

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
162 WASHINGTON AVENUE, ALBANY, NY 12231

(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.

Village of Wellsville

Local Law No. 1- of the year 2006

A local law amending 2 of 1975

Be it enacted by the Board of Trustees of the

Village of Wellsville as follows:

Section 1 Sewer rents shall constitute a lien upon the real property in the village. Any sewer rent bills delinquent as of March 1st of every year may be levied against the property with the annual village tax, in the same fashion as unpaid water charges are collected with village taxes. This section shall be construed in conjunction with Article 3 Section 7 of this Local Law

Section 2 Effective Date

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. 1 of 2006 of the (County)(City)(Town)(Village) of Wellsville was duly passed by the Board of Trustees on 04-29-06, 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 approved)(repassed after disapproval) by the _____ and was deemed duly adopted on _____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer)*

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 was (approved)(not approved)(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.

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 was (approved)(not approved)(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.

* 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 _____ 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... above.



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

(Seal)

Date: 04-25-06

(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 Allegany

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

Village Attorney

Title

County
City of Wellsville
Town
Village

Date: 04-25-06

Sewer Rates

Service charge (per month)	\$4.32	\$4.75
Usage rate (per unit)	\$1.22	\$1.34

Outside Village customers are charged @ 150%

Miscellaneous sewer charges

Sewer connection fee	\$500.00
Sewer repair or reconnect fee	\$150.00
Street opening	\$150.00

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VILLAGE OF WELLSVILLE

LOCAL LAW NO. 3 OF 2003

A Local law amending the sewer rent charges for the Village of Wellsville, NY sewer users

Be it enacted by the Board of Trustees of the Village of Wellsville as follows:

SECTION I. Sewer rates for property and premises

Monthly service charge shall be:

Net \$ 4.32
Gross \$ 4.75

Charges per 100 cubic feet of water used shall be:

Net \$1.22
Gross \$1.34

SECTION II. Effective date--this local law shall become effective either upon filing with the New York State Secretary of State or the June 01, 2003 billing.

Local Law Filing

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VILLAGE OF WELLSVILLE

LOCAL LAW NO. 1 OF 2002

A Local law amending the sewer rent charges for the Village of Wellsville, NY sewer users

Be it enacted by the Board of Trustees of the Village of Wellsville as follows:

SECTION I. Sewer rates for property and premises

Monthly service charge shall be:

Net	\$ 3.60
Gross	\$ 3.96

Charges per 100 cubic feet of water used shall be:

Net	\$1.01
Gross	\$1.18

SECTION II. Effective date--this local law shall become effective either upon filing with the New York State Secretary of State or the June 01, 2002 billing.

Local Law Filing

NEW YORK STATE DEPARTMENT OF STATE
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VILLAGE OF WELLSVILLE

LOCAL LAW NO. 1 OF 2001

A Local law amending the sewer rent charges for the Village of Wellsville, NY sewer users

Be it enacted by the Board of Trustees of the Village of Wellsville as follows:

SECTION I. Sewer rates for property and premises

Monthly service charge shall be:

Net	\$ 3.00
Gross	\$ 3.30

Charges per 100 cubic feet of water used shall be:

Net	\$.84
Gross	\$.92

SECTION II. Effective date--this local law shall become effective either upon filing with the New York State Secretary of State or the June 01, 2001 billing.

