.)

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\_\_\_\_\_  
Clerk of the County legislative body, City, Town or Village Clerk  
or officer designated by local legislative body

**RUTH DODDS, Town Clerk**

Date: April 17, 2007

(Seal)

**(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)**

STATE OF NEW YORK  
COUNTY OF COLUMBIA

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

\_\_\_\_\_  
Signature Nelson R. Alford, Jr.

Town Attorney

Title

County

City

Town of Hillsdale

Village

Date: April 17, 2007