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Village of Evans Mills  
Local Law 2 of the Year 2021  
Village of Evans Mills Sewer Law

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**Section 1. Authority**

This Local Law is enacted pursuant to the provisions of the New York Municipal Home Rule Law.

**Section 2. Repeal of Article VIII of the Village of Evans Mills Sewer Law: Sewer Rent Charge and Collection Procedures.**

The Village previously enacted a Sewer Law regulating the use of public and private sewers and drains, the installation and connection of building sewers, and the discharge of waters and wastes into the public sewer system, and providing penalties for violations thereof. Article VIII of the Village of Evans Mills Sewer Law of 1971, entitled Sewer Rent Charge and Collection Procedures, is hereby repealed and replaced with this Local Law.

**Section 3. Purpose**

In order to establish certain procedures and rules governing the use and maintenance of the Village of Evans Mills sewer system, to provide for equitable charges for the use of said sewer system, to provide for penalties for violations of established procedures, to protect and preserve the health, safety and well-being of the citizens of the Village of Evans Mills, and to maintain consistency with the Village of Evans Mills Water Law, as passed on even date herewith, the Village Board of the Village of Evans Mills hereby adopts the Village of Evans Mills Sewer Law.

**Section 4. Definitions.**

As used in this Article, the following terms shall have the meanings indicated:

**SEWER RENTS** — The rent, rate or charge imposed or levied by the Village of Evans Mills, New York, for the use of the sanitary sewer system or any part or parts thereof.

**SEWER SYSTEM** — The sewer system owned and operated by the Village of Evans Mills, including the sewage treatment plant and disposal works, sewer pipes and all other appurtenances which are used or useful in whole or in part in connection with the collection, treatment or disposal of sewage, industrial wastes and other wastes and all extensions, additions and improvements which may be made to such system.

**SUPERINTENDENT** – The Village of Evans Mills Superintendent of the Department of Public Works.

**VILLAGE** – The Village of Evans Mills, New York.

VILLAGE BOARD – The Village Board of the Village of Evans Mills, New York.

**Section 5. Provisions incorporated into contracts.**

The following provisions of this chapter shall be considered a part of the contract of any person, firm or corporation who or which obtains sewer service from the Village of Evans Mills on or after the effective date of this chapter, and every such person, firm, or corporation shall be considered as having expressed his, her or its consent to be bound thereby.

**Section 6. General Restrictions.**

- A. All expenses attending the introduction of sewer service from the sewer main to any premises must be paid by the applicant.
- B. The plumber employed and designated by the owner of the premises must be considered as the agent of said owner while employed in the prosecution of the work of introducing sewer service in said premises and will not be recognized in any sense as the agent of the Village of Evans Mills, nor will said Village hold itself responsible for the acts of said plumber.
- C. The work of inserting the taps, tees and connections in any sewer main shall be done only by persons employed by the Village under the direct supervision of the Superintendent. All such connections and taps shall be made at the side of the main and all such connections now or hereafter existing are, shall be, and will remain the property of the Village of Evans Mills.
- D. The owner receiving the permit for the introduction of the sewer service into his or her premises and the plumber doing the work will be required to cause said service to be placed not less than four and one-half feet below the surface of the earth. Under all streets and roads all such service shall be placed not less than five feet below the surface.
- E. All owners, whether for new service or existing service, are required to maintain in perfect order and repair at their own expense, said service pipe from the main on into the building, including all fixtures therein provided for the disposal of sewage.

**Section 7. Sewer Rent Fund.**

All revenues imposed hereunder, together with all interest and penalties thereon, shall be kept in a separate fund to be known as the "Sewer Rent Fund" and are to be used for the service rendered by the municipal sewer system and for the construction, operation, maintenance, replacement, and repair of said system.

