

Chapter 138

PEACE AND GOOD ORDER

§ 138-1. Boisterous conduct.

§ 138-3. Public and private nuisances.

§ 138-2. Gambling houses and houses of prostitution.

§ 138-4. Penalties for offenses.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 12-17-1958. Amendments noted where applicable.]

GENERAL REFERENCES

Loitering — See Ch. 122.

§ 138-1. Boisterous conduct.

No person shall, either alone or in congregation with others, engage or indulge in any noisy or boisterous conduct to the annoyance of the public generally in or upon any part of any street, sidewalk or public place within the Village of Sodus Point.

§ 138-2. Gambling houses and houses of prostitution.

No person shall operate or maintain or cause or procure to be operated or maintained in any building within the Village of Sodus Point, whether as owner, lessor or lessee of such building or otherwise, any device for gambling or wagering or any room or place of gaming, wagering or prostitution.

§ 138-3. Public and private nuisances.

No person shall maintain or cause or procure to be maintained within the Village of Sodus Point, upon or in connection with the use of any property, public or private, real or personal, any public or private nuisance.

§ 138-4. Penalties for offenses.

A violation of any of the provisions of this chapter shall be punishable by a fine not in excess of \$100 for such violation. Where any violation is of a continuous or continuing nature, each day on which such violation shall continue shall be deemed to constitute a separate violation and shall be punishable accordingly. Upon conviction of any violation, the magistrate may require the defendant to pay the costs of the proceedings. Unless the penalty and the costs, if imposed, be paid upon conviction, the magistrate shall commit the defendant to the County Jail of Wayne County for a term not exceeding one day of each dollar of the penalty imposed. Nothing herein contained shall be deemed to deprive the Board of Trustees of the right to enforce obedience to

the provisions of this chapter or penalties imposed for violations thereof by any other means provided by law, including but not limited to actions to recover penalties and injunctions.

Chapter 139

PEDDLING AND SOLICITING

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| § 139-1. Definitions; word usage. | § 139-11. Transfer of permit or badge prohibited. |
| § 139-2. Permit requirements and exemptions. | § 139-12. Entry upon signed premises unlawful. |
| § 139-3. Permit application. | § 139-13. Hours of solicitation. |
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| § 139-5. Bond required. | § 139-15. Notice; hearing. |
| § 139-6. Application review; and permit issuance; contents of permit. | § 139-16. Appeals. |
| § 139-7. Denial of permit. | § 139-17. Penalties for offenses. |
| § 139-8. Permit expiration. | § 139-18. Severability. |
| § 139-9. Identification badges. | § 139-19. Disabled veterans. |
| § 139-10. Permit exhibition. | § 139-20. Prohibited acts; sale of frozen food products. |

[HISTORY: Adopted by the Board of Selectmen of the Village of Sodus Point 6-20-2002 by L.L. No. 1-2002. Amendments noted where applicable.]

GENERAL REFERENCES

Streets and sidewalks — See Ch. 161.

Vehicles and traffic — See Ch. 175.

§ 139-1. Definitions; word usage.

A. As used in this chapter, the following terms shall have the meanings indicated:

CHARITABLE — Patriotic, philanthropic, social service, health, welfare, benevolent, educational, civic, cultural or fraternal.

CLERK — The Village of Sodus Point Clerk.

CONTRIBUTIONS — Alms, money, subscription, property or any donations.

HAWKER — One who offers for sale his goods by calling out in the street.

HAWKING — The selling or vending or offering for sale of any goods, wares or merchandise for immediate delivery, which the person selling or offering for sale carries with him in traveling or has in his possession or control, upon any of the streets or sidewalks or from house to house in the Village of Sodus Point.

PEDDLER — Any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, carrying or transporting goods, wares, merchandise or personal property of any nature and offering the same for sale. This

includes any person who solicits orders and as a separate transaction makes deliveries to purchasers. The word "peddler" shall not apply to the following:

- (1) Farmers seeking or taking orders for or selling or offering the sale of their own produce.
- (2) The seeking or taking of orders for or the selling or offering for sale of bread or bakery products, meat or meat products or milk or milk products by any manufacturer or producer thereof.
- (3) The seeking or taking of orders for or the selling or offering for sale of insurance by insurance agents or brokers licensed under the insurance laws of the State of New York.

PEDDLING — All activities described under the definition of "peddler" of this section.

PERSON — A person or any firm, corporation, association, club, society or organization.

SOLICITOR — Any person who goes upon the premises of any private residence, not having been invited by the occupant thereof, for the purpose of taking or seeking or attempting to take orders or make contracts for the sale of goods, merchandise, wares, or other personal property of any nature for future delivery, or for services to be performed in the future. This includes any person who, without invitation, goes upon private property to request subscriptions or contribution of funds or anything of value, or sell goods or services for political, charitable, religious, or other noncommercial purposes.

SOLICITATION — All activities described under the definition of "solicitor" of this section.

TRANSIENT MERCHANT — A person who engages or proposes to engage temporarily in merchandising business in the Village of Sodus Point and occupies a room, building, tent, lot, stand, table or other premises for the purpose of selling, trading or bartering goods, wares and merchandise.

B. Usage. The singular shall include the plural.

§ 139-2. Permit requirements and exemptions.

- A. It shall be unlawful for any person to engage in peddling or solicitation activities within the Village of Sodus Point without first obtaining a permit issued by the Clerk; provided, however, that the following are exempt from the provisions of this section:
- (1) Any solicitation made upon premises owned or occupied by an organization upon whose behalf the solicitation is made.
 - (2) Any communication by an organization soliciting contributions solely from persons who are members of the organization at the time of such solicitation.
 - (3) Any solicitation in the form of a collection at a regular meeting, assembly or service of a charitable person or organization; or

- (4) Any solicitation for the relief of any individual specified by name at the time of the solicitation where the solicitor represents in each case that the entire amount collected shall be turned over to the named beneficiary.
 - (5) Yard sales, garage sales or conducted residential auctions of personal household property or sales of a like nature conducted in connection with a dwelling in a zoned residence district shall not be deemed to be the conduct of a transient retail business so long as no more than two such sales of not more than three days each per year are conducted on any parcel or private property. The person conducting such sale, whether resident or auctioneer, shall not require a license, but is requested to register the proposed activity with the Police Department so that the Department may be alerted as to a possible traffic situation.
 - (6) Persons engaged in interstate commerce selling or soliciting subscriptions, books, magazines or periodicals, including educational, religious and reference materials. (As a courtesy, these individuals are requested to inform the Police Department of their presence).
 - (7) Juvenile peddlers and solicitors under the age of 18.
- B. This permit requirement applies to any and all persons who wish to engage in peddling or solicitation including, but not limited to transient merchants as defined in § 139-1. This includes transient merchants who wish to offer for sale wares at any type of carnival, festival, flea market, craft show, etc.
- C. Every owner or lessee of a building zoned commercial or industrial who leases or subleases space within the halls or courts of the building for a daily craft show, flea market, exhibit, etc., where wares are offered for sale or orders for wares solicited shall not permit said operation to be conducted unless and until each transient merchant displays a license as required herein, or the operation has been qualified as exempt from the provisions hereof, as determined by the Clerk.
- D. No person engaged in peddling or solicitation shall occupy any fixed location upon any of the streets, highways, sidewalks or other locations for the purpose of hawking, peddling, vending or soliciting. No licensee may enter upon any public park, Village property, municipal recreation facility, golf course or municipal off-street parking areas, or premises of educational institutions for the purpose of hawking, peddling, vending or soliciting.
- E. No person shall be allowed to engage in peddling or solicitation, hawking, or the selling of goods, with or without a vehicle, in the Village of Sodus Point on Greig Street between Bay Street and Irwin Street due to the limited parking available, congested traffic patterns and need to ensure the safety of pedestrians in this area.