2 of 1979

A Local Law Amending Sewer Rent Charges

adopted: 5-29-79

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK, AS FOLLOWS:

ARTICLE 1

ARTICLE 1, Paragraph B of Local Law # 3 for the year 1978
is hereby amended to read as follows:

B. Rates for Property and premises

Monthly service charge shall be:

Net \$ 1.50

Gross \$ 1.65

Charges per 100 cu. ft. of water used
shall be:

Net \$.48

Gross \$.50

A Local Law Amending Sewer Rent Charges and The Manner Of Collection Of Same.

adopted: 8-29-78

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK AS FOLLOWS:

ARTICLE I

Article II of Local Law No. 1 of the year 1972 is hereby amended to read as follows:

Establishment of Sewer Rents

Sewer rents shall be imposed and collected on a monthly basis, and said sewer rents shall be a charge upon the real property within the Village using the sewer system. Schedule and table of charges is hereby established as follows:

A. Sewer rents shall be based upon a monthly service charge and upon the consumption of water on the premises or such part or parts thereof connected with and served by the sewer system. In the event that water consumption is estimated because of inability to take readings from the water meters, sewer rents shall be based upon such estimated water consumption, and rents shall be adjusted to reflect actual water consumed after a water meter reading can be obtained.

B.(1) Rates for property and premises within the Village.

Monthly service charge shall be:

Net\$1.50
Gross\$1.65

Charges per 100 cu. ft. of water used shall be:

Net \$.48

Gross \$.50

(2) Rates for property and premises outside the Village.

Monthly service charge shall be:

Net \$2.25

Gross \$2.48

Charges per 100 cu. ft. of water used shall be:

Net \$.72

Gross \$.75

ARTICLE II

Article III, Section I of Local Law No. 1 for the year 1972 is hereby amended to read as follows:

Statements

Sewer rent charges shall be made on the same day as the customer's regular monthly water charges and may be billed and notices sent to property owners, or to such other responsible person as may be agreed upon, separately or as a combined statement with the water rent statement.

ARTICLE III

Article III, Section 2 of Local Law No. 1 of the year 1972 is hereby amended to read as follows:

Payment

Sewer rents shall be paid at the office of the Water and Light Department, Municipal Building, Wellsville, New York, by mail or in person by the 10th day of each month. Sewer rents paid before the 10th day of the month shall be based upon the net amount specified in Article II, as amended in 1978. Sewer rents paid after the 10th day of any month shall be based upon the gross amount specified in Article II, as amended in 1978.

ARTICLE IV

This Local Law shall be effective immediately.

2 of 1975

A Local Law Pertaining To The Inclusion Of Unpaid Sewer Rents Into The Annual Tax Levy

adopted: 2-24-75

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK AS FOLLOWS:

Section 1. Section 3 of Article 3 of the Local Law No. 1 for the Year of 1972 is hereby amended to read as follows:

Unpaid Sewer Rents:

Sewer rents shall constitute a lien upon the real property in the Village. Sewer Rents delinquent in payment as of March 1 of any fiscal year may be levied against the property with the annual Village tax, in the same fashion as unpaid water charges are collected with Village taxes. This section shall be construed in conjunction with Article 3 Section 7 of this Local Law.

Section 2. This Local Law shall take effect immediately.

A Local Law to Establish and Impose Sewer Rents

Be it enacted by the Board of Trustees of the Village of Wellsville, New York, as follows:

Chapter 47

Article I

- Section 1. This Local Law shall be known as Chapter 47 of the Codified Laws of the Village of Wellsville. As used in this Local Law, the following terms shall mean and include:
- Section 2. "Village", the Village and/or the Municipality shall mean the incorporated Village of Wellsville, a municipal corporation of the State of New York, located in the Town of Wellsville, Allegany County, State of New York.
- Section 3. "Sewer Rents." A scale of annual charges established and imposed in the Village pursuant to this article for use of a sewer system or any part or parts thereof. Such charges may be based on either
- (a) the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof,
 - (b) the number and kind of plumbing fixtures on the premises connected with and served by the sewer system or such part or parts thereof,
 - (c) the number of persons served on the premises connected with and served by the sewer system or such part or parts thereof,
 - (d) the volume and character of sewage, industrial waste and other wastes discharged into the sewer system or such part or parts thereof, or
 - (e) upon any other equitable basis determined by the legislative body, including but not limited to

any combination of the foregoing.