**Section 8. Payment of bills; penalty for late payment.**

- A. All charges for sewer rents shall be due and payable at the office of the Village Clerk or at such other place as may be designated from time to time by the Village Board on the date specified in the payment notice. Charges for sewer rents shall be net charges and

shall be due and payable in the amounts as set forth in Section 18 herein, Sewer rates. In addition to the sewer rental charge provided in this section, according to the rate specified herein, a further charge of 10% of the amount so determined shall be added thereto in each case of failure to make payment on or before the date on which the sewer rent for such period is due, and the total thus obtained shall be the sewer rental in each such case.

- B. The Village Clerk or other person authorized by the Village Board shall keep a record of all owners of real property within the Village of Evans Mills, and bills shall be mailed to the owners of such property at the same address to which Village tax bills are mailed, unless the owner of the property shall direct the Village, in writing, on forms which can be obtained from the Village Clerk's office, to mail such bills to him/her or to his/her agent at any other address. The failure of any owner or other user to receive a bill shall not excuse nonpayment thereof nor shall it operate as a waiver of the penalty herein prescribed. Notwithstanding any other provision in this article, all sewer rents or other charges relating to sewer service shall be a charge against the owner of the premises connected with the municipal sewer system, and such owner shall be liable for the payment of all such rents and charges, including penalties and interest.
- C. If rents or charges are not paid within 30 days from the date on which they are due, the Village Board may cause a notice to be delivered or mailed to the owner or to any other person designated by the owner, addressed to the address to which bills are to be sent, and to the occupant of the premises, addressed at the premises, stating the amount due and demanding payment thereof within a period of at least 10 days of the date of the notice and stating that if such payment is not made, the water service or sewer service, or both, shall be discontinued without further notice, and, at the expiration of such period, the Village Board or the duly designated employees or officers of the Village may enter on said premises and cause the water service or sewer service or both to be disconnected and discontinued. A charge of \$25 will be made for discontinuing and \$25 for reconnecting each of such services on account of nonpayment of sewer rents or other charges, the collection of which charge or charges shall be made and shall be enforceable in the same manner as water rents.
- D. A separate charge shall be made and a separate bill shall be rendered for each water meter when there is more than one such meter on any one property or structure. Each location for which there is a separate water meter shall be deemed to be a separate sewer service account and will be billed separately even if there is but one sewer connection with the structure or property in which said meter is located.

## **Section 9. Liens.**

All sewer and other charges for sewer service hereunder, together with the amount of any penalties described, which shall remain unpaid for a period of more than 60 days from the due date shall be a lien on the real property upon which or in connection with which the sewer system is used. The priority of such lien and the enforcement of such lien and the collection of such sewer rents or other charges for sewer services shall be in accordance with the statutes pertaining to such collection and enforcement.

## **Section 10. Meters.**

Installation and maintenance of water meters shall be governed by Section 9 of the Village of Evans Mills Water Law.

## **Section 11. Valves and mains.**

No person or persons, except the Superintendent or those persons acting under the direction of the Village Board, shall open or close any valve or gauge in the street mains or molest or interfere with the same in any manner whatsoever.

## **Section 12. Collection of rent in arrears.**

The Village Board may bring an action as upon a contract to collect sewer rents in arrears, including any penalties and interest which may from time to time be adopted, from any owner or occupant served by the sewer system or from any other user of said system.

## **Section 13. Other costs and expenses.**

Any costs and expenses or other charges incurred by the Village because of any repair or other work to the sewer system or otherwise for which the owner of any property served by or connected with the sewer system is obligated under this Article or any other ordinance, statute or provision of law shall be collected in the manner provided for the collection of sewer rents in this Article and shall be a lien upon the property and enforceable in accordance with the provisions of this Article or any other applicable provision of law.

## **Section 14. Right of entry.**

Any duly authorized officer, employee, contractor or agent of the Village or other person duly authorized by the Village shall be permitted to enter on any property at reasonable hours for the purpose of reading meters, inspecting, disconnecting, repairing or for any other purposes reasonably necessary to carry out the provisions or purposes of this Article.

