

County of Ontario

Local Law No. 3 of the Year 2004

A Local Law known as The Ontario County Sewer Rents Local Law, as Amended

Be it enacted by the Board of Supervisors of the County of Ontario.

ARTICLE I

SHORT TITLE AND APPLICABILITY

Section 1.0: Short Title

This local law shall be known as the "Ontario County Sewer Rents Local Law".

Section 1.1: Applicability

This local law shall apply throughout the Canandaigua Lake County Sewer District and extensions thereof, the Laura Lane/Wyffels Road Extension to the Canandaigua Lake County Sewer District, and the Honeoye Lake County Consolidated Sewer District and extensions thereof established by the County of Ontario, except that this local law shall not apply to the Route 332 Extension of the Canandaigua Lake County Sewer District to the extent sewer charges are otherwise provided for. This local law amends Local Laws #8 of 1975, #3 of 1979, #5 of 1981, #2 of 1983, #11 of 1991, #6 of 1995, #4 of 1996, #6 of 2001, and #6 of 2002 as amended. This local law supercedes Resolution No. 318-2000 which established sewer rents for the Laura Lane/Wyffels Road Sewer Extension.

ARTICLE II

IMPOSITION OF SEWER RENTS

Section 2.0: Sewer Rents Established

Pursuant to Article 14-F of the General Municipal Law of the State of New York, there is hereby established and imposed sewer rents as a means of producing revenue for the County Sewer District or Districts specified herein above.

ARTICLE III

DEFINITIONS

Section 3.0: Definitions

The definitions contained in the Ontario County Sewer Use Local Law are incorporated herein by reference, and unless the context specifically indicates otherwise, the meaning of other terms used herein shall be as follows.

Section 3.1: "Sewer Rents" - A scale of unit method of annual charges established and imposed in the District on the basis of equivalent single house units (hereinafter referred to as "units") for the use of the sewage works or any part or parts thereof.

Section 3.2: "Equivalent Single House Units" - shall be determined as follows:

A. Dwelling Units. A dwelling unit shall mean a complete self-contained residential unit, with living, sleeping, cooking, and sanitary facilities within the unit, for use by one family or person. Premises occupied or designed to be occupied by two (2) or more separate families or persons, including two-family dwellings, multi-family dwellings, apartments, and apartment houses, shall be charged one (1) unit for each apartment or separate living quarters contained in or on such premises.

B. Extended Care Facility. Premises occupied or designed to be occupied as a residential extended care facility shall be charged one half (1/2) unit for each bed.

C. Rooming House. A rooming house is a dwelling other than a motel or motor court, in which occupants are housed or lodged for hire with or without meals. Premises occupied or designed to be occupied as a rooming house shall be charged one-third (1/3) unit per bedroom with a minimum charge of one (1) unit per building. A rooming house is herein defined as a building occupied or designed to be occupied as a residence for three (3) or more unrelated people.

D. Fuel Station. A fuel station is defined as a building, structure or land used to dispense, sell or offer automotive fuels or lubricants. Premises occupied or designed to be occupied as a fuel station and not as a repair facility shall be charged one (1) unit.

E. Repair Facility. Premises occupied or designed to be occupied as a motor vehicle and/or boat marina repair service or repainting facility or garage, shall be charged one (1) unit. An additional unit charge may be imposed by the Commissioner of Public Works if he determines that an additional waste water charge is justified due to the nature or volume of the discharge into the sewer system.

F. Motel and Motor Courts. A motel or motor court is a building or buildings containing an office and at least four (4) units intended or designed to be used or which are used, rented, or hired out to be occupied by transient guests without stipulated agreement as to the duration of their stay; who are

supplied with and charged for lodging, and/or such other services as are incident to the use of such place as a temporary abode. Any unit occupied on a permanent basis by a caretaker or operator shall be considered to be a single dwelling unit and shall be charged accordingly. Premises occupied or designed to be occupied as a motel or motor court shall be charged one-third (1/3) unit for each motel unit or motor court unit.

G. Restaurant, Bar/Grill or Cocktail Lounge. Premises occupied as a restaurant, bar/grill or cocktail lounge shall be charged a minimum of three (3) units plus an additional one (1) unit for each fifty (50) seating capacity or fraction thereof, in excess of one hundred (100) seating capacity.