- Section 4. "Sewer System." 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 including sewage pumping stations and sewage treatment and disposal works, if any.
- Section 5. "Part." As used in relation to the term "sewer system": All lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, each part with necessary appurtenances including sewage pumping stations.
- Section 6. "Sewage" The water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration and surface water as may be present. 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 article.
- Section 7. "Industrial waste." 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.
- Section 8. "Other wastes." Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals, and all other discarded matter not sewage or industrial waste.

Article II
ESTABLISHMENT OF SEWER RENTS

The Village hereby establishes and imposes sewer rents for the use of the sewer system or a part or parts thereof in accordance with the table of rents hereinafter set forth. Said sewer rents shall be imposed and collected on a quarterly basis as herein provided and said sewer rents shall be a charge on the real property within the Village using such sewer system. The said quarterly schedule and table or charges is hereby established as follows: the sewer rents shall be based upon the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof and shall not exceed 100% of the water tariff imposed upon the premises as determined by Chapter 37 of the Ordinances of the Village of Wellsville and as the said Chapter 37 may be amended from time to time.

Article III
COLLECTION OF SEWER RENTS

Section 1. Statements:

Sewer rent charges shall be made on the same day as the regular quarterly water charges and may be billed and notices sent to property owners separately or as a combined statement with the water rent statement. Such sewer rent charges shall be based upon the current quarterly water meter reading and shall not exceed 100% of the water tariff. The sewer rent charges as a percentage of the water tariff shall be as set from time to time by resolution of the Village Board. The Village shall send to each property owner by regular mail such statement setting forth the sewer rent due in accordance herewith.

Section 2. Payment:

All sewer rents are to be paid at the office of the

Water and Light Department of the Village of Wellsville within twenty days of the date of mailing of the statement to the property owner. After said twenty day period a penalty of 10% shall be added to the amount of the sewer rent statement.

Section 3. Unpaid Sewer Rents:

Sewer rents shall constitute a lien upon the real property within the Village. Sewer rents which remain unpaid for a period of at least six months may be relieved against said property with the annual Village Tax, in the same fashion as unpaid water charges are collected with Village taxes.

Section 4. Discontinuance of Service:

If sewer rentals remain unpaid for a period of three months the Village may discontinue service by terminating the water service to the real property served.

Section 5. First Payment of Sewer Rent:

The first payment of sewer rent shall be due and payable for the first complete water meter reading period the the property owner had sewer service available and in each water meter period thereafter, after the effective date of this Local Law.

Section 6. Property Owner Responsible for Payment of Sewer Rent:

Notwithstanding the provision herein for mailing notice of sewer rent charges, failure of any user or property owner to receive a bill promptly shall not excuse non-payment of the same, and in the event said property owner or user fails to receive a bill promptly, he shall, upon request made to the Village Water and Light Department during regular Village office hours, be furnished with such notice or a duplicate of such notice. The Village will not employ a sewer rent collector and such collections and the payment of sewer rentals shall be made at the office of the Water and Light Department of the Village of Wellsville which is hereby authorized to issue receipts for such payment.

Section 7. Delinquent Notice to be Mailed and Collection and Annual Tax Levy:

If sewer rents are not paid when due as herein provided, a notice of at least ten days shall be sent to such user at the last address available on the books of the Village, demanding payment of said user or property owner or advising that the sewer service and/or water service are subject to discontinuance. After the expiration of the period specified in such notice and in conformance with this Local Law such sewer service and/or water service may be discontinued by the Village without further notice. All sewer rents remaining due and unpaid at the time the annual Village Tax levy is made shall be included therein pursuant to the General Municipal Law and levied against the real property on which the same has been used, and shall be collected and enforced with and in the same manner, and at the same time, as other Village taxes.