## **Section 15. Effective date of rates.**

The rates established by this chapter shall be effective for use of the sewer system for the period beginning for the period beginning as of the date this law becomes effective.

## **Section 16. Permit to connect required; fee.**

- A. No person, association, corporation or any other groups of persons shall connect with or use the Village sewer system without applying for and obtaining a permit from the Village Clerk or other person designated by the Village Board or the Superintendent.
- B. The Village Board shall, from time to time, set a fee to be collected upon application for a permit to connect to the sewer system; provided, however, that if, in the case of a particular connection, the Village Board or the Superintendent shall determine that such standardized fee shall not be sufficient to cover the actual costs to the Village of making

or permitting such connection to the sewer system, the permit fee for such particular connection may be determined based upon actual costs to the Village relating to such connection.

**Section 17. Repair of frozen services.**

- A. Repair of frozen services shall be made at the expense of the owner of the property.
- B. Where service lines now installed or which may hereafter be installed are not a sufficient depth to prevent freezing, the Village Board or the Superintendent may require the customer to lower the service at his own cost and expense a sufficient depth to prevent freezing and not less than four and one-half feet and not less than five feet under streets and roads, and upon failure or neglect so to do the Village may discontinue said service.

**Section 18. Sewer rates.**

- A. For the service rendered by the sewer system to the owners and other users of real property within the corporate limits of the Village connected with and served by the sewer system and for the payment of the cost of construction, operation, maintenance and repair of said system as hereinbefore defined, there is hereby established a scale of sewer rents which shall be based on a unit system. The base rate for one (1) unit shall be \$65.00 per quarter (“Base Rate”). The minimum charge for sewer rentals established by this Article shall be charged even if the property is unoccupied and no consumption of water is shown on the water meter or if no sewage is discharged into the sewer system.
- B. A schedule of the number of units based on property type are set forth below:

Property Type	Unit Amount
One Family Residence	One Unit
Two Family Residence	1 ¾ Units
Three Family Residence	2 ½ Units
Four Family Residence	3 ¼ Units
Commercial Use Without Living Quarters	1 ¾ Units
Commercial Use with Living Quarters for One Family	2 ¼ Units
Commercial Use with Living Quarters for Two Families	3 Units
Commercial Use with Living Quarters for Three Families	3 ¾ Units
Municipal & Public Buildings	3 Units
Churches	One Unit
Hotel with Less Than 10 Rooms Including Bar and Restaurant	3 Units

Tavern with Bar & Restaurant	3 Units
Funeral Parlor	2 Units
Public School Building	31 Units
Ordinary Commercial Use Unless Otherwise Listed	1 ½ Units
For each additional family over listing described	¾ Units
Laundromat (Per Washer)	½ Unit
Motels (Per Unit)	¼ Unit

- C. Units for any establishments not listed above shall be determined by the Village Board.
- D. In the event that more than one family uses sewer services at a particular property, it shall be the responsibility of the owner of the property to allocate each person's or family's proportionate cost of the total sewer bill.
- E. Sewer rates shall be billed at the same time as usage for water consumption. The timing of the issuance of such bills and meter readings is set forth in the Evans Mills Water Law Section 17.
- F. The Village Board reserves the right to adjust the unit chart and as set forth above and the sewer rent per unit from time to time by resolution. Any amendment to the unit chart and unit rate adopted by the Village Board shall be filed with the Village Clerk, together with notification of the effective date of the new schedule.
- G. The Base Rate for consumers outside the Village shall be equal to two times the rates established for consumers inside the Village as set forth in Section 18A of this Chapter.