§ 139-3. Permit application.

- A. Every person subject to the provisions of this chapter shall file with the Clerk an application in writing on a form to be furnished by the Clerk, which shall provide the following information:

- (1) Proof of age, address and identification of the applicant.
 - (2) A brief description of the business or activity to be conducted.
 - (3) The house and location for which the right to peddle or solicit is desired.
 - (4) Whether there is parking located at the site of the proposed solicitation location and, if so, the type of parking provided.
 - (5) If employed, the name, address and telephone number of the employer; or if acting as an agent, the name, address and telephone number of the principal who is being represented, with credentials in written form establishing the relationship and the authority of the employee or agent to act for the employer or principal, as the case may be.
 - (6) A statement as to whether or not the applicant has been convicted of a felony, misdemeanor or local law violation, the nature of the offense or violation, the penalty or punishment imposed, the date and place where such offense occurred, and other pertinent details thereof.
 - (7) Proof of possession of any license or permit which, under federal, state or local laws or regulations, the applicant is required to have in order to conduct the proposed business, or which, under any such law or regulations, would exempt the applicant from the licensing requirements of this chapter.
 - (8) Two photographs of the applicant, which shall have been taken within 60 days immediately prior to the date of filing of the application. The photographs shall measure 1 1/2 inches by 2 1/2 inches and show the head and shoulders of the applicant in a clear and distinguishing manner.
 - (9) The type or types of article, device, subscription, contribution, service, goods, wares and/or merchandise he or she desires to sell or for which he or she wishes to solicit within the Village of Sodus Point.
 - (10) The type of vehicle(s) he or she wishes to use, if any.
- B. Each person shall execute the application under oath or affirmation with a written and printed signature, and, if for an organization, his title. He shall provide written proof of his authorization to apply for a license on behalf of said organization.

§ 139-4. Fees.

- A. At the time the application is filed with the Clerk, the applicant shall pay a fee to cover the cost of processing the application and investigating the facts stated therein. The permit fee shall be \$20 for a one-day permit, \$50 for a one-week permit or \$200 for an annual permit for each solicitor or peddler.
- B. This provision shall not apply to persons soliciting orders for goods to be shipped into the state or otherwise involved in interstate commerce.

- C. A New York State veteran or resident surviving spouse of a veteran may obtain a free license to peddle upon the streets/highways of the Village of Sodus Point so long as said veteran or resident surviving spouse of a veteran resides within the Village limits. Said license is nontransferable.

§ 139-5. Bond required.

All solicitors requiring cash deposits or taking orders for cash on delivery purchases (COD) or who require a contract of agreement to finance the sale of any goods, services, or merchandise for future delivery, or for services to be performed in the future, shall furnish to the Clerk a bond in the amount of \$5,000.

§ 139-6. Application review; and permit issuance; contents of permit.

- A. Upon receipt of an application, the Clerk shall review the application as deemed necessary to ensure the protection of the public health, safety and general welfare.
- B. If the Clerk finds the application to be satisfactory, the Clerk shall approve the application and shall, upon payment of the prescribed fee, deliver the required permit to the applicant.
- C. The permit shall show the name, address and photograph of the permittee, the class of permit issued, the kind of goods or services to be sold or delivered, the date of issuance, and the length of time that the permit shall be in effect. The permit shall also show the permit number and identifying description of any vehicle to be used in carrying on the business for which the permit is issued.

§ 139-7. Denial of permit.

- A. Upon the Clerk's review of the application, the Clerk may refuse to issue a permit to the applicant under this chapter for any of the following reasons:
- (1) The location and time of solicitation or peddling would endanger the safety and welfare of the solicitors, peddlers or their customers;
 - (2) An investigation reveals that the applicant falsified information on the application;
 - (3) The applicant has been convicted of a felony, misdemeanor or local law violation involving a sex offense, trafficking in controlled substances, or any violent acts against persons or property, such conviction being entered within the five years preceding the date of application;
 - (4) The applicant is a person against whom a judgment based upon, or conviction for, fraud, deceit or misrepresentation has been entered within the five years immediately preceding the date of application;
 - (5) The applicant offers no proof of authority to serve as an agent; or

(6) The applicant has been denied a permit under this chapter within the immediate past year, unless the applicant can and does show to the satisfaction of the Clerk that the reasons for such earlier denial no longer exist.

B. The Clerk's disapproval and the reasons for disapproval shall be noted on the application, and the applicant shall be notified that his application is disapproved and that no permit will be issued. Notice shall be mailed to the applicant at the address shown on the application form, or at the applicant's last known address.

§ 139-8. Permit expiration.

All permits issued under the provision of this chapter shall expire one year from the date of issuance, unless an earlier expiration date is noted on the permit.

§ 139-9. Identification badges.

At the same time the permit is issued, the Clerk shall issue to each permittee a badge, which shall be worn by the permittee in such a way as to be conspicuous at all times while the permittee is soliciting or peddling in the Village of Sodus Point.

§ 139-10. Permit exhibition.

Every person required to obtain a permit under the provisions of this chapter shall exhibit the permit when requested to do so by any prospective customer or individual.

§ 139-11. Transfer of permit or badge prohibited.

It shall be unlawful for any person other than the permittee to use or wear any permit or badge issued under the provisions of this chapter. The person designated on said permit or badge shall be the only person authorized to engage in such business thereunder.

§ 139-12. Entry upon signed premises unlawful.

It shall be unlawful for any person, whether licensed or unlicensed, while conducting the business of a peddler or solicitor, to enter upon any residential premises in the Village of Sodus Point where the owner, occupant or person legally in charge of the premises has posted, at the entry to the premises, or at the entry to the principal building on the premises, a sign bearing the words "No Peddlers," "No Solicitors," or words of similar import.

§ 139-13. Hours of solicitation.

No person, while conducting the activities of a peddler or solicitor, whether licensed or unlicensed, shall enter upon any private property, knock on doors or otherwise disturb persons in their residences on Sundays or between the hours of 8:00 p.m. and 9:00 a.m. Mondays through Saturdays.

§ 139-14. Permit revocation.

