

A LOCAL LAW to amend Chapter 240 of the Code of the Town of Yorktown entitled "SEWERS AND SEPTIC SYSTEMS"

Be it enacted by the Town Board of the Town of Yorktown as follows:

Section I. Statement of Authority.

This local law is authorized by the New York State Constitution, the provisions of the New York Municipal Home Rule Law, the relevant provisions of the Town Law of the State of New York, the laws of the Town of Yorktown and the general police power vested with the Town of Yorktown to promote the health, safety and welfare of all residents and property owners in the Town.

Section II. Section 240-8 of the Code of the Town of Yorktown is hereby amended in its entirety by replacing it with the following language:

- A. For the purpose of adequately funding the operation of the Yorktown Heights Water Pollution Control Plant and the various sewer systems within the Town of Yorktown, said treatment plant and/or sewer systems shall be consolidated into two operating zones, the definitions of which are as follows:
 - (1) The Yorktown Heights Water Pollution Control Plant, operated and maintained by the Town of Yorktown, together with the areas actively serviced by said plant, shall constitute the Hallocks Mill sewage treatment operating zone.
 - (2) Each area in the Town of Yorktown serviced by a functioning sewer system operated and maintained by the Town of Yorktown, but not serviced by a sewage treatment plant operated and maintained by the Town of Yorktown, shall constitute the Peekskill lateral sewer operating zone.
- B. Moneys shall be collected from owners of residences, commercial establishments and structures receiving Town-operated and maintained sewer service (Town sewer service) within an operating zone. The total funds collected within a zone shall be sufficient to meet the operating and maintenance (O &M) costs of that zone.
- C. Whenever a residence, a commercial establishment or a structure, beyond the boundaries of an operating zone, receives Town sewer service, that residence, commercial establishment or structure shall become a part of that sewage treatment operating zone for purposes of carrying its portion of the operating and maintenance charges, and Subsection **B** hereof shall apply.
- D. Any property that benefits from a previously established lateral sewer zone shall pay a buy-in charge based on district equity.
- E. The Yorktown Heights Water Pollution Control Plant, with its ancillary trunk sewers, lateral sewers and pump stations, together with those residences, commercial establishments and structures serviced by this sewage treatment system, shall constitute the Hallocks Mill Sewage Treatment Operating Zone. The O & M charges for this zone shall be as follows:

- (1) Residences, commercial establishments and other structures located within the boundaries of the Hallocks Mill Sewage Treatment Operating Zone (Hallocks Mill Sewer Drainage Basin) which receive sewer service from the zone shall be charged a rate based on water consumption. This computed rate shall occur only when the fixed rate specified in Subsection E(2) is exceeded due to consumption. The current rate for sewer services shall be billed at a rate as set forth in the Master Fee Schedule per 1,000 gallons of water consumption. The minimum charge for a four-month billing cycle shall be based upon minimum water usage of 13,000 gallons.
 - (2) Residences, commercial establishments and other structures located within the boundaries of the Hallocks Mill Sewage Treatment Operating Zone which receive sewer service from the zone shall be charged a minimum flat rate tax to defray fixed operation and maintenance costs.
- F. The properties connected to the Westchester County Peekskill Sewer Plant, and not included in any Town lateral sewer operating zone, shall be included in the Peekskill Lateral Sewer Operating Zone. The Peekskill Lateral Sewer Operating Zone, with its ancillary lateral sewers and pump stations, together with those residences, commercial establishments and structures serviced by Westchester County Peekskill Sewage Treatment Plant, shall constitute the Peekskill Lateral Sewer Operating Zone. The O & M charges for this zone shall be as follows: residences, commercial establishments and other structures located within the boundaries of the Peekskill Lateral Sewer Operating Zone which receive sewer service from the zone shall be charged a rate based on water consumption. This computed rate shall be charged to defray variable operating and maintenance costs. The current rate for sewer service shall be billed as set forth in the Master Fee Schedule³¹ per 1,000 gallons of water consumption. The minimum charge for a four-month billing cycle shall be based upon minimum water usage of 13,000 gallons.
- G. The charges for operation and maintenance to be paid by those residences, commercial establishments and structures within an operating zone shall be set by the Town Board.
- H. The Town Board shall review the operating zones' charges annually. These charges shall be revised periodically to sufficiently reflect the actual operation and maintenance costs that accrue to the respective operating zone.

Section III. Severability.

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjudicated finally by a court of competent jurisdiction to be invalid, such judgment shall not affect, impair or invalidate the remainder of this local law, but shall be confined in its operation and effect to the clause, sentence, phrase, paragraph or part thereof, directly involved in the controversy or action in which such judgment shall have been rendered. It is hereby declared to be the legislative intent that the remainder of this local law would have been adopted had any such provisions been excluded.

Section IV. Repeal

All ordinances, local laws and parts thereof inconsistent with this Local Law are hereby repealed to the extent of such inconsistency.

Section V. Effective Date.

This local law shall become effective upon filing in the office of the Secretary of State in accordance with the provisions of the Municipal Home Rule Law.