**Section 19. Discontinuance of sewer use.**

- A. Any consumer wishing to discontinue the use of sewer services must give written notice thereof at the Village Clerk's office, and he or she will be charged with the use until such notice is given.
- B. Whenever sewer service has been turned off by the officers or agents of the Village for nonpayment of sewer rents or for the purpose of repair or construction or for any other necessary or proper reasons, no person will be permitted to turn the same on again who is not duly authorized so to do by the Village Board, and when sewer service is turned off for the nonpayment of sewer rents or for violation of any rule, regulation or ordinance, it shall not be turned on again until the party in default shall pay all sewer rents due and the amount of all penalties which may be imposed by this chapter or by resolution of the Village Board.
- C. The Village will not turn off sewer service to a property which is occupied unless 30 days' written notice of the shutoff date has been given to the occupant by the owner of the property or his authorized agent and proof of service of the notice has been given to

the Village Clerk.

**Section 20. Penalties for offenses.**

- A. Property owners shall be held responsible for any violations of this Article, whether such violation is committed by the owner, his employees, agents or tenants.
- B. Upon any violation of any provision of this Article, other than the nonpayment of sewer rents or other charges owed under this law, the Village Clerk shall send a written notice to the owner specifically stating the nature of the violation and the section(s) of this chapter with which the owner is not in compliance. If within 10 calendar days the violation is not corrected, service may be disconnected and shall be restored only upon payment to the Village of a service fee of \$100.
- C. Any sewer bill or other charge assessed under this chapter which is not paid by April 1 shall be certified as unpaid by the Village Clerk to the Village Treasurer and shall be levied with the next Village tax billing, together with such other penalties or charges which may be assessed by the County of Jefferson.

**Section 21. Procedure for contesting accuracy of sewer bill or notice of termination of sewer services.**

- A. Any aggrieved customer who wishes to contest the accuracy of any bill for sewer rent or any notice of termination of sewer services shall request an informal hearing before the Village Board. Such request shall be made in writing and shall be mailed or delivered to the Village Clerk within 15 days of the delivery of the bill or notice.
- B. The hearing shall be held at the next regular meeting of the Village Board after delivery of the request to the Village Clerk, or at another regular meeting as agreed upon by the customer and the Board. The decision of the Village Board shall be made within 10 days of the hearing, and a written summary thereof shall be delivered or mailed to the customer within three days of the decision.
- C. The customer seeking relief shall personally appear at the hearing and shall present whatever evidence he or she has in support of the claim for relief. The customer should be prepared to answer all questions posed by the Village Board or appropriate Village employee.
- D. No relief may be granted to a customer unless the customer has shown to the satisfaction of a majority of the Village Board that the sewer bill is erroneous either by reason of measurement or in mathematical calculation.
- E. Among the factors which may be considered by the Board in making its decision are:
  - i. History of sewer/water usage by the customer.
  - ii. The presence of any repairs made to the plumbing system of the premises of the customer, including service line and indoor fixtures.

iii. The presence or absence of the customer in the premises during the period of sewer/water usage in question.

F. If a majority of the Village Board finds that a customer is entitled to relief, the Board may forgive the outstanding bill in whole or in part, including penalties for late payment, may allow the unpaid bill to be paid in installments, or may fashion any other remedy which the Board believes to be fair under the circumstances.

## **Section 22. State Environmental Quality Review Act (SEQRA)**

The Village Board has considered the provisions of Article 8 of the Environmental Conservation Law ("SEQRA") and the regulations adopted thereunder at 6 NYCRR Part 617 and finds this Local Law to be a Type II Action as defined therein. Therefore, no further review is required under SEQRA.

## **Section 23. Severability**

If a court determines that any clause, sentence, paragraph, subdivision, or part of this Local Law or the application thereof to any person, firm or corporation, or circumstance is invalid or unconstitutional, the court's order or judgment shall not affect, impair, or invalidate the remainder of this Local Law, but shall be confined in its operation to the clause, sentence, paragraph, or part of this Local Law or in its application to the person, individual, firm or corporation or circumstance, directly involved in the controversy in which such judgment or order shall be rendered.

## **Section 24. Effective Date**

This Local Law shall take effect immediately upon filing in the Office of the New York State Secretary of State.