Any permit issued under this chapter may be revoked or suspended by the Clerk, after notice and a hearing, for any of the following reasons:

- A. Fraud, misrepresentation or false statement contained in the application for a permit;
- B. Fraud, misrepresentation or false statement made by the permittee in the course of conducting solicitation or peddling activities;
- C. Conducting peddling or solicitation activities contrary to the provisions in the permit;
- D. Conviction for any crime involving moral turpitude; or
- E. Conducting peddling or solicitation activities in such a manner as to create a public nuisance, constitute a breach of the peace or endanger the health, safety or general welfare of the public.

§ 139-15. Notice; hearing.

Notice of a hearing for revocation of a permit issued under this chapter shall be provided in writing and shall set forth specifically the grounds for the proposed revocation and the time and place of the hearing. Notice shall be mailed, postage prepaid, to the permittee at the address shown on the permit application or at the last known address of the permittee.

§ 139-16. Appeals.

- A. Any person aggrieved by the action or decision of the Clerk to deny, suspend or revoke a permit applied for under the provisions of this chapter shall have the right to appeal such action or decision to the Mayor within 15 days after the notice of the action or decision has been mailed to the person's address as shown on the permit application form, or to his last known address.
- B. An appeal shall be taken by filing with the Clerk a written statement setting forth the grounds for the appeal.
- C. The Clerk shall transmit the written statement to the Mayor within 10 days of its receipt, and the Mayor shall set a time and place for a hearing on the appeal.
- D. A hearing shall be set not later than 20 days from the date of receipt of the appellant's written statement.
- E. Notice of the time and place of the hearing shall be given to the appellant in the same manner as provided for the mailing of notice of action or decision.
- F. The decision of the Mayor on the appeal shall be final and binding on all parties concerned.

§ 139-17. Penalties for offenses.

- A. Violation of any of the provisions of this chapter shall be treated as an infraction and shall, upon conviction, be punishable by a fine of not more than \$250 and up to 15 days in jail.
- B. In addition to any criminal enforcement, the Village of Sodus Point or any individual may pursue any available civil remedies deemed appropriate and necessary.

§ 139-18. Severability.

The provisions of this chapter are deemed and declared to be severable. If any section, sentence, clause, or phrase of the chapter shall, for any reason, be held to be invalid or unconstitutional by a court of competent jurisdiction, such decisions shall not affect the validity of the remaining sections, sentences, clauses, and phrases of this chapter, but they shall remain in effect, it being the legislative intent that this chapter shall remain in effect notwithstanding the validity of any part.

§ 139-19. Disabled veterans.

A disabled veteran who has obtained a license pursuant to this chapter, shall not be subject to the terms and conditions of this chapter (other than the permit/license requirement), so long as he conducts his business without the use of a motorized vehicle.

§ 139-20. Prohibited acts; sale of frozen food products.

- A. No person engaged in soliciting or peddling or acting as a transient merchant shall occupy any of the streets or alleys or sidewalks of the Village of Sodus Point for purposes of soliciting or peddling, with or without any type of stand, counter, cart, etc.
- B. No peddler or solicitor shall peddle, vend or sell his or her goods or wares within 200 feet of any church or place of worship or public or private school during regular business hours.
- C. No person shall solicit any business whatsoever at the scene of any accident within the Village of Sodus Point.
- D. All permittees offering for sale any ice cream or frozen food product or water ices shall observe the following specified requirements:
 - (1) No bell, whistle, horn or other noisemaking device shall be used for vending purposes.
 - (2) No vending shall be permitted from vehicles located on state highways.
 - (3) No product shall be sold or dispensed to any child who must cross any street or highway to the vehicle from which products are sold or dispensed unless such child is accompanied by and under the immediate supervision and protection of the driver of said vehicle or other adult and such child is returned across such street or

highway in the same manner before such vehicle shall leave the immediate location from which products are sold or dispensed. The driver of such vehicle shall not leave any area where he has sold or dispensed any product until all empty cartons, paper containers or other waste materials originating from said vehicle have been removed and placed in a container inside the vehicle.

- E. No vending shall be conducted within a distance of 75 feet of the radius curve of any street or highway intersection or from any other location which may obstruct the normal flow of traffic.

Chapter 141

PROPERTY MAINTENANCE

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| § 141-1. Title. | § 141-6. Noxious weeds or growth prohibited. |
| § 141-2. Purpose. | § 141-7. Complaints. |
| § 141-3. Definitions. | § 141-8. Notice. |
| § 141-4. Storage or accumulation of inoperable vehicles. | § 141-9. Inquiry by Village Board. |
| § 141-5. Storage of unlicensed vehicles. | § 141-10. Failure to comply. |

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point 8-21-1997 by L.L. No. 3-1997, amended in its entirety 9-18-2003 by L.L. No. 2-2003. Subsequent amendments noted where applicable.]

GENERAL REFERENCES

Nuisances — See Ch. 127.

§ 141-1. Title.

This chapter shall be known and may be cited as the "Yard Maintenance Law of the Village of Sodus Point."

§ 141-2. Purpose.

It is the purpose of this chapter to promote the public health, safety and general welfare, and to maintain property within the Village of Sodus Point in a safe, healthy and aesthetically pleasing manner.

§ 141-3. Definitions.

As used in this chapter, the following words, phrases and terms shall have the following meanings:

DISASSEMBLED, INOPERABLE, JUNKED OR WRECKED MOTOR VEHICLES, TRUCK BODIES, TRACTORS, TRAILERS — Motor vehicles, truck bodies, tractors or trailers in such state of physical or mechanical ruin as to be incapable of propulsion or of being operated upon the public streets or highways.

JUNK — Worn out or discarded material of little or no value, including but not limited to household appliances or parts thereof, tools, discarded building materials, garbage, discarded furniture or any other unsightly debris, the accumulation of which has an adverse effect upon neighborhood or Village property values, health, safety or general welfare.

LAWN — Land covered with grass kept closely mowed, especially around a house.

MOTOR VEHICLE — As defined in § 125 of the New York State Vehicle and Traffic Law; unlicensed motor vehicles, truck bodies, tractors or trailers; motor vehicles, truck bodies, tractors or trailers which do not bear lawful current license plates.

NOXIOUS WEEDS AND GROWTH — Grass, brush, rubbish or weeds of a nature which is a fire or health hazard, including lawns in excess of six inches in height.

PERSONS — Any person, firm, partnership, association, corporation, company or organization of any kind. "Persons" shall also include the occupant of the parcel of land.

§ 141-4. Storage or accumulation of inoperable vehicles.

- A. Restricted. No person shall accumulate, store or allow any disassembled, inoperable, junked or wrecked motor vehicles, truck bodies, tractors or trailers in the open upon any public or private property within the Village for a period exceeding 72 hours.
- B. Exceptions. Any business engaged in automotive sales or repair located in a properly zoned district may retain no more than three disassembled or wrecked vehicles in the open for a period of not to exceed 30 days, after which such vehicles shall be removed. Also excepted shall be properly zoned, permitted and licensed junkyards established pursuant to § 136 of the General Municipal Law.

