

**LOCAL LAW 9 of 2013**  
**COUNTY OF WASHINGTON, NEW YORK**  
**By Supervisors Brown, Banks, Lindsay, Campbell, Watkins, Idleman, Hicks**

**A LOCAL LAW AMENDING LOCAL LAW 4 OF 1989 RELATING TO CONNECTION FEES FOR WASHINGTON COUNTY SEWER DISTRICT NO. 2**

Be it enacted by the Washington County Board of Supervisors, as follows:

Section 1. Applicability.

This Local Law shall apply to certain out of district and in district connections to the Washington County Sewer District No. 2 sewer system.

Section 2. Declaration of Policy.

The Washington County Board of Supervisors finds that certain amendments to Local Law 4 of 1989 concerning the schedule of charges for the discharge of Sewer, Industrial Wastes, into the Washington County Sewer District No. 2 ("Sewer District No. 2") sewerage system and all sewer tributary thereto are necessary, including but not limited to the following:

- a. That new connections to the Sewer District No. 2 sewer system will require upgrades and improvements the collection system of said district as well as the sewer plant itself located in the Village of Fort Edward and whereas in-district property owners have paid certain district taxes, out of district property owners have not. The Board of Supervisors finds that new users inside and outside Sewer District No. 2 should be assessed a one time charge for the improvements required to meet the demand of such new users and a schedule has been prepared and recommended by the Commissioners of the Sewer District No. 2; and
- b. That Article IV (B) concerning the minimum charge for sewer services should be adjusted to reflect current expenses;
- c. That Article IV (C) concerning deduction metering should be adjusted to reflect actual field usage and conditions;
- d. That connection services for connections greater than six feet (6') deep pose logistical complications for Sewer District No. 2 and that there should be a reflective charge for same; and
- e. That Sewer District No. 2 staff have encountered difficulty in addressing bedrock and field rock in locating sewer service to properties such that a fee should be charged for the handling of such encumbrances.

Section 3. Amendment to Article IV(B) of Local Law 4 of 1989.

Article IV(B) of Local Law 4 of 1989 is amended as follows:

The minimum billing for Operations and Maintenance charges shall be \$50.00 per billing cycle.

Section 4. Amendment to Article IV(C) of Local Law 4 of 1989.

Article IV(C) of Local Law 4 of 1989 is amended as follows:

(C) Calculation of Flow - The flow of Sewage from any User in the District and from any User outside of the District shall be calculated as follows:

1. When available, metered Sewage usage or eighty percent (80%) of metered water usage will be used as the basis for calculating base Sewage flow; or
2. Any User of any parcel of real property within the WASHINGTON COUNTY SEWER DISTRICT NO. 2, which property obtains water from a municipally metered water usage may, if the User desires, purchase and install a secondary deduction measuring device approved by the COMMISSIONERS for the metering of water for lawn or other usage where such water will not be discharged to the District Sewerage System as approved by the COMMISSIONERS, and the amount of such water that will not be discharged to the District Sewerage System will be deducted from the total water usage for the User's property. Thereafter the User shall pay the sewer rent in accordance with the rate established based on metered consumption of water based on 100% of the net water usage calculated above.
3. In the absence of any approved measuring device, a flat rate shall be established by the COMMISSIONERS based on estimated sewage flow and strength.
4. All such meters as provided for herein shall be only those units selected and installed in such location and manner by the COMMISSIONERS in consultation with the water supplying body or authority, and all expenses for such purchase and installation shall be paid in advance by the User.

Section 5. New Article IV-A.

A new Article IV-A titled "Miscellaneous Charges" is hereby added to said Local Law 4 of 1989 as follows:

ARTICLE IV-A MISCELLANEOUS CHARGES

A. Out of District Connection Fees - On or before the issuance of any permit for the construction of any improvements to connect sewer service from any property located

outside of Washington County Sewer District No. 2 to the sewer system of Washington County Sewer District No. 2, the owner of such property or his agent shall pay, in addition to any applicable review fees, a connection fee in the sum of Two Thousand Five Hundred Dollars (\$2,500.00), lawful money of the United States. The connection fees paid by any out of district connection shall be segregated in a separate account of the Washington County Sewer District No. 2 and shall be used for expanding and improving the existing sewage treatment plant and collection system of Washington County Sewer District No. 2.

B. In District Connection Fees - On or before the issuance of any permit for the construction of any improvements to connect sewer service from any property located within Washington County Sewer District No. 2 to the sewer system of the Washington County Sewer District No. 2, the owner of such property or his agent shall pay, in addition to any applicable review fees, a connection fee in the sum of One Thousand Dollars (\$1,000.00), lawful money of the United States. The connection fees paid by any in district connection shall be segregated in a separate account of the Washington County Sewer District No. 2 and shall be used for inflow and infiltration (I&I) mitigation including but not limited to catch basin elimination, grouting leaking joints, slip lining or line replacement and other sewer pipe rehabilitation methods and/or plant improvements.

C. Deep Connection Fee - For any sewage service connection to any portion of the District Sewage System, where such connection shall be more than 6 feet (6') below grade, the User shall pay the actual costs incurred by the Washington County Sewer District No. 2 for any such connection.

D. Rock Interference Fee - For any sewage service connection to any portion of the District Sewage System, where such connection is impeded by bedrock or other large rocks that, in the opinion of the Washington County Sewer District No. 2, cannot be moved or removed by reasonable excavation methods, the User shall pay the actual costs incurred by the Washington County Sewer District No. 2 for the removal or relocation of such bedrock or other large rocks, or the relocation of the service connection, whichever is approved by the Washington County Sewer District No. 2.

#### Section 6. Annual Minimum Use Rate Schedule for 2014 and 2015.

In accordance with Article VII of Washington County Local Law 4 of 1989, the following rates shall be charged for minimum usage for discharging Sanitary Sewage to the District Sewerage System:

1. For 2014, the minimum usage rate shall be \$20 per billing (\$40 per year).
2. For 2015, the minimum usage rate shall be \$40 per billing (\$80 per year).

#### Section 7. Authority.

This Local Law is hereby adopted pursuant to the provisions of Section 10 of the Municipal Home Rule Law of the State of New York.

Section 8. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 8. Effective Date.

This Local Law shall take effect immediately upon filing with the Secretary of State.