

LOCAL LAW FILING

(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.

Village of Clayton

Local Law No. 2 of the year 2010

A local law to amend Chapter 100 of the Code of the Village of Clayton, Sewers

Be it enacted by the Board of Trustees of the Village of Clayton as follows:

Section 1.

Section 100-7 of the Code of the Village of Clayton shall be amended by adding the following at the end thereof:

The Village Board of Trustees has the authority to modify these fees by simple resolution following a public hearing on not less than five (5) days notice.

Section 2.

Section 100.33 of the Code of the Village of Clayton shall be amended by adding the following at the end thereof:

The Village Board of Trustees has the authority to modify the dollar amount of the fine by simple resolution, following a public hearing on not less than five (5) days notice.

Section 3.

Section 100-35 of the Code of the Village of Clayton shall be amended to read as follows:

Section 100-35. Statement of policy.

In order to establish and operate the Sewer Department and the Sewage Treatment Plant of the Village as a separate utility and to ensure its proper operation, repair and maintenance, it shall be the policy of the Village to establish and impose a scale of annual charges for the use of the sewer system or any parts thereof. The annual charge will consist of:

- (1) a minimum fee called the Fixed User Cost, defined as the cost of all indebtedness, fixed operational costs, and other costs deemed "Fixed" by the Village, divided by the total number of users; and

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

- (2) a fee called the Variable User Cost, defined by the Village as operating and maintenance costs; and
- (3) Equivalent Dwelling Units. The Table of Equivalent Dwelling Units is attached to this local law, and may be amended from time to time by simple Board resolution, following a public hearing on not less than five (5) days notice.

Section 4.

Section 100-37 (B) of the Code of Village of Clayton shall be amended to read as follows:

Section 100-37 (B). Annual Charges.

- (1) The annual charge, hereafter referred to as "Total User Cost," shall be billed in installments every four (4) months, on or about March 1, July 1, and November 1, in each and every year. The Total User Cost is comprised of three (3) parts, as follows:

Fixed User Cost [UC/F]
Variable User Cost [UC/V]
Equivalent Dwelling Unit [EDU]

The Total User Cost [TUC] equals the Fixed User Cost times the EDU plus the Variable User Cost. Formula: $TUC = (UC/F \times EDU) + UC/V$

The Fixed User Cost is applied each parcel in the Village of Clayton, whether improved or capable of improvement, including vacant parcels deemed able to be developed. The Variable User Cost is assessed to metered users per each 1,000 gallons or part thereof. In the event of non-metered users, the Village Board will assess the variable cost each year.

Outside Users will be billed for Fixed Costs at a rate one and one-half times that which a similarly categorized resident within the Village would pay, and one and one-half times what a Village resident would pay for the Variable User Cost.

The Village Board of Trustees has the authority to modify these charges by simple resolution on or before the first regular meeting in June of each year, following a public hearing on not less than five (5) days notice.

(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 2010 of the Village of Clayton was duly passed by the Board of Trustees on _____ 20_____, in accordance with the applicable provisions of law.

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 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ and was deemed duly adopted (Elective Chief Executive Officer*) on _____ 20_____, 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 20 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____ 20_____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20_____. (Elective Chief Executive Officer*)

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 20_____, in accordance with the applicable provisions of law.

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 20____ of the (County)(City)(Town)(Village) of _____ was duly passed by _____ on _____ 20_____, and was (approved)(not approved) (Name of Legislative Body) (repassed after disapproval) by the _____ on _____ 20_____. Such local (Elective Chief Executive Officer)

law was subject to permissive referendum and no valid petition requesting such referendum was filed as of _____ 20_____, in accordance with the applicable provisions of law.

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 chairperson 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 20___ 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 _____ 20_____, 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 20___ of the County of _____ State of New York, having been submitted to the electors at the General Election of November ____, 20___, 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 a majority of the qualified electors of the town 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.

Geneva Phelps Miller - Clerk, of the
Village of Clayton

(seal)

Date:

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

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
Joseph W. Russell
Attorney for Village of Clayton

Date: _____