§ 141-5. Storage of unlicensed vehicles.

- A. Restricted. No person shall accumulate, store or allow more than one unlicensed motor vehicle, truck body, tractor or trailer in the open upon any public or private property within the Village for a period exceeding 72 hours.
- B. Exceptions: any business engaged in the sale, repair or storage of such unlicensed vehicles.

§ 141-6. Noxious weeds or growth prohibited.

No person shall maintain, plant or permit to remain on any private property any noxious weeds or growth.

§ 141-7. Complaints.

Complaints concerning any violation of this chapter shall be made in writing, sworn to by the complainant, and filed with the Building Inspector for the Village of Sodus Point, who shall immediately cause an investigation to be made with respect thereto and the written report of such investigation filed with the Clerk of the Village.

§ 141-8. Notice.

If, after such investigation, it appears that there is a reasonable basis to believe that any of the provisions of this chapter have been violated, the Building Inspector shall immediately cause a notice in writing to be served upon the owner or occupant of the property. Such notice shall

set forth the nature of the complaint and shall direct the owner or occupant to remove said noxious weeds and growth, junk or motor vehicles. The notice required under this chapter shall be served upon the owner, his executors, legal representatives, agent, lessee or any other person having a vested or contingent interest in such premises as shown by the records of the Town Assessor or of the Wayne County Clerk. Service shall be made either personally or by registered or certified mail, addressed to the last known address, if any, of the owner, his executors, legal representative, agent, lessee or other person having a vested or contingent interest in such premises as aforesaid identified. If service is made by registered or certified mail, a copy of the notice shall be posted on the premises. The notice shall be in substantially the following form:

To the owner, occupant or person having charge of land known on the Assessment Roll of the Village of Sodus Point as vacant lot(s) located on the _____ side of the _____ Street or Avenue; or house and lot number _____ located on the _____ side of _____ Street or Avenue.

Notice is hereby given that you have failed to cut the grass or weeds or to remove junk or refuse, or unlicensed or inoperable motor vehicle(s) pursuant to Chapter 141 of the Code of the Village of Sodus Point. Said grass or weeds must be cut and any junk or refuse or unlicensed or inoperable motor vehicle(s) removed within 10 days from the date of this notice.

In case you fail or refuse to comply with this notice on or before the expiration of said 10 days from the date of this notice, the Village of Sodus Point, acting through its duly authorized agents, servants, officers and employees, will enter upon your land and cut said grass or weeds or remove said junk or refuse or unlicensed or inoperable motor vehicle(s). The expense incurred by the Village including a \$50 administration fee, will be assessed against the above-described land, and shall constitute a lien thereon, and shall be added to the real property tax levied against the property and collected as provided by law.

Dated:

Code Enforcement Officer

§ 141-9. Inquiry by Village Board.

Any person feeling aggrieved by any such action or notice may, within three days after the receipt of such notice, demand the matter be inquired into by the Village Board. Such demand must be in writing, signed by the person seeking such inquiry, and filed with the Village Clerk. Within a reasonable time, the Village Board shall schedule a date, time and place for a hearing before the Village Board in which the aggrieved person may address the Village Board. Such hearing shall be scheduled not less than five business days from the date of service of the notice.

§ 141-10. Failure to comply.

In the event of the refusal or neglect of the person so notified to comply with said order of the Village Board and after the hearing, the Village Board shall provide for the removal of the junk, motor vehicle or noxious weeds or growth, as the case may be, either by Village employees or by contract, and the total cost thereof including an administration fee of \$50 shall be assessed upon the real property upon which the motor vehicle, junk or noxious weeds

and growth are found, and shall constitute a lien and charge upon the real property on which it is levied until paid or otherwise satisfied or discharged, and shall be collected by the Village Treasurer in the manner provided by law for the collection of real property taxes.

Chapter 147

SEWERS

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- § 147-2. General intent.
- § 147-3. Definitions and word usage.

ARTICLE II Use of Public Sewers

- § 147-4. Prohibited activity.
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ARTICLE III Private Sewage Disposal

- § 147-6. Connection.
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- § 147-8. Inspection.
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ARTICLE IV Building Sewers and Connections

- § 147-14. Permit required.
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- § 147-16. Permit and inspection fee.
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- § 147-18. Approval required.
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- § 147-20. Existing sewers.
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§ 147-50. Discontinuance or reinstallation of service.

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**ARTICLE X
Imposition, Billing and Collection**

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§ 147-53. Imposition.

§ 147-46. Basis for charge.

§ 147-54. Authority of Village Board.

§ 147-55. Billing and collection.

[HISTORY: Adopted by the Board of Trustees of the Village of Sodus Point as indicated in part histories. Amendments noted where applicable.]

Part 1

Sewer Use

[Adopted 5-21-1987 by L.L. No. 5-1987]

**ARTICLE I
General Provisions**

§ 147-1. Title.

This Part 1 shall be known and may be cited as the "Sewer Use Law of the Village of Sodus Point."

§ 147-2. General intent.

The intent of this Part 1 is to regulate the use of public and private sewers and drains, private sewage disposal, the installation and connection of building sewers and the discharge of waters and wastes into the public sewer system; to protect the sewage collection and treatment facilities, to prevent danger to life and property and to promote the health, safety and general welfare of the community.

§ 147-3. Definitions and word usage.

- A. When used in this Part 1, unless otherwise expressly stated, or otherwise the context or the subject matter requires, the following terms shall have the meanings indicated:

BOD (denoting biochemical oxygen demand) — The quality of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 20° C., expressed in milligrams per liter unless otherwise stated.

BUILDING DRAIN — That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

BUILDING SEWER — The extension from the building drain to the public sewer or other place of disposal.

GARBAGE — Animal and vegetable wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTEWATERS — The wastewater from industrial processing, trade or business, as distinct from domestic or sanitary wastes.

NATURAL OUTLET — Any outlet into a watercourse, pond, ditch, lake or other body of surface water or groundwater.

OTHER WASTES — All other water-carried discarded matter not sewage. Without limiting the generality of this definition, specific mention is made of garbage, refuse, wood wastes, sand, cinders, ashes, offal, inflammable liquids, solids or gases, harmful gases in concentrations of above 10 parts per million, such as H₂S, SO₂ and oxides of nitrogen, also gasoline, benzene, naphtha, fuel oil, lubricating oil and used waste oil.

PERSON — Any individual, firm, company, association, society, corporation or group.

pH — The reciprocal of the logarithm of the weight of hydrogen ions in grams per liter of solution.

PROPERLY SHREDDED GARBAGE — The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers with no particle greater than 1/2 inch (1/27 centimeters) in any dimension.

PUBLIC SEWER — A system owned by the village and administered and/or controlled by the Board.

SANITARY SEWER — A sewer which carries sewage and to which stormwaters, surface waters and groundwaters are not intentionally admitted.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions and industrial establishments, together with minor quantities of groundwaters, surface waters and stormwaters.