H. Soda Fountain/Drive-In Snack Shop. Premises occupied or designed to be occupied as a food/drink dispersal only, having no indoor seating capacity, shall be charged one and one-half (1 1/2) units.

I. Theatres. A theater is a facility devoted primarily to the showing of moving pictures or theatrical productions on a paid admission basis. Premises occupied or designed to be occupied as a theatre shall be charged one (1) unit for each seating capacity of 100.

J. Stores, Office Buildings/Business Agencies, Bank. Stores for retail sales and premises occupied or designed to be occupied as a location of business offices or agencies or bank, for each store, business, office, agency or bank located within, shall be charged one (1) unit for the first eight employees whether full or part time of each business, office, agency or bank, plus one-half (1/2) unit for each additional four (4) employees or fraction thereof. An additional unit charge may be imposed by the Commissioner of Public Works if he determines that an additional waste water charge is justified due to the nature or volume of the discharge into the sewer system.

K. Laundromat. Premises occupied or designed to be occupied as a laundromat, whether self-service or otherwise, shall be charged one-half (1/2) unit for each washing machine.

L. Education Facilities. Premises occupied or designed to be occupied as an educational facility shall be charged one (1) unit per twenty-five full-time student/faculty/support personnel and full-time equivalent population.

M. Day Care Centers. Premises occupied or designed to be occupied as a Day Care Center, as described by the New York State Department of Social Services, shall be charged one (1) unit per twenty-five full-time student/faculty/support personnel and full-time equivalent population.

N. Car-Wash. Premises occupied as a car-wash, whether self-service or otherwise, shall be charged five (5) units per bay therein. A car wash is hereby defined to be premises on which the business of washing motor vehicles is conducted, without regard to whether the service is performed by the operator of the business or the business merely furnishes the facilities for such washing. A car-wash will also contain an operable grit chamber for the removal of greases and foreign materials, etc.

O. Combination Home and Business Dwelling: Accessory Use. Accessory use is defined as being subordinate in area, extent, or purpose to the principal building or principal use served. Some examples are beauty shop, real estate sales or rental office, or travel agency. Where a service business is being conducted as an accessory use from a home by the resident(s) of a home, a total charge of one (1) unit for the home and business will be made. If the business employs other than resident(s) of a home, a charge of one (1) unit for the home and one-half (1/2) unit for the business will be made.

P. Church Property. Premises designed or utilized for religious purposes such as periodic worship services, meetings and social or fund raising events will be charged one (1) unit for each sewer building. Other facilities owned or utilized by churches or other religious organizations will be charged sewer rents as described by other portions of this local law.

Q. Camps. Premises designed or occupied as a residential or day camp site for recreational or educational purposes will be charged one (1) unit for each sewer building.

R. Camping Ground. Premises designed or utilized for transient, recreational occupancy by travel trailers, campers, tents, recreational vehicles, motor homes, and the motor vehicles propelling or carrying the same, but excluding mobile homes designed for year round occupancy or as a place of residence will be charged one (1) unit per every five (5) camper stands plus three (3) units for every disposal site utilized by the camp ground site to service transient vehicles.

S. Public Park. Premises designed or utilized as a public park operated by a municipal corporation shall be charged one (1) unit for each sewer building.

T. Industrial/Warehouse. Premises designed or occupied as an industrial facility, or warehouse, shall be charged one (1) unit for each fifteen (15) employees or fraction thereof, plus an additional industrial waste water charge determined by the Commissioner of Public Works.

U. Recreational Facilities.

1. Bowling Alleys. Bowling alleys will be charged one-fourth (1/4) unit per lane. If other businesses or services such as a restaurant, bar/grill, cocktail lounge, store, business, or pro shop are operated at the same site, additional units shall be charged as described by other portions of this local law.

2. Tennis Courts and Hand Ball Type Courts. Tennis Courts and Hand Ball Type Courts and all other similar sports facilities will be charged one (1) unit for each restroom, plus one (1) unit for each indoor shower head.

V. Non-Profit Public Services. Premises designed or occupied to be utilized for a non-profit public service (Firehouse, Ambulance Center, Public Libraries, Museums) will be charged one (1) unit for each sewer building.

W. Performing Arts Center. Premises occupied or designed to be a Performing Arts Center with a seating capacity of over one thousand (1,000) persons shall be charged forty (40) units.

