

(Use this form to file a 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.

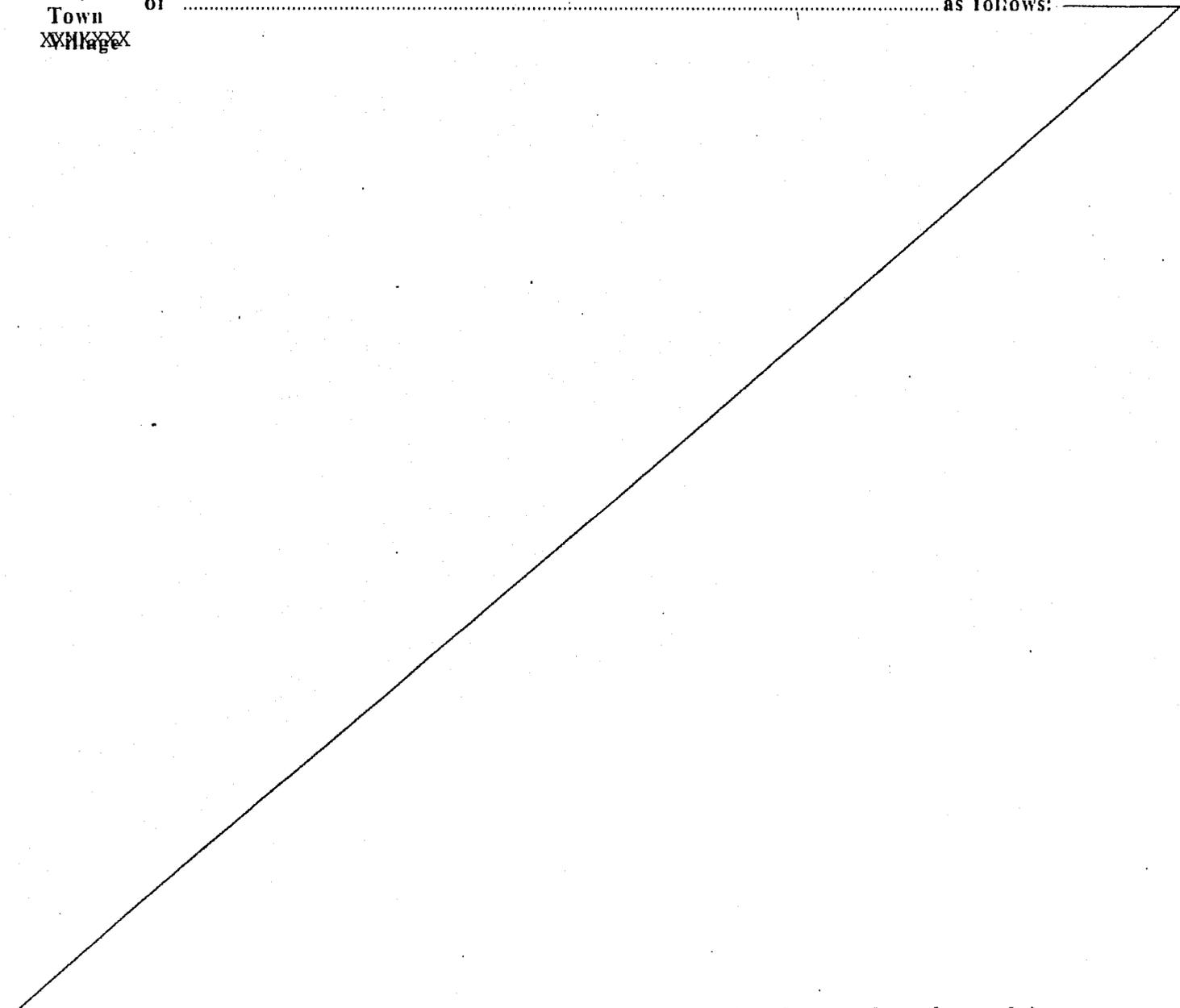
~~County~~
~~City~~ of DELAWARE
Town
~~Village~~

Local Law No. 2 of the year 19 97

A local law entitled "A local law to establish and impose in Sewer District #1 and Sewer District #2 of the Town of Delaware a system of charges for use of the sewer systems.

Be it enacted by the Town Board of the
(Name of Legislative Body)

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



(If additional space is needed, attach pages the same size as this sheet, and number each.)

SECTION I
Repeal of Existing Sewer Use Charge Systems

The sewer use charge systems in effect at the time of the adoption of this local law are hereby repealed and shall be replaced by the system of charges provided for herein.

SECTION II
Title

This local law shall be known and may be cited as the "Sewer Rent Law of the Town of Delaware, New York."

SECTION III
Establishment of Sewer Rents

Pursuant to Article 14-F of the General Municipal Law, there are hereby established and imposed sewer rents as a means of producing revenue for Sewer District No. 1 and Sewer District No. 2 of the Town of Delaware.

SECTION IV
Legislative Intent

After reviewing the various methods of establishing the equitable assessment of the costs of operation and maintenance and capital improvements of the Town of Delaware sewer districts, including the method which has been in existence prior to the adoption of this local law, it is the opinion and determination of the Town Board that the system based upon the schedules of units heretofore utilized, subject to the minor changes provided for herein is just and equitable.

SECTION V
Schedule of Units

A. The following units are hereby established for each lot, parcel of land, building or other premises situated in Sewer District No. 1 of the Town of Delaware:

<u>Property Classification</u>	<u>Operation and Maintenance Units</u>	<u>Capital Units</u>
Single-family dwelling	1	1
2-family dwelling	2	2
3-family dwelling	3	3
Car wash	2	2

Commercial	1	1
Combination Commercial	.75	.75
Residential Housing	1	1
Exempt	0	0
Vacant Lands		
Under 1 acre	0	.25
1 + acre	0	.50

B. The following units are hereby established for each lot, parcel of land, building or other premises situated in Sewer District No. 2 of the Town of Delaware:

<u>Property Classification</u>	<u>Operation and Maintenance Units</u>	<u>Capital Units</u>
Single-family dwelling	1	1
2-family dwelling	2	2
3-family dwelling	3	3
4-family dwelling	4	4
5-family dwelling	5	5
6-family dwelling	6	6
Single apartment (multi-use building)	1	1
Laundry	.5 per machine	.5 per machine
Car wash (commercial)	1 per bay	1 per bay
(private)	.5 per bay	.5 per bay
Churches	1	1
Doctor/Dentist offices	1	1

Grocery store/Supermarket	2.25	2.25
Theaters, meeting halls and places of mass assembly	.5 for 0-20 seats	.5 for 0-20 seats
	.75 for 21-50 seats	.75 for 21-50 seats
	1 for 50+ seats	1 for 50+ seats
Office/retail	.5 up to 4 people	.5 up to 4 people
	.75 for 5-10 people	.75 for 5-10 people
	1 for 11-18 people	1 for 11-18 people
	1.25 for 19+ people	1.25 for 19+ people
Funeral parlor	1	1
Food service (minimum 1 unit per category)	1 for 0-20 seats	1 for 0-20 seats
	2 for 21+ seats	2 for 21+ seats
Allowable deductions for food service:		
Facilities using paper products only:	-.5	-.5
Facilities without lavatories/toilets:	-.5	-.5
Hotel/motel	.25 per room	.25 per room
Hairdresser/barber	1 per technician	1 per technician
Public showers/bathhouses	.5 per room/half yr.	.5 per room/half yr.

Vacant Land		
under 1 acre	0	.25
1 + acre	0	.50

C. In all sewer districts, the Town Board may assign an appropriate and equitable number units as the need therefor arises for any use not covered by the foregoing schedules.

SECTION VI
Implementation, Collection and Enforcement of Charges

A. Upon the adoption of this local law, the Town Board shall provide to the Town Assessors a list of parcels for which this local law effects a change from the existing number of units and setting forth the correct number of units applicable to each such parcel, whereupon the Assessors shall cause the 1997 assessment roll to be corrected accordingly.

B. Commencing in 1998, the Town Board shall, no later than April 1 of each year, provide the assessors a list of additions, deletions and/or changes in the number of units to be assessed against each parcel based upon the then existing available data.

C. Each year, simultaneously with the submission of the tentative town budget by the Budget Officer to the Town Board, the Town Board shall be provided a statement as to the estimated amounts of revenue required to be raised for operational and maintenance expenses and capital expenditures for each sewer district for the ensuing year, as well as a per unit apportionment of each amount for each district. The Town Board shall then fix and determine the per unit rates to be charged in each sewer district for operational and maintenance expenses and capital expenditures, respectively, by local law as required pursuant to General Municipal Law Article 14-F.

D. The Town Board shall levy the amounts so adopted against the real property liable therefor at the same time and in the same manner as Town taxes, such amounts to be set forth in the annual tax rolls. The amounts so levied shall be levied and enforced in the same manner and at the same time and subject to the same penalties as may be provided by law for the collection and enforcement of Town taxes.

SECTION VII
Effect of Invalidity

If any clause, sentence, phrase, paragraph or any part of this local law shall for any reason be adjusted 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 any 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 not been included.

SECTION VIII
Effective Date

This local law shall take effect immediately upon filing in the office of the Secretary of State.

sewersec.doc

(Complete the certification in the paragraph that applies to the filing of this local law and strike out that 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. 2 of 19 97 of the ~~(County)(City)(Town)(Village)~~ of Delaware was duly passed by the Town Board on May 28 1997, in accordance with the applicable provisions of law.
(Name of Legislative Body)

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

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

3. (Final adoption by referendum.)

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

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

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 19____ of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 19____, and was (approved)(not disapproved)(repassed after disapproval) by the _____ on _____ 19____. Such local law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 19____, in accordance with the applicable provisions of law.
(Elective Chief Executive Officer*)

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 the 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 section (36)(37) 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)(general) election held on _____ 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 1, above.

Pamela Walker

Clerk of the County legislative body, City, Town or Village Clerk
or officer designated by local legislative body
PAM WALKER, Town Clerk

(Seal)

Date: May 28, 1997

(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 SULLIVAN

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.

Kenneth C. Klein

Signature KENNETH C. KLEIN

Attorney for the Town of Delaware
Title

~~County~~
~~City~~ of Delaware
Town
~~Village~~

Date: 5/28/97