SEWAGE TREATMENT PLANT — Any arrangement of devices and structures used for treating sewage.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER — A pipe or conduit for carrying sewage.

SLUG — Any discharge of water, sewage or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four hour concentration flows during normal operation.

STORM DRAIN or STORM SEWER — A sewer which carries stormwaters and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUPERINTENDENT — That person designated by the village to supervise the operation, maintenance and use of sanitary sewers in the village.

SUSPENDED SOLIDS — Solids that either float on the surface of, or are in suspension in water, sewage or other liquids, and which are removable by laboratory filtering.

VILLAGE — The Village of Sodus Point as represented by the Board of Trustees.

WATERCOURSE — A channel in which a flow of water occurs, either continuously or intermittently.

- B. "Shall" is mandatory; "may" is permissive.

ARTICLE II Use of Public Sewers

§ 147-4. Prohibited activity.

- A. It shall be unlawful for any person to place, deposit or permit to be deposited or burned in any unsanitary manner on public or private property within the Village of Sodus Point, or in any area under the jurisdiction of said Village, any human excrement, garbage or other objectionable waste.
- B. It shall be unlawful to discharge to any natural outlet within the Village of Sodus Point, or in any area under the jurisdiction of said village, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this Part 1.
- C. Except as hereinafter provided, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage.

§ 147-5. Connection required; exceptions.

The owners of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes, situated within the village and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the village, or having access to such sewer through a private or common right-of-way, shall at his own expense install suitable toilet facilities therein and connect such facilities directly with the proper public sewer in accordance with the provisions of this Part 1 prior to occupancy thereof, or if an existing structure, within 90 days after notice from the village or its designated representatives to do so; provided, however, that owners of single-family dwellings shall not be required to connect such facilities to public sanitary sewers if upon application to the village a certificate is obtained:

- A. That such dwelling is connected to a septic system which is adequately functioning and not in an area of soil or stream pollution; and
- B. That such dwelling cannot be connected to the public sewer and have the sewage from that dwelling flow to the sewer without pumping.

**ARTICLE III
Private Sewage Disposal**

§ 147-6. Connection.

Where a public sanitary sewer is not available or not required under the provisions of Article II, § 147-5, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Part 1.

§ 147-7. Permit required; fee.

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a permit from the Superintendent. A permit and inspection fee in such amount as may be established by the village shall be paid to the village at the time the application is filed.

§ 147-8. Inspection.

A permit for a private sewage disposal system shall not become effective until the installation is completed to the reasonable satisfaction of the Superintendent. He or she shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Superintendent 24 hours in advance of when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within 36 hours of the receipt of notice by the Superintendent.

§ 147-9. Approval by village and state authorities.

All private sewage disposal systems shall be built in accordance with the requirements and specifications of the Village of Sodus Point, Wayne County, and if required, by the New York

State Department of Health and the New York State Department of Environmental Conservation. No village permit shall be issued for any private sewage disposal system until the owner shall have received all required approvals from applicable state agencies.

§ 147-10. Use of public sewer required when available.

At such time as a public sewer becomes available as set forth in Article II, § 147-5, to a property served by a private sewage system, a direct connection shall be made to the public sewer in compliance with this Part 1 within 60 days after the date of official notice that public sewer is available. Any septic tanks, cesspools and similar private sewage disposal facilities shall be abandoned, cleaned of sludge and filled with clean, bank-run gravel at the time of such direct connection.

§ 147-11. Operation at owner's expense.

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times at no expense to the village.

§ 147-12. Additional requirements.

No statement contained in this Part 1 shall be constructed to interfere with any additional requirements that may be imposed by the Superintendent.

§ 147-13. New construction.

Any dwelling hereafter constructed which shall be located where public sewers are not available shall be provided with a sewer connection, to be installed at the time of construction. This connection shall consist of a four-inch cast-iron extra heavy pipe under the cellar floor and footing and extending from directly under the house vertical stack to a point 10 feet outside the house wall on the side of the building where public sewers are expected to be installed.

ARTICLE IV
Building Sewers and Connections

§ 147-14. Permit required.

No person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer, building sewer or appurtenance thereof without first obtaining a written permit from the Superintendent.

§ 147-15. Application.

The owner of property or his authorized agent shall make written application to the Superintendent for a permit to connect to public sanitary or storm sewers or to do any repair or maintenance work in connection with the sanitary system in the village. The application

shall be in such form and shall set forth such information as the Superintendent may reasonably require and state that the nature and extent of the use the owner proposed to make of the sanitary sewer system and the extent of the corrective repair or maintenance work to be performed. The permit application shall be supplemented by any plans, specifications or other information considered pertinent in the judgment of the Superintendent.

§ 147-16. Permit and inspection fee.

At the time of applying for such permit, the owner shall apply a permit fee and inspection fee in such amount as may from time to time be established by the village.

§ 147-17. Variations.

Permits granted under this Part 1 shall be for a specific waste. No change of quantity, quality or characteristic of such waste shall be permitted except upon written approval of the Superintendent after the owner has made application for a new permit.

§ 147-18. Approval required.

A separate and independent building sewer shall be provided for every building except that commercial or industrial users may construct at their own expense and upon their own lands collection sewers to collect sewage from several buildings, which collection sewer shall be connected to the public sewer. The construction of any such collection sewers shall be in accordance with plans approved by the Superintendent. No building sewer shall be covered until it has been inspected by the Superintendent.

§ 147-19. Connections prohibited.

No persons shall make connection of roof downspouts, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

§ 147-20. Existing sewers.

Old building sewers may be used in connection with new buildings only when they are found, on examination and tests by the Superintendent to meet all requirements of this Part 1.

§ 147-21. Inspection.

The applicant for the building sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his representative.

§ 147-22. Excavations.

All excavations for building sewer installation shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the village.

§ 147-23. Construction specifications.

All sewer connection and building sewers shall be constructed in accordance with the rules and regulations adopted by the village and upon plans and specifications approved by the Superintendent. Only persons licensed by the Village of Sodus Point shall be permitted to construct, maintain or repair any building sewer or connection to public sewers.

§ 147-24. Costs and liability.

All costs and expenses incident to the installation and connection of the building sewer shall be borne by the owner. The owner shall indemnify the village for any loss or damage that may directly or indirectly be caused by the installation of the building sewer and its connection to the public sanitary sewer.

§ 147-25. Excavation within highway limits.

Any excavation within highway limits shall be done only after a permit therefor has been issued by the proper state, county or village official. Such work shall be done, the excavation filled and surface restored under the supervision of and as shall be directed by the proper authority. Any excavation on any other public property shall be done only after a permit therefor has been issued by the Superintendent and under his supervision and control.

ARTICLE V
Discharge Regulations

§ 147-26. Permission required for certain discharges.

No person shall discharge or cause to be discharged any unpolluted waters such as stormwater, groundwater, roof runoff, subsurface drainage or cooling water to any sewer, except stormwater runoff from limited areas, which stormwater may be polluted at times, may be discharged to the sanitary sewer by written permission of the Superintendent.

§ 147-27. Stormwater and unpolluted drainage.

Stormwater other than that exempted under § 147-26, unpolluted industrial cooling water or process waters and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Superintendent and other regulatory agencies.

§ 147-28. Discharge of prohibited substances.

No persons shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.
- B. Any waters containing toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any waste treatment process, constitute a hazard to humans or animals, create a public nuisance or create any hazard in the receiving waters of the wastewater treatment plant.
- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the wastewater works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the wastewater facilities such as, but not limited to, ashes, bones, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc., either whole or ground by garbage grinders.

§ 147-29. Discharge specifications.

The following described substances, materials, waters or wastes shall be limited in discharges to municipal systems to concentrations or quantities which will not harm either the sewers, wastewater treatment process or equipment, will not have an adverse effect on the receiving stream or will not otherwise endanger lives, limb, public property or constitute a nuisance. The Superintendent may set limitations lower than the limitations established in the regulations below if in his opinion such more severe limitations are necessary to meet the above objectives. In forming his opinion as to the acceptability, the Superintendent will give consideration to such factors as the quantity of the subject waste in relation to flows and velocities in the sewers, materials or construction of the sewers, the wastewater treatment process employed, capacity of the wastewater treatment plant, degree of treatability of the waste in the wastewater treatment plant and other pertinent factors. The limitations or restrictions on materials or characteristics of waste or wastewaters discharged to the sanitary sewer which shall not be violated without approval of the Superintendent are as follows:

- A. Wastewater having a temperature higher than 150° F. (65° C.).
- B. Wastewater containing more than 25 milligrams per liter of petroleum oil, nonbiodegradable cutting oils or product of mineral oil origin.
- C. Wastewater containing more than 100 milligrams per liter of floatable oils, fats or grease. [Amended 1-24-1995 by L.L No. 1-1995]
- D. Any garbage that has not been properly shredded. Garbage grinders may be connected to sanitary sewers from homes, hotels, institutions, restaurants, hospitals, catering

establishments or similar places where garbage originates from the preparation of food in kitchens for the purpose of consumption on the premises or when served by caterers.

- E. Any waters or wastes containing iron, chromium, copper, zinc and similar objectionable or toxic substances to such degree that any such material received in the composite wastewater at the wastewater treatment works exceeds the limits established by the Superintendent for such materials.
- F. Any waters or wastes containing odor-producing substances exceeding limits which may be established by the Superintendent.
- G. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Superintendent in compliance with applicable state or federal regulations.
- H. Quantities of flow, concentrations or both which constitute a "slug" as defined herein.
- I. Waters or wastes containing substances which are not amenable to treatment or reduction by the wastewater treatment processes employed, or are amenable to treatment only to such a degree that the wastewater treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.
- J. Any waters or wastes which, by interaction with other waters or wastes in the public sewer system release obnoxious gases, form suspended solids which interfere with the collection system, or create a condition deleterious to structures and treatment processes.
- K. Waters or wastes:
 - (1) Having a five-day biochemical oxygen demand greater than 300 milligrams per liter by weight;
 - (2) Containing more than 350 milligrams per liter by weight of suspended solids;
 - (3) Containing any quantity of substances having the characteristics described in § 147-28; or
 - (4) Having an average daily flow greater than 2% of the average daily sewage flow of the village sewage treatment plant.

§ 147-30. Action upon discharge of regulated wastes.

If any waters or wastes are discharged or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in § 147-29 of this Part I, and which in the judgment of the Superintendent may have a deleterious effect upon the wastewater facilities, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Superintendent may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or

- D. Require the payment to cover added cost of handling and treating the wastes not covered by existing sewer charges under the provisions of Part 2, Sewer Rents, below. [Amended 1-24-1995 by L.L. No. 1-1995]
- (1) If the Superintendent permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Superintendent and subject to the requirements of all applicable codes, ordinances or laws. Plans for such pretreatment facilities shall be prepared by a licensed professional engineer and shall be submitted to the village for its approval, together with a letter from the New York State Department of Environmental Conservation approving the proposed preliminary pretreatment facilities. No construction of such facilities shall be commenced until said approvals are obtained in writing. No permit will be granted until such pretreatment facilities have been placed in operation and have demonstrated their effectiveness by test. The cost of such testing, sampling and analyzing shall be borne by the owner.
 - (2) All industrial discharges shall be subject to pretreatment requirements contained in or required by the village's discharge permits. All restaurants and establishments engaged in the preparation and sale of food shall be required to install and maintain grease traps. Industries discharging to the sewage works shall submit semiannual notice regarding their production and discharge to the extent required by federal and state regulations. Such notice shall be submitted by April 1 and October 1 of each year.

§ 147-31. Interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Superintendent, they are necessary for the proper handling of liquid wastes containing floatable grease in excessive amounts as specified in § 147-29, or any flammable wastes, sand or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved by the Superintendent, and shall be located as to be readily and easily accessible for cleaning and inspection. In the maintaining of these interceptors, the owner shall be responsible for the proper removal and disposal by appropriate means of the captured materials and shall maintain records of the dates and means of disposal which are subject to review by the Superintendent. Any removal and hauling of the collected materials not performed by owner's personnel must be performed by currently licensed waste disposal firms.

§ 147-32. Maintenance of facilities.

Where pretreatment or flow-equalizing facilities are provided or required for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

§ 147-33. Monitoring of industrial wastes.

When required by the Superintendent, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable structure together with such necessary meters and other appurtenances in the building sewer to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The structure shall be installed by the owner at his expense and shall be maintained by him so as to be safe and accessible at all times.

§ 147-34. Standards, measurements and tests.

All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this Part 1 shall be determined in accordance with the latest edition of Standard Methods for the Examination of Water and Wastewater, published by the American Public Health Association or with methods approved by the United States Environmental Protection Agency, and may be determined at the control manhole provided for in § 147-33, or upon suitable samples taken at said manhole. In the event that no special manhole has been required, the control manhole may be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, property or treatability. The particular analyses involved will determine whether a twenty-four hour composite of all outfalls of a premises is appropriate or whether a grab sample or samples should be taken. Normally, but not always, BOD and suspended solids analyses are obtained from twenty-four hour composites of all outfalls whereas pH's are determined from periodic grab samples. If, in the judgment of the Superintendent, analyses must be performed which are beyond the scope of the laboratory at the sewage treatment plant, these analyses shall be performed at a laboratory designated by the Superintendent. The costs of any test, measurements or analyses required by the village or the Superintendent to ensure compliance with this Part 1 shall be charged to the owner.

§ 147-35. Agreements.

No statement contained in this Part 1 shall be construed as preventing any special agreement or arrangement between the village and any industrial, commercial or other owner from whose premises an industrial-commercial or domestic waste emanates which is of unusual strength or character from being accepted by the village for treatment subject to payment therefor by such owner.