Any premises containing two or more of the uses above shall be charged the sum of the units for each type. All sewer rents are charged without regard as to whether or not the premises are occupied on a seasonal or full year basis.

Any premises not within the above classifications shall be charged the number of units determined by the Commissioner of Public Works. The owner shall have the right to appear and be heard on the imposition of said proposed charge. Such charge shall be final ten (10) days after the Commissioner of Public Works sends by registered mail to the owner a statement of his determination of the unit charge imposed.

Section 3.3 Accessibility: The property owner shall permit access to his property for a county representative to inspect the premises with regard to information necessary in determining the number of units to be charged.

ARTICLE IV.

BILLS, PAYMENT AND PENALTIES

Section 4.0: Sewer Rents shall be due and payable in equal quarterly installments on April 1, July 1, October 1, and January 1 in each year, with the first payment being due when connection to the District sewer line has been made. Sewer rents shall be due and payable for the full quarter in which connection is made. Charges will not be prorated for a portion of the quarter. Sewer rents shall continue to be payable whether or not the premises are occupied.

Section 4.1 Connection: Connection to the sewer must be made in accordance with the Sewer Use Local Law. All applicable permit and inspection fees must be paid prior to installation of sewer. Sewer installation fees shall be payable within 30 days of the billing date.

Section 4.2 Disconnection: The property owner may make written application to the Commissioner of Public Works for permission to discontinue use of the sewers either temporarily or permanently, and shall state the reasons therefore in his application. The Commissioner of Public Works may allow such discontinuance. An inspection permit must be obtained and applicable fees paid and the disconnection inspected by the District, if permission is granted to disconnect.

However, sewer rents shall continue to be payable until the first quarter after the Commissioner of Public Works has consented to the discontinuance, the property owner has dug up and capped its line to the sewer and the District has inspected and approved the capping or other approved means of discontinuing use of the public sewers.

Section 4.3 Reconnection: If subsequent to disconnection, a reconnection to the sewer is requested, an inspection permit must be obtained and applicable fees paid and all the applicable Articles of this Local Law and the Sewer Use Local Law will apply.

Section 4.4: The Commissioner of Public Works shall cause a statement to be prepared setting forth the amount of the sewer rents for each of the properties subject thereto in the name of the person in whose name such real property is assessed or to a renter or other entity if the owner so requests in writing. Bills for sewer rental shall be mailed to each such owner/renter/entity quarterly.

Section 4.5: Sewer Rents shall be paid by the property owner or his agent to the appropriate Sewer District. Revenues derived from sewer rents, including penalties and interest, shall be credited to a special fund to be known as the "Sewer Rents Fund". Such money shall be used only for the purposes permitted by law.

Section 4.6: All quarterly sewer rents shall be due and payable in full within thirty (30) days of the billing date (April, July, October or January 1st). Mailed payments will not be considered timely unless postmarked by the 30th day of the billing month. When the 30th day occurs on a weekend or county holiday, the payment date will be extended for one additional business day, without penalties being assessed.

Section 4.7: A late payment penalty of fifteen (15%) percent shall be added to each quarterly sewer rents bill not paid in full within thirty (30) days of the billing date.

Section 4.8: All sewer rents charges not paid in full by November 1st shall be added to the respective property tax and be subject to penalties, charges and interest as set forth in the Real Property Tax Law.

ARTICLE V.

SEWER RENTS RATE

Section 5.0: Sewer rents are hereby established as follows:

Section 5.1: For premises within the Canandaigua Lake County Sewer District; Benefit Zone No. 2 - \$318 per equivalent single house unit per year.

Section 5.2: For premises within the Canandaigua Lake County Sewer District and extensions; Benefit Zone No. 1 - \$350 per equivalent single house unit per year.

Section 5.3: Premises within the Route 332 Extension of the Canandaigua Lake County Sewer District shall be excluded from this Sewer Rents Local Law to the extent otherwise provided for.

Section 5.4: For premises within the Honeoye Lake County Consolidated Sewer District - \$458 per equivalent single house unit per year.

Section 5.5: For premises within the Laura Lane/Wyffels Road Sewer Extension to the Canandaigua Lake County Sewer District - \$436.00 per equivalent single house unit per year.

ARTICLE VI

EFFECTIVE DATE

Section 6.0: This local law shall take effect the first day of the first billing quarter following adoption.