ARTICLE IV
SPECIAL SITUATIONS

Section 1. Special Rate for Users of Water Which is not Discharged to Sewer System:

Certain uses of water result in discharge into the air as steam or are unpolluted and are discharged into natural water courses, or may be otherwise discharged other than through the sanitary sewer system. The users of such water will be entitled to special rates on agreement with the Village Board and on a showing of limited load cast on the system notwithstanding a large water consumption and large water meter reading. Such users, in order to be entitled to such special rates, shall prepare and present to the Village Board such general data, statistical data and supporting reports and surveys as may be appropriate. Such reports shall be verified by qualified persons and shall contain the request for the rate which such user deems

fair and equitable in the circumstance. The Village Board shall thereupon make such additional or other investigation as it deems advisable and shall then fix the rate which the Village Board, based upon the factual situation, deems to be a fair and equitable rate under such circumstances, giving due consideration to the load and volume actually discharged into the sewer system.

The regular rate will be applied for failure to apply for a special rate as provided by this Section. Refunds may be applied for pursuant to Article V herein. All agreements regarding special rates shall be for one year and shall be reviewed and renewable on a year to year basis.

Section 2. Private Water Sources:

Real property in the Village receiving water from private water sources and which said properties are required to use the sanitary sewer system of the Village are required to have such private water sources metered by regular Village water meter and the sewer rent charges herein established shall apply to such real property based upon such metered water consumption, notwithstanding the fact that said real property does not incur the usual water bill. In the event that users of water from private sources fail to have said sources metered, the Village shall estimate the amount of water used based on metered readings at properties with like or similar use and occupancy. The Village shall make no charge for the water used but shall use the water meter reading as the basis for making the usual sewer charge.

ARTICLE V
CORRECTION OF ERRORS

Section 1. If any owner of real property on which a sewer rent has been imposed deems himself aggrieved because such

real property is not served by the sewer system or an error has been made in computing such sewer rent, he may file an application for a refund of all or part of such sewer rent. Such application shall be verified by said real property owner or his duly authorized agent or other representative personally familiar with the facts, and shall set forth the amount of refund sought and the grounds therefor. Such application shall be presented to the Village Clerk and to the Village Treasurer and both of said officers shall forward the same to the Trustees of the Village with recommendation thereon in relation to the claim and the facts as reflected on the books and records of the Village. The Board of Trustees may refund all or part of such sewer rent.

ARTICLE VI
GENERAL PROVISIONS

- Section 1. All prior ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 2. The invalidity of any section, clause, or sentence or provision of this Local Law shall not affect the vailidity of any other part of this Local Law which can be given effect without such invalid part of parts.
- Section 3. This Local Law shall take effect immediately.
- Section 4. This Local Law shall be added to the existing Local Laws of the Village.
- Section 5. The Village may establish such administrative and other procedures as the Village Board deems necessary to implement this Local Law.

2 of 1979

A Local Law Amending Sewer Rent Charges

adopted: 5-29-79

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF
WELLSVILLE, NEW YORK, AS FOLLOWS:

ARTICLE 1

ARTICLE 1, Paragraph B of Local Law # 3 for the year 1978
is hereby amended to read as follows:

B. Rates for Property and premises

Monthly service charge shall be:

Net \$ 1.50

Gross \$ 1.65

Charges per 100 cu. ft. of water used
shall be:

Net \$.48

Gross \$.50

A Local Law Amending Sewer Rent Charges and The Manner Of Collection Of Same.

adopted: 8-29-78

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK AS FOLLOWS:

ARTICLE I

Article II of Local Law No. 1 of the year 1972 is hereby amended to read as follows:

Establishment of Sewer Rents

Sewer rents shall be imposed and collected on a monthly basis, and said sewer rents shall be a charge upon the real property within the Village using the sewer system. Schedule and table of charges is hereby established as follows:

A. Sewer rents shall be based upon a monthly service charge and upon the consumption of water on the premises or such part or parts thereof connected with and served by the sewer system. In the event that water consumption is estimated because of inability to take readings from the water meters, sewer rents shall be based upon such estimated water consumption, and rents shall be adjusted to reflect actual water consumed after a water meter reading can be obtained.

