

Town of Walworth, NY
Monday, September 26, 2011

Chapter 139. SEWERS

[HISTORY: Adopted by the Town Board of the Town of Walworth as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 85.
Stormwater management — See Ch. 147.
Subdivision of land; site plan review — See Ch. 151.
Water — See Ch. 173.
Zoning — See Ch. 180.

Part 1. Sewer Rents

[HISTORY: Adopted by the Town Board of the Town of Walworth as indicated in part histories. Amendments noted where applicable.]

GENERAL REFERENCES

Building construction — See Ch. 85.
Stormwater management — See Ch. 147.
Subdivision of land; site plan review — See Ch. 151.
Water — See Ch. 173.
Zoning — See Ch. 180.

Article I. Establishment and Imposition

§ 139-1. Statutory authority; establishment; purpose.

Pursuant to Article 14-F of the General Municipal Law, entitled "Sewer Rent Law," there are hereby established and imposed sewer rents as a means of producing revenue for the sewer system of the Walworth Sewer District.

§ 139-2. Definitions.

[Amended 12-1-1994 by L.L. No. 8-1994; 6-15-1995 by L.L. No. 4-1995]As used in this Part 1, unless the context or subject material otherwise requires, the following terms shall mean and include:

ONE THOUSAND GALLONS

The quantity or unit used in calculating water consumption.

ONE-TIME NEW LAWN CREDIT

A one-time credit, offered to a qualified owner of a newly constructed unit (subsequent to the issuance of a certificate of occupancy), of up to 50,000 gallons in excess of the minimum annual usage for the establishment of an initially planted lawn. The qualified owner will be billed for a minimum of 64,000 gallons annually, and if the owner's consumption during the first four billing

periods following the issuance of a certificate of occupancy, exceeds 64,000 gallons, the owner shall receive, if he exercises his right to receive a one-time credit, a credit of up to 50,000 gallons in excess of the 64,000 gallons. The one-time new lawn credit shall only be available to a qualified owner who constructs a new lawn subsequent to January 1, 1994. *Editor's Note: The former definition of "one-time swimming pool credit" was amended 3-20-2003 by L.L. No. 1-2003. See now "swimming pool credit."*

QUALIFIED OWNER

A unit owner, including the owner of a single living, commercial or industrial unit who:

A. Owns property containing a lawn that is not owned in common with any other property owner; or

B. Leases the unit and has the sole obligation to maintain the lawn on the premises where the unit is located.

QUALIFIED SWIMMING POOL OWNERS

A unit owner, including the owner of a residential unit within a Town sewer district who owns a swimming pool and applies on a form provided by the Town, upon issuing of building permit, for a one-time swimming pool credit.

SEWER RENTS

A scale of annual charges established or imposed in the Town of Walworth for service available by the sewer system or any part or parts thereof.

SWIMMING POOL CREDIT

A credit offered to a qualified swimming pool owner of a newly constructed swimming pool (including a replacement swimming pool) or a reconstructed existing swimming pool. The credit shall be an amount equivalent to the number of gallons required to fill the pool times the sewer rate as determined by the Building Inspector of the Town. [Amended 3-20-2003 by L.L. No. 1-2003]

UNIT

A single living, commercial or industrial unit even though the unit is located within a structure with other units. A single unit is space which includes the necessary amenities and facilities for the operation of the unit, except for structural parts of the building. For example, a living unit would be one or more rooms, plus bath and cooking facilities, dedicated for use of that unit. A commercial or industrial unit would be the space for the commercial use, plus necessary accessory uses which are not part of the common area. The unit need not have a separate water meter. Common areas may also be a separate sewer unit.

WATER CONSUMPTION

The amount of municipally supplied water consumed as recorded by the water meter measuring water consumed on the premises.

not served by a separate water meter will be included on the water bill for the property which includes the unit.

- (3) If the unit is on the approved public water supply and has a missing water meter, or there is a malfunction of a water meter, the sewer rent shall be based upon the average water consumption of a similar unit within the Town of Walworth Sewer District No. 1 as may be determined by the department of the Town rendering the bill.
- (4) If a unit is on an auxiliary supply, the sewer rent shall be based on the minimum charge as provided in § 139-6A of this Part 1.
- (5) There may be special large users of water where the water does not eventually enter the wastewater treatment facilities. In those few cases, the Town Board may, by resolution, determine the amount of water to be consumed by unit which does not enter the wastewater treatment system.

[Amended 5-20-1999 by L.L. No. 3-1999]

- (6) Subsequent to a certificate of occupancy being issued for a newly constructed unit, a qualified owner may register, at any time within the first four billing periods subsequent to the issuance of the certificate of occupancy, for a one-time new lawn credit by filing with the Town a certificate requesting the one-time new lawn credit and, upon filing such certificate, the credit shall be applied to subsequent bills until exhausted, even if such bills are for the minimum charge. The certificate for a one-time new lawn credit shall be issued by the Town on its form, immediately subsequent to the issuance of a certificate of occupancy, and said certificate shall contain an expiration date. If the certificate for a one-time new lawn credit is not filed with the Town by the qualified owner of a unit on or before the expiration date, the qualified owner's right to register for a one-time new lawn credit will expire.

[Added 12-1-1994 by L.L. No. 8-1994]

- (7) Subsequent to the construction of a new swimming pool (including a replacement swimming pool) or the reconstruction of an existing swimming pool and the issuance by the Town's Building Inspector of a certificate of compliance, a qualified swimming pool owner shall receive with the certificate of compliance a credit voucher, which shall be sent to the Town's sewer billing agent by the Building Inspector. The billing agent shall then apply the swimming pool credit on the next sewer bill, billed to the unit owner.

[Added 6-15-1995 by L.L. No. 4-1995]

- B. For those units discharging extra-strength waste, there shall be an additional charge made in addition to a charge as set forth above for the unit. The extra-strength waste charge shall be based upon the strength of the wastes. No unit may discharge extra-strength waste into the sewer system without a special agreement. Each agreement shall be approved by the Town Board and in general follow the Monroe Plan for determining the costs of such extra-strength waste.

§ 139-4. Notification of change of status of property required.

Every property owner or occupant shall notify the Building Inspector, in writing, within 30 days of any change of status of property which requires a change in the number of units or fraction thereof to be used in determining the amount of sewer rents to be charged. The Building Inspector shall report any and all changes of status to the Town Board. Failure to notify shall be a violation of this Part 1.