**ARTICLE VI
Enforcement****§ 147-36. Right of entry.**

The Superintendent and other duly authorized employees of the village bearing proper credentials and identification shall be permitted to enter all properties for the purposes of

inspection, observation, measurement, sampling and testing in accordance with the provision of this Part 1. The Superintendent or his representatives shall have no authority to inquire into any processes, including metallurgical, chemical, oil, refining, ceramic, paper or other industries beyond that point having a direct bearing on the kind and source of discharge to the sewers or waterways or facilities for waste treatment.

§ 147-37. Stop orders.

If the Superintendent shall find any conditions to exist which create a hazard or danger to the health of the community or the neighboring properties, he shall determine the cause thereof and shall issue such stop orders or directives to the person or persons causing such situation as he shall determine necessary, and he shall immediately report such conditions to the village which shall take such action as it deems appropriate. The failure of any person to comply with a lawfully issued stop order or directive of the Superintendent or village hereunder shall constitute a violation of this Part 1.

§ 147-38. Liability.

While performing the necessary work on private properties referred to in Article V above, the Superintendent or duly authorized employees of the premises established by the company and the company shall be held harmless for injury or death to the village employees and against liability claims and demands for personal injury or property damage asserted against the company and growing out of the gauging and sampling operation except as such may be caused by negligence or failure of the company to maintain safe conditions.

§ 147-39. Civil action.

Any person violating any provision of this Part 1 shall be responsible in money damages for any injury to the sewer system or expense caused the Sewer District by such violation. This money may be collected by civil action in any court of competent jurisdiction. Obedience to this Part 1 may also be enforced by injunction.

§ 147-40. Penalties for offenses.

Any person violating any provisions of this Part 1 and interfering with, entering or using said sewer systems without obtaining permission hereunder shall be guilty of an offense and subject to a fine of not less than \$50 nor more than \$100 or to imprisonment of not less than one day nor more than six months, or both such fine and imprisonment, and in addition, when a violation of this Part 1 or any of the provisions thereof is continuous, each 24 hours thereof shall constitute a separate, distinct and additional violation.

§ 147-41. Vandalism.

The malicious, willful or negligent breaking, damaging, destruction, uncovering, defacing or tampering with any structure, appurtenance or equipment which is part of this sewage works shall be a violation of this Part 1 and any person violating this section shall be subject to the

finer herein provided, and shall be liable for any damage or loss suffered by the Sewer District or village arising therefrom.

**Part 2
Sewer Rents**

[Adopted 5-21-1987 by L.L. No. 6-1987; amended in its entirety 5-15-2003 by L.L. No. 1-2003]

**ARTICLE VII
General Provisions**

§ 147-42. Title.

This Part 2 shall be known and may be cited as the "Sewer Rent Law of the Village of Sodus Point."

§ 147-43. General intent.

The costs of owning and maintaining the sewage works, including replacement, shall be paid by a system of service fees or rents as set forth in this Part 2. The costs shall include payments on outstanding debts and interest, operation and maintenance, insurance, the costs of improvements and direct administrative expenses.

§ 147-44. Definitions.

When used in this Part 2, unless otherwise expressly stated, the following terms shall have the meanings indicated:

COMMERCIAL USER — Establishments such as bars, restaurants, taverns, marinas, private clubs, mobile home parks, hotels, motels, boardinghouses and tourist homes which introduce primarily segregated domestic waste or waste from sanitary conveniences.

INDUSTRIAL COST RECOVERY — The recovery of the Village from its industrial users of any United State grants allocable to the treatment of wastes from such industrial users pursuant to § 204(B) of the Federal Water Pollution Control Act Amendments of 1972 and the federal rules and regulations applicable at the time of the industrial user's connection to the public sewer works.

INDUSTRIAL USER — Any nongovernmental user of publicly owned sewer works identified in the Standard Classification Manual, 1972 United States Office of Management and Budget, as amended and supplemented, under Divisions A, B, D, E, and I. A user in the divisions listed may be excluded if it is determined that it will introduce primarily segregated domestic wastes or waste from sanitary conveniences.

PART — As used in relation to the term "sewage works," all lateral sewers or all branch sewers or all interceptor sewers or all trunk sewers and any sewage treatment and disposal works, each part with necessary appurtenances, including pumping stations.

REPLACEMENT — Expenditure for obtaining and installing equipment, accessories or appurtenances which are necessary during the service life of the sewage works to maintain the capacity and performance for which these works are designed and constructed.

SEWAGE — A combination of the water-carried wastes from residences, business buildings, institutions, commercial establishments and industrial establishments, together with minor quantities of groundwaters, surface waters and stormwaters.

SEWAGE WORKS — All facilities for collecting, pumping, treating and disposing of sewage.

SEWER RENTS — A scale of annual user charges established and imposed in the Village for the use of the sewage works or any part or parts thereof. The sewer rent shall include the charges levied on users for the cost of operation and maintenance, including replacement and payment of the net local capital costs of the sewage works.

ARTICLE VIII Rental Units

§ 147-45. Classifications of users.

There is hereby established and imposed an annual sewer rent on users other than industrial, as defined in this Part 2, to be determined by multiplying the unit charge times the number of units of use as determined in this Part 2. Numbers of units assigned to multiuse property shall be established by totaling units for all users.

§ 147-46. Basis for charge.

The principal basis for establishment of a sewer use rental charge shall be known as a "rental unit." A "rental unit" is equated to any single-family residence connected to the sewer system. The yearly rental charge will be expressed in terms of rental units unless otherwise described. In the event that any property is determined to be subject to more than one classification established by this Part 2, that classification shall apply that produces the greater number of rental units. If any property is divisible into two or more classifications, the units assignable to each shall be determined, and the total thereof shall be assigned to the account.

§ 147-47. Computation.

Each one-family residence, occupied or unoccupied, will equal one rental unit. A "residence" shall include all types of living accommodations, including but not limited to studio apartments, mobile homes and whether in a single structure or part of a single structure. Each two-family house, apartment, multiple dwelling shall consist of one rental unit for each living quarters equipped with separate kitchen or kitchenette and toilet facilities.

§ 147-48. (Reserved)

§ 147-49. Installation of separate meter for sewage discharge.

Any sewer user whose sewer rent is based on water consumption may elect to measure the actual amount of its sewage discharge into the sewer system. When large amounts of water are used but not returned to the sanitary sewer system, the user may request a separate metered service for the nonsewered use, but the sewer user must pay for the meter. All measuring devices, equipment and installations shall be installed at the sewer user's expense in accordance with plans and specifications approved by the Village. Installation shall be inspected and approved by the Village. All expenses incurred by the Village in connection with its inspection and approval of such installations and with measuring sewage discharge into the sewer system shall be reimbursed by the sewer user.

§ 147-50. Discontinuance or reinstatement of service.

