

(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 Hobart
~~Town~~
Village

Local Law No. 3 of the year 1994.

A local law Sewer Rent Local Law
(Insert Title)

Be it enacted by the Board of Trustees of the
(Name of Legislative Body)

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

This Local Law amends Local Law No. 1 of 1975 which established sewer rents in the Village of Hobart, NY, by revising the methodology by which sewer rents are calculated.

ARTICLE I

Imposition of Sewer Rents: Commencing on the 1st day of January, 1976, in addition to any other charges provided by law, the owner of any real property within the Village of Hobart served or required to be served by the village sewer system maintained and operated by said Village shall pay to the Village of Hobart a sewer rent for the use of such sewer system including sewer collection and sewage treatment plant, as hereinafter provided.

ARTICLE II

Collection of Sewer Rents and Lien Therefore: All sewer rents imposed hereunder shall be due and payable on the 1st day of April, the 1st day of July, the 1st day of October, the 1st day of January for the three month period preceding each such date. If not paid by the 1st day of the month next succeeding there shall be added to the sewer rent due a penalty of five per cent (5%). The officers or body charged with the collection of sewer rents shall annually certify to the Village Clerk the amounts of all such unpaid sewer rents, including penalties computed to the 1st day of the month following the month in which the fiscal year commences, with a description of the real property affected thereby. The Village Clerk shall present such certificate to the Board of Trustees and shall enter the same or an abstract thereof in the minutes of the meeting. The Board of Trustees shall levy such amounts against the real property liable therefor as part of the annual village tax levied, setting forth such amount in a separate column in the annual tax roll. A sewer fund shall be credited with the amount of any unpaid sewer rent including penalties and such amount when collected shall be credited to the general

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

fund. Such taxes shall be collected and enforced in the same manner and at the same time as provided for the collection and enforcement of village taxes, and it shall be the duty of the Village Clerk to charge and collect interest thereon at the same rates specified for the collection of village taxes. Such sewer rents shall constitute a lien upon the real property served by such sewer system, and such lien shall be prior and superior to every other lien or claim except the lien of an existing tax, assessment or other lawful charge.

ARTICLE III

Sewer Rent Statements: The Village Clerk shall render a statement of the amount due from the owner of real property, subject to sewer rents, during the month when such assessment first becomes due. Failure of the Village Clerk to render a statement shall not affect the duty of the owner of real property subject to sewer rents hereunder to pay such rents. In the event no statement is rendered, no interest or penalties shall be imposed thereon, until such statement is rendered.

ARTICLE IV

Sewer Rent Charges: Sewer rents to be charged to the property owners shall be based on the water usage as determined by water meter readings for the preceding calendar quarter in accordance with the following schedule:

| | |
|--|--|
| Minimum charge per calendar quarter | \$80.00 |
| Plus | |
| For water usage in excess of 8000 gal. but not exceeding 50,000 gallons per calendar quarter | \$ 4.75 per 1000 gallons or major fraction thereof |
| For water usage in excess of 50,000 gallons but not exceeding 100,000 gallons per calendar quarter | \$ 4.25 per 1000 gallons or major fraction thereof |
| For water usage in excess of 100,000 gallons per calendar quarter | \$ 3.75 per 1000 gallons or major fraction thereof |

Properties outside the Village limits shall be charged at a rate of one hundred fifty percent (150%) of that set forth in this schedule.

ARTICLE V

Authorization to Change Rates: The Board of Trustees of the Village of Hobart shall be empowered and is hereby authorized to change the sewer rents from time to time as it may deem advisable or appear necessary to reflect the increases or decreases in the operation, maintenance and related expenses for such sewer system, and shall give such public notice of such change as such board may

deem to be proper.

ARTICLE VI

Authorization To Change Basis: The Board of Trustees shall be empowered and is hereby authorized to change the unit classification and/or basis for determination of sewer rent for properties served as it may deem advisable or appear necessary to achieve a more equitable basis for determining the costs to the property owners for the use of the sewer system, and shall publish such public notice of such change as such Board may deem to be proper.

ARTICLE VII

Sewer Rent Fund: Revenues derived from sewer rents, including interest, shall be credited to a special fund to be known as the "Sewer Rent Fund". Moneys in such fund shall be used for the payment of the cost of debt service, operation and maintenance of the sewer collector system and the sewage treatment plant which is not paid by contract users outside the Village of Hobart.

ARTICLE VIII

Rules and Regulations: The Board of Trustees shall have the power to adopt, by resolution, rules and regulations concerning the interpretation and administration of this Local Law and owners of real property served by the said sewer system shall be subject thereto.

ARTICLE IX

Separability: In the event that any clause or provision of this Local Law shall be determined to be invalid, or unlawful, the remaining of the provisions of this Local Law shall not be affected thereby and shall continue in full force and effect.

ARTICLE X

Effective Date: This Local Law shall take effect immediately, subject nevertheless to the filing provisions of the Municipal Home Rule Law of New York State.