B.(1) Rates for property and premises within the Village.

Monthly service charge shall be:

Net\$1.50
Gross\$1.65

Charges per 100 cu. ft. of water used shall be:

Net \$.48

Gross \$.50

(2) Rates for property and premises outside the Village.

Monthly service charge shall be:

Net \$2.25

Gross \$2.48

Charges per 100 cu. ft. of water used shall be:

Net \$.72

Gross \$.75

ARTICLE II

Article III, Section I of Local Law No. 1 for the year 1972 is hereby amended to read as follows:

Statements

Sewer rent charges shall be made on the same day as the customer's regular monthly water charges and may be billed and notices sent to property owners, or to such other responsible person as may be agreed upon, separately or as a combined statement with the water rent statement.

ARTICLE III

Article III, Section 2 of Local Law No. 1 of the year 1972 is hereby amended to read as follows:

Payment

Sewer rents shall be paid at the office of the Water and Light Department, Municipal Building, Wellsville, New York, by mail or in person by the 10th day of each month. Sewer rents paid before the 10th day of the month shall be based upon the net amount specified in Article II, as amended in 1978. Sewer rents paid after the 10th day of any month shall be based upon the gross amount specified in Article II, as amended in 1978.

ARTICLE IV

This Local Law shall be effective immediately.

2 of 1975

A Local Law Pertaining To The Inclusion Of Unpaid Sewer Rents Into The Annual Tax Levy

adopted: 2-24-75

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE VILLAGE OF WELLSVILLE, NEW YORK AS FOLLOWS:

Section 1. Section 3 of Article 3 of the Local Law No. 1 for the Year of 1972 is hereby amended to read as follows:

Unpaid Sewer Rents:

Sewer rents shall constitute a lien upon the real property in the Village. Sewer Rents delinquent in payment as of March 1 of any fiscal year may be levied against the property with the annual Village tax, in the same fashion as unpaid water charges are collected with Village taxes. This section shall be construed in conjunction with Article 3 Section 7 of this Local Law.

Section 2. This Local Law shall take effect immediately.

A Local Law to Establish and Impose Sewer Rents

Be it enacted by the Board of Trustees of the Village of Wellsville, New York, as follows:

Chapter 47

Article I

Section 1. This Local Law shall be known as Chapter 47 of the Codified Laws of the Village of Wellsville. As used in this Local Law, the following terms shall mean and include:

Section 2. "Village", the Village and/or the Municipality shall mean the incorporated Village of Wellsville, a municipal corporation of the State of New York, located in the Town of Wellsville, Allegany County, State of New York.

Section 3. "Sewer Rents." A scale of annual charges established and imposed in the Village pursuant to this article for use of a sewer system or any part or parts thereof. Such charges may be based on either

- (a) the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof,
- (b) the number and kind of plumbing fixtures on the premises connected with and served by the sewer system or such part or parts thereof,
- (c) the number of persons served on the premises connected with and served by the sewer system or such part or parts thereof,
- (d) the volume and character of sewage, industrial waste and other wastes discharged into the sewer system or such part or parts thereof, or
- (e) upon any other equitable basis determined by the legislative body, including but not limited to

any combination of the foregoing.

Section 4. "Sewer System." 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 including sewage pumping stations and sewage treatment and disposal works, if any.

Section 5. "Part." As used in relation to the term "sewer system": All lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, each part with necessary appurtenances including sewage pumping stations.

Section 6. "Sewage" The water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration and surface water as may be present. 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 article.

Section 7. "Industrial waste." 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.

Section 8. "Other wastes." Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals, and all other discarded matter not sewage or industrial waste.

Article II
ESTABLISHMENT OF SEWER RENTS

The Village hereby establishes and imposes sewer rents for the use of the sewer system or a part or parts thereof in accordance with the table of rents hereinafter set forth. Said sewer rents shall be imposed and collected on a quarterly basis as herein provided and said sewer rents shall be a charge on the real property within the Village using such sewer system. The said quarterly schedule and table or charges is hereby established as follows: the sewer rents shall be based upon the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof and shall not exceed 100% of the water tariff imposed upon the premises as determined by Chapter 37 of the Ordinances of the Village of Wellsville and as the said Chapter 37 may be amended from time to time.

Article III
COLLECTION OF SEWER RENTS

Section 1. Statements:

Sewer rent charges shall be made on the same day as the regular quarterly water charges and may be billed and notices sent to property owners separately or as a combined statement with the water rent statement. Such sewer rent charges shall be based upon the current quarterly water meter reading and shall not exceed 100% of the water tariff. The sewer rent charges as a percentage of the water tariff shall be as set from time to time by resolution of the Village Board. The Village shall send to each property owner by regular mail such statement setting forth the sewer rent due in accordance herewith.

Section 2. Payment:

All sewer rents are to be paid at the office of the

Water and Light Department of the Village of Wellsville within twenty days of the date of mailing of the statement to the property owner. After said twenty day period a penalty of 10% shall be added to the amount of the sewer rent statement.

Section 3. Unpaid Sewer Rents:

Sewer rents shall constitute a lien upon the real property within the Village. Sewer rents which remain unpaid for a period of at least six months may be relieved against said property with the annual Village Tax, in the same fashion as unpaid water charges are collected with Village taxes.

Section 4. Discontinuance of Service:

If sewer rentals remain unpaid for a period of three months the Village may discontinue service by terminating the water service to the real property served.

Section 5. First Payment of Sewer Rent:

The first payment of sewer rent shall be due and payable for the first complete water meter reading period the the property owner had sewer service available and in each water meter period thereafter, after the effective date of this Local Law.

Section 6. Property Owner Responsible for Payment of Sewer Rent:

Notwithstanding the provision herein for mailing notice of sewer rent charges, failure of any user or property owner to receive a bill promptly shall not excuse non-payment of the same, and in the event said property owner or user fails to receive a bill promptly, he shall, upon request made to the Village Water and Light Department during regular Village office hours, be furnished with such notice or a duplicate of such notice. The Village will not employ a sewer rent collector and such collections and the payment of sewer rentals shall be made at the office of the Water and Light Department of the Village of Wellsville which is hereby authorized to issue receipts for such payment.

Section 7. Delinquent Notice to be Mailed and Collection and Annual Tax Levy:

If sewer rents are not paid when due as herein provided, a notice of at least ten days shall be sent to such user at the last address available on the books of the Village, demanding payment of said user or property owner or advising that the sewer service and/or water service are subject to discontinuance. After the expiration of the period specified in such notice and in conformance with this Local Law such sewer service and/or water service may be discontinued by the Village without further notice. All sewer rents remaining due and unpaid at the time the annual Village Tax levy is made shall be included therein pursuant to the General Municipal Law and levied against the real property on which the same has been used, and shall be collected and enforced with and in the same manner, and at the same time, as other Village taxes.

ARTICLE IV
SPECIAL SITUATIONS

Section 1. Special Rate for Users of Water Which is not Discharged to Sewer System:

Certain uses of water result in discharge into the air as steam or are unpolluted and are discharged into natural water courses, or may be otherwise discharged other than through the sanitary sewer system. The users of such water will be entitled to special rates on agreement with the Village Board and on a showing of limited load cast on the system notwithstanding a large water consumption and large water meter reading. Such users, in order to be entitled to such special rates, shall prepare and present to the Village Board such general data, statistical data and supporting reports and surveys as may be appropriate. Such reports shall be verified by qualified persons and shall contain the request for the rate which such user deems

fair and equitable in the circumstance. The Village Board shall thereupon make such additional or other investigation as it deems advisable and shall then fix the rate which the Village Board, based upon the factual situation, deems to be a fair and equitable rate under such circumstances, giving due consideration to the load and volume actually discharged into the sewer system.

The regular rate will be applied for failure to apply for a special rate as provided by this Section. Refunds may be applied for pursuant to Article V herein. All agreements regarding special rates shall be for one year and shall be reviewed and renewable on a year to year basis.

Section 2. Private Water Sources:

Real property in the Village receiving water from private water sources and which said properties are required to use the sanitary sewer system of the Village are required to have such private water sources metered by regular Village water meter and the sewer rent charges herein established shall apply to such real property based upon such metered water consumption, notwithstanding the fact that said real property does not incur the usual water bill. In the event that users of water from private sources fail to have said sources metered, the Village shall estimate the amount of water used based on metered readings at properties with like or similar use and occupancy. The Village shall make no charge for the water used but shall use the water meter reading as the basis for making the usual sewer charge.

ARTICLE V
CORRECTION OF ERRORS

Section 1. If any owner of real property on which a sewer rent has been imposed deems himself aggrieved because such

real property is not served by the sewer system or an error has been made in computing such sewer rent, he may file an application for a refund of all or part of such sewer rent. Such application shall be verified by said real property owner or his duly authorized agent or other representative personally familiar with the facts, and shall set forth the amount of refund sought and the grounds therefor. Such application shall be presented to the Village Clerk and to the Village Treasurer and both of said officers shall forward the same to the Trustees of the Village with recommendation thereon in relation to the claim and the facts as reflected on the books and records of the Village. The Board of Trustees may refund all or part of such sewer rent.

ARTICLE VI
GENERAL PROVISIONS

- Section 1. All prior ordinances or parts of ordinances in conflict herewith are hereby repealed.
- Section 2. The invalidity of any section, clause, or sentence or provision of this Local Law shall not affect the vailidity of any other part of this Local Law which can be given effect without such invalid part of parts.
- Section 3. This Local Law shall take effect immediately.
- Section 4. This Local Law shall be added to the existing Local Laws of the Village.
- Section 5. The Village may establish such administrative and other procedures as the Village Board deems necessary to implement this Local Law.

LOCAL LAW NO. 1, 1972

A LOCAL LAW TO ESTABLISH AND IMPOSE SEWER RENTS

BE IT ENACTED BY THE BOARD OF TRUSTEES OF THE
VILLAGE OF WELLSVILLE, NEW YORK, AS FOLLOWS:

CHAPTER 47

ARTICLE I

DEFINITIONS AND NUMBER OF LOCAL LAW

Section 1: This Local Law shall be known as Chapter 47 of the Codified Laws of the Village of Wellsville. As used in this Local Law, the following terms shall mean and include:

Section 2. "Village", The Village and/or The Municipality shall mean the incorporated Village of Wellsville, a municipal corporation of the State of New York, located in the Town of Wellsville, Allegany County, State of New York.

Section 3. "Sewer rents." A scale of annual charges established and imposed in the Village pursuant to this article for use of a sewer system or any part or parts thereof. Such charges may be based on either

- (a) the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof,
- (b) the number and kind of plumbing fixtures on the premises connected with and served by the sewer system or such part or parts thereof,
- (c) the number of persons served on the premises connected with and served by the sewer system or such part or parts thereof,
- (d) the volume and character of sewage, industrial waste and other wastes discharged into the sewer system or such part or parts thereof, or
- (e) upon any other equitable basis determined by the local legislative body, including but not limited to any combination of the foregoing.

Section 4. "Sewer system." 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 including sewage pumping stations and sewage treatment and disposal works, if any.

Section 5. "Part." As used in relation to the term "sewer system": All lateral sewers, or all branch sewers, or all interceptor sewers, or all trunk sewers, and any sewage treatment and disposal works, each part with necessary appurtenances including sewage pumping stations.

Section 6. "Sewage." The water-carried human or animal wastes from residences, buildings, industrial establishments, or other places, together with such ground water infiltration and surface water as may be present. 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 article.

Section 7. "Industrial waste." 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.

Section 8. "Other wastes." Garbage, refuse, decayed wood, sawdust, shavings, bark, sand, lime, cinders, ashes, offal, oil, tar, dye stuffs, acids, chemicals, and all other discarded matter not sewage or industrial waste.

ARTICLE II

ESTABLISHMENT OF SEWER RENTS

The Village hereby establishes and imposes sewer rents for the use of the sewer system or a part or parts thereof in accordance with the table of rents hereinafter set forth. Said sewer rents shall be imposed and collected on a quarterly basis as herein provided and said sewer rents shall be a charge on the real property within the Village using such sewer system. The said quarterly schedule and table of charges is hereby established as follows: the sewer rents shall be based upon the consumption of water on the premises connected with and served by the sewer system or such part or parts thereof and shall not exceed 100% of the water tariff imposed upon the premises as determined by Chapter 37 of the Ordinances of the Village of Wellsville and as the said Chapter 37 may be amended from time to time.

ARTICLE III

COLLECTION OF SEWER RENTS

Section 1. Statements:

Sewer rent charges shall be made on the same day as the regular quarterly water charges and may be billed and notices sent to property owners separately or as a combined statement with the water rent statement. Such sewer rent charges shall be based upon the current quarterly water meter reading and shall not exceed 100% of the water tariff. The sewer rent charges as a percentage of the water tariff shall be as set from time to time by resolution of the Village Board. The Village shall send to each property owner by regular mail such statement setting forth the sewer rent due in accordance herewith.

Section 2. Payment.

All sewer rents are to be paid at the office of the Water and Light Department of the Village of Wellsville within twenty days of the date of mailing of the statement to the property owner. After said twenty day period a penalty of 10% shall be added to the amount of the sewer rent statement.

Section 3. Unpaid Sewer Rents:

Sewer rents shall constitute a lien upon the real property within the Village. Sewer rents which remain unpaid for a period of at least six months may be relieved against said property with the annual Village Tax, in the same fashion as unpaid water charges are collected with Village taxes.

Section 4. Discontinuance of Service:

If sewer rentals remain unpaid for a period of three months the Village may discontinue service by terminating the water service to the real property served.

Section 5. First Payment of Sewer Rent:

The first payment of sewer rent shall be due and payable for the first complete water meter reading period that the property owner had sewer service available and in each water meter period thereafter, after the effective date of this Local Law.

Section 6. Property Owner Responsible for Payment of Sewer Rent:

Notwithstanding the provision herein for mailing notice of sewer rent charges, failure of any user or property owner to receive a bill promptly shall not excuse non-payment of the same, and in the event said property owner or user fails to receive a bill promptly, he shall, upon request made to the Village Water and Light Department during regular Village office hours, be furnished with such notice or a duplicate of such notice. The Village will not employ a sewer rent collector and such collections and the payment of sewer rentals shall be made at the office of the Water and Light Department of the Village of Wellsville which is hereby authorized to issue receipts for such payment.

Section 7. Delinquent Notice to be Mailed and Collection and Annual Tax Levy:

If sewer rents are not paid when due as herein provided, a notice of at least ten days shall be sent to such user at the last address available on the books of the Village, demanding payment of said user or property owner or advising that the sewer service and/or water service are subject to discontinuance. After the expiration of the period specified in such notice and in conformance with this Local Law such sewer service and/or water service may be discontinued by the Village without further notice. All sewer rents remaining due and unpaid at the time the annual Village Tax levy is made shall be included therein pursuant to the General Municipal Law and levied against the real property on which the same has been used, and shall be collected and enforced with and in the same manner, and at the same time, as other Village taxes.

ARTICLE IV

SPECIAL SITUATIONS

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