Any user may order discontinuance or reinstatement of service by notifying the Superintendent. A fee for discontinuance shall be charged and shall be in the amount of 1/2 of the total charge for the previous full four quarters of usage. The fee for reinstatement of such service shall be charged and shall be a like amount. No sewer service shall be deemed discontinued:

- A. Until the Superintendent is notified and has had a reasonable opportunity to verify discontinuance; and
- B. Until the Water Superintendent has had a reasonable opportunity to verify discontinuance of the water service, and that the water discontinuance fee has been paid.

**ARTICLE IX
Industrial Users**

§ 147-51. Computation of sewer rent.

Industrial users shall be charged sewer rents computed as hereinafter provided unless the Village decides that, by virtue of the volume, strength or unusual characteristics of its wastes, the industrial user shall be required to enter into an agreement with the Village for payment of its share of the sewer rent. Sewer rents for industrial users will be computed in the following manner to allocate the capital costs and the operation and maintenance costs in proportion to the flow and strength of their wastes and in proportion to the capacity of the treatment works reserved for their use.

- A. Net local share.
 - (1) Net local share of capital costs remaining to the Village after receipt and application of capital grants:

$$\begin{aligned} \text{Capital cost to user} &= \text{Share for intercepting sewers} + \\ &\quad \text{Share for intercepting pumping} + \\ &\quad \text{Stations for force mains} + \end{aligned}$$

	Share for water pollution control plant + Share for outfall sewer
+ Design peak user flow Design capacity	(Net local cost of intercepting sewer used)
+ Design peak user flow Design capacity	(Net local costs of intercepting pumping stations and force mains)
+ Design peak user flow Design capacity	(8.3% net local cost of water pollution control plant)
+ Design user BOD ₅ discharge Design capacity	(33.4% net local cost of water pollution control plant)
+ Design user total solids discharge Design capacity	(5.5% net local costs of water pollution control plant)
+ Design user demand factor 1.0	(52.8% net local cost of water pollution control plant)
+ Design peak user flow Design capacity	(Net local cost of outfall sewer)

- (2) This part of the sewer rent shall be computed for each industrial user considering only the facilities used for that user's discharge. The design user's demand factor shall be determined based upon principally the approximate use made by the user of the overall facilities but may be adjusted if the industrial discharge is more or less difficult to treat and dispose of due to its flow or quality characteristics. The net local cost remaining after the sum of costs for all industrial users have been computed shall then be allocated among other users as provided elsewhere.

B. Annual operation costs.

- (1) The annual cost for operation of the facilities shall be charged in accordance with the following equation:

$$\begin{aligned}
 & \text{Annual operating cost to user + share of costs for maintaining and operating} \\
 & \text{the intercepting sewers + shares for intercepting pumping stations and force} \\
 & \text{mains + share for water pollution control plant + share for outfall sewer.} \\
 & = \text{Annual user flow (Net cost of operating and maintaining intercepting sewers,} \\
 & \text{intercepting pumping stations and force mains and outfall sewers)} \\
 & = \text{Annual BOD}_5 \text{ discharged by users (net cost of total BOD}_5 \text{ discharged of} \\
 & \text{operating and maintaining water pollution control plant)}
 \end{aligned}$$

- (2) The part of the sewer rent shall be computed for each industrial user considering only the facilities used for that user's discharge. The net local cost remaining after

the sum of the costs for all industrial users have been computed shall then be allocated among other users as provided elsewhere. The cost may be charged to the industrial user on an annual basis, or such other shorter period as agreed.

C. The design capacities and their allocation shall be as follows:

Type	Total System Capacity
Intercepting sewers, gpm	1
Intercepting pumping stations and force mains	
Alton-Sodus Pt. RD PS No. 1	1,500 gpm
PS No. 2	700 gpm
First Creek P.S.	550 gpm
Lake Road P.S. No. 1	100 gpm
Water pollution control plant	
Flow	0.57 MD
BOD ₅	1,900 ppd
Total solids	4,886 ppd
Outfall sewer	1,500 gpm

NOTES:

¹ To be calculated using the Manning equation.

$$\text{Flow(MD)} = (.646) \times \frac{(1.49A R^{2/3} S^{1/2})}{n}$$

Where:

A is the cross section area of the sewer in feet

R is the hydraulic radius in feet

S is the slope of the sewer

n is the Manning roughness factor

§ 147-52. Industrial cost recovery.

Industrial users shall also be charged industrial cost recovery to the extent required by federal regulations in effect at the industrial user's connection to the public sewage works. The total cost to be recovered shall be computed in accordance with the following formulas and shall be paid in equal installments over a period of 30 years or for such shorter time as may be permitted by federal regulations.

Industrial costs recovery = share for intercepting sewers + share for intercepting pumping stations and force mains + share for water pollution control plant + share for outfall sewer.

+ Design peak user flow (EPA aid on intercepting sewers)

Design capacity	
+ Design peak user flow	(EPA aid of intercepting pumping stations and force mains)
Design capacity	
+ Design average user flow	(8.3% EPA aid of water pollution control plant)
Design capacity	
+ Design user BOD ₅ discharge	(33.4% EPA aid of water pollution control plant)
Design capacity	
+ Design user total solids discharge	(5.5% EPA aid of water pollution control plant)
Design capacity	
+ Design user demand factor	(52.8% net local cost of water pollution control plant)
1.0	
+ Design peak user flow	(EPA aid of outfall sewer)
Design capacity	

ARTICLE X

Imposition, Billing and Collection

§ 147-53. Imposition.

Sewer rents are hereby established and imposed for the sewage works of the Village and shall be levied and collected as herein provided.

§ 147-54. Authority of Village Board.

- A. The Village Board, by resolution and upon notice to the public, shall annually fix and determine the amount of the sewer rent to be charged for each rental unit.
- B. The sewer rent shall be \$85 per quarter (\$340 annually) for each residential rental unit in the Village of Sodus Point.
- C. The sewer rent shall be \$85 per quarter (\$340 annually) for each commercial user with a quarterly allowance of up to 28,000 gallons of water usage per rental unit. Each additional 14,000 gallons of water or fraction thereof used shall result in an additional sewer rent charge of \$85 for that quarter. Water that is supplied only to docks and which is separately metered (excluding water lines which service ice machines) shall not be factored into water usage for the purpose of calculating commercial sewer rents.
- D. For commercial users who maintain a boat/RV pump-out station, there shall be a separate rent imposed of \$57 per quarter (\$228 annually) regardless of water usage.

§ 147-55. Billing and collection.

Sewer rents shall be billed by the Village Clerk on a quarterly basis on the first day of each January, April, July and October. Industrial cost recovery charges shall be billed annually. Each bill shall be payable within 30 days of the date of the bill. After 30 days, a ten-percent

penalty based on the outstanding unpaid balance shall be imposed. The ten-percent penalty shall be added to each quarter that the bill or any portion of the bill remains outstanding. Sewer rents and industrial cost recovery payments shall constitute a lien upon the real property served by the sewer system or such part or parts thereof for which sewer rents shall have been established and imposed. The lien shall be prior and superior to every other lien or claim, except the lien of an existing tax assