

(Please Use this Form for Filing your 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 DUNKIRK  
Town  
~~Village~~

Local Law No. 1 of the year 19 83

A local law ESTABLISHING UNIFORM RATES FOR USERS OF THE EAST LAKE ROAD  
(Insert title)

SEWER DISTRICT

Be it enacted by the TOWN BOARD of the  
(Name of Legislative Body)

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

ARTICLE I - The purpose of this Local Law is to insure, as nearly as possible, that the user charges for the East Lake Road Sewer System will be based upon each user (or class of user) will porportionately share the operation and maintenance (including replacement) costs of the sewer system based upon each user's (or class of user's) porportionate contribution to the total waste water disposed of by the system.

ARTICLE II - Section 1. This Local Law shall apply to that area defined and set apart as the East Lake Road Sewer District by virtue of a Resolution dated October 8, 1980 entitled "Creation of the East Lake Road Sewer District."

Section 2. The "Sewer System" of the East Lake Road Sewer District for which the user charges are hereinafter established and imposed shall mean and include the sewers, manholes, intercepting sewers, sewer pumping, grinder pumps, laterals, electrical services, all equipment and accessories located within the District which are used or useful in connection of sewage and waste, and which are owned, operated or maintained by the East Lake Road Sewer District.

ARTICLE III - Section 1. The user charge to each user (or class of users) shall be based upon the following formula:

(If additional space is needed, please attach sheets of the same size as this and number each)

$$C_u = \frac{(DS + OM)}{X} + 3W(Q_u) + C_{IWS} + C_R$$

Section 2. Key to Formula:

$C_u$  = Annual user charge (\$/yr/dwelling unit) required to collect revenue for debt service O&M, replacement and administrative costs associated with the sewer district.

DS = Annualized debt service

OM = Annual Operation, Maintenance and Administrative costs

X = # of units connected to the System

W = City water charged \$/1000 gallons as a sewer rental rate

$Q_u$  = Total water consumption at each unit

$C_{IWS}$  = Industrial Waste surcharge developed for each unit or per water usage

$C_R$  = Surcharge to cover replacement costs

Section 3. Billing for the user charges shall be semi-annually. The billing shall be mailed to each user within seven (7) days of the 15th day of July and January of each year. There shall also be included on the January semi-annual billing to each user a statement as to the rate and that portion of the user charges which are attributable to waste water treatment services.

Section 4. For the first year of operation, the operation and maintenance charges shall be based upon past experience for existing sewer systems of comparable size or such other method as demonstrated to be appropriate to the level and type of services provided.

Section 5. Any user that discharges into the sewer system any toxic pollutant which causes an increase in the cost of managing the effluent or the sludge of the user, shall be responsible for the payment of such increased costs.

Section 6. The cost for receiving and treating effluent not directly attributable to specific users (i.e. infiltration/inflow) shall be distributed among all users (or class of users) of the waste water system in the same manner as provided for in Section 1 of Article III.

ARTICLE IV - The governing board of the East Lake Road Sewer District shall review at least every two (2) years the waste water and or sludge contribution of each user (or class of users). In addition, they shall review the total costs for operation and maintenance of the sewer system. The charges for the user (or class of users) shall be revised by the governing board in order that the following are accomplished:

- (a) Maintain the proportionate distribution of operation and maintenance costs among users and user classes as required herein;
- (b) Generate sufficient revenue to pay the total operation and maintenance costs necessary to the proper operation and maintenance (including replacement) of the treatment works; and
- (c) Apply excess revenues collected from a class of users to the costs of operation and maintenance attributable to that class for the next year and adjust the rate accordingly.

ARTICLE V - Section 1. All user charges shall be collected by the Town Clerk. Each user shall have until the 30th day following the date of mailing to pay the sewer use charges without penalty. There shall be paid a penalty equal to one (1%) per cent imposed on the amount due from each user if the bill remains unpaid for thirty (30) additional days. There shall be paid a penalty equal to (1½) per cent on the amount due from each user if the bill remains unpaid for sixty (60) days from the date of the mailing of the bill.

Section 2. On or before the first day of August in each year the Town Clerk shall submit to the Town Board of the Town of Dunkirk a statement showing the names of the users

who have not paid the sewer user charges as provided or prescribed herein and the amount of such unpaid sewer user charges. Such sewer user charges may also be collected in the manner prescribed in subdivision 4 of Section 452 of the General Municipal Law of the State of New York.

ARTICLE VI - This Local Law shall take effect immediately upon filing with the Secretary of State of the State of New York and State Comptroller as provided by law.

BE IT FURTHER RESOLVED, that the Town Clerk is hereby authorized to publish notification of the enactment of this Local Law in the official newspaper of the Town of Dunkirk.

Upon roll call the following votes were cast:

|                                   |   |        |     |
|-----------------------------------|---|--------|-----|
| Ronald J. Stuczynski, Supervisor  | - | voting | aye |
| Patricia F. Johnson, Councilwoman | - | voting | aye |
| Anthony J. Bifaro, Councilman     | - | voting | aye |
| Richard E. Mourer, Councilman     | - | voting | aye |
| David T. Rusch, Councilman        | - | voting | aye |

(Complete the certification in the paragraph which applies to the filing of this local law and strike out the matter therein which is not applicable.)

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. 1 of 19 83  
~~County~~ Six of Dunkirk was duly passed by the Town Board  
Village (Name of Legislative Body)  
on May 11 19 83 in accordance with the applicable provisions of law.

2. (Passage by local legislative body with approval or no disapproval by Elective Chief Executive Officer, \* or repassage after disapproval.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19..... and was approved by the ..... Elective Chief Executive Officer \*  
not disapproved  
repassed after disapproval  
and was deemed duly adopted on ..... 19....., in accordance with the applicable provisions of law.

3. (Final adoption by referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City of ..... was duly passed by the ..... (Name of Legislative Body)  
Village  
on ..... 19..... and was approved by the ..... Elective Chief Executive Officer \*  
not disapproved  
repassed after disapproval  
on ..... 19..... Such local law was submitted to the people by reason of a  
mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting  
permissive  
general  
thereon at the special election held on ..... 19....., in accordance with the appli-  
annual  
cable provisions of law.

4. (Subject to permissive referendum, and final adoption because no valid petition filed requesting referendum.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19.....  
County  
City of ..... was duly passed by the ..... (Name of Legislative Body) On  
Village  
not disapproved  
and was approved by the ..... Elective Chief Executive Officer \*  
repassed after disapproval  
..... 19..... Such local law being subject to a permissive referendum and no  
valid petition requesting such referendum having been filed, said local law was deemed duly adopted on  
..... 19....., in accordance with the applicable provisions of law.

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\*Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairman of the county legislative body, the mayor of a city or village or the supervisor of a town, where such officer is vested with power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. .... of 19..... of the City of..... having been submitted to referendum pursuant to the provisions of § 36 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the special election held on ..... of 19..... became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as Local Law No. .... of 19..... of the County of ....., State of New York, having been submitted to the Electors at the General Election of November ....., 19 ....., pursuant to subdivisions 5 and 7 of Section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and of a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ..... above.

Date:

(Seal)

May C. Reading  
Clerk of the County of Chautauque, Town of Dunkirk, or  
officer designated by local legislative body

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized Attorney of locality.)

STATE OF NEW YORK  
COUNTY OF CHAUTAUQUE.....

I, the undersigned, hereby certify that the foregoing local law contains the correct text and that all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

.....  
Signature  
.... Albert W. Foley, Town Attorney ....  
Title

Date: 11 May 1983  
County of Dunkirk  
Town of Dunkirk  
Village of Dunkirk