

VILLAGE OF BERGEN

LOCAL LAW NO. 1 OF 2019

A LOCAL LAW AMENDING LOCAL LAW NO. 6 OF 1985, NO. 11 OF 2004 AND LOCAL LAW NO. 2 OF 2007, SETTING REVISED COST OF OPERATION AND MAINTENANCE CHARGES, SEWER RATES IN CONNECTION WITH THE USE AND DISCHARGE OF WATERS AND WASTES INTO THE VILLAGE OF BERGEN SEWER SYSTEM AND REVISED PAYMENT OF WASTEWATER SERVICE CHARGE DATE.

Section 1 – Purpose

The purpose of this Local Law is to amend the provisions of Village of Bergen Local Law No. 2 of 2007, Local Law No. 6 of 1985 and Local Law No. 11 of 2004 by revising the debt service charges and sewer rates to be paid by users of the sanitary sewer system of the Village of Bergen and to further repeal and rescind in their entirety certain exemptions contained in Local Law No. 2 of 2007 in order to generate sufficient revenue to pay all costs for the operation and maintenance of the wastes water collection system and repayment of indebtedness.

Section 2 – Basic Debt Service Charge

Debt service charges shall continue to be made on a unit basis in accordance with the provisions of Section 2 of the Local Law No. 6 of 1985 and Section 3 of Local Law No. 11 of 2004. In accordance with existing contractual provisions, the debt service charge for units within the Village of Bergen shall be \$45.00 per unit per quarter. The debt service charge applicable to units outside of the Village of Bergen shall be \$56.25 per unit per quarter.

Section 3 – Determining Each User’s Cost of Operation and Maintenance Charge

- A. Section 3 and 4 of Local Law No. 6 of 1985, as modified by Local Law No. 11 of 2004 and Local Law No. 2 of 2007, providing for the manner in which the total annual cost of operation and maintenance of the system is determined and further providing for the manner in which each user’s cost of operation and maintenance charge is determined are vacated and replaced with the following rate structure for units both within and outside the Village:

Residential (Based on Annual Usage):

0-15,000 gallons	\$95.00 per unit per quarter
15,001- 40,000 gallons	\$110.00 per unit per quarter
40,001- 60,000 gallons	\$120.00 per unit per quarter
Over 60,001 gallons	\$130.00 per unit per quarter
Fixed (Outside Village)	\$100.00 per unit per quarter

Non-pretreated Commercial/Industrial (Based on Annual Usage):

0-30,000 gallons	\$135.00 per unit per quarter
30,001-60,000 gallons	\$155.00 per unit per quarter
Over 60,001 gallons	\$210.00 per unit per quarter

Industrial Pre-treated Sludge

<u>Quarterly Volume</u>	<u>Rate \$/1000 Gal.</u>
0-250,000 gallons	\$5.00
250,001-1,000,000 gallons	\$4.00
Over 1,000,001 gallons and over	\$3.00

- B. The annual usage for each user will be determined by the Village of Bergen based upon actual usage during a prior one-year period and said usage shall be reviewed and adjusted on an annual basis.
- C. Section 3, Paragraph C of Local Law No. 11 of 2004 as repealed and rescinded in Local Law No. 2 of 2007 remains in full force and effect.
- D. In accordance with existing contract provisions, the rate structure applicable to units outside the Village will be 125% of the rates charged to units in the Village as set forth in paragraph A above.
- E. For purposes of this law, a residential unit shall be defined as:
1. an individual single-family residence;
 2. Any property that contains three or less residential units and is owner occupied: or
 3. A property used exclusively in connection with religious purposes by corporations or associations organized or conducted in good faith for religious purposes, and including the operation by such corporation or association of a school, notwithstanding that secular subjects are taught at such school, exclusively in connection with a community residence as defined in Subdivision Twenty-eight-a and Twenty-eight-b of Section 1. 03 of the Hygiene Law, provided that such residence is operated as a not-for-profit corporation and if supervisory staff is on site on a 24-hour per day basis, that the residence provides living accommodations for 14 or fewer residents.

- F. For purposes of this law, a commercial/industrial use shall be defined as follows:
1. any property that is zoned for commercial or industrial use;
 2. any property that is primarily used for business purposes;
 3. any property that falls within the Multiple Dwelling Law definition for a multiple dwelling; or
 4. any property that contains two or more residential units and is not owner-occupied

Section 4 – Determining Each User’s Cost of Operation and Maintenance

All other terms and provisions of Local Law No. 6 of 1985, Local Law No. 11 of 2004 and Local Law No. 2 of 2007 shall remain in full force and effect.

Section 5 – Payment of Wastewater Service Charges

The Village shall submit a quarterly statement to the user for the user’s quarterly wastewater service charge (debt service plus operation and maintenance). If not paid in full by April 30th of any year, any unpaid assessments shall be added to the Village tax bill with penalty for the subject property for the following fiscal year.

Section 6 – Review of Each User’s Wastewater Service Charge

All other terms and provisions of Local Law No. 6 of 1985, Local Law No. 11 of 2004 and Local Law No. 2 of 2007 shall remain in full force and effect.

Section 7 – Increased Costs Due to Discharge of Prohibited Substances into the Wastewater Treatment System

All other terms and provisions of Local Law No. 6 of 1985, Local Law No. 11 of 2004 and Local Law No. 2 of 2007 shall remain in full force and effect.

Section 8

This Law shall be effective upon filing with the Secretary of State and the debt service charges and sewer rates shall be applicable to the current billing quarter, which is to be billed on or about May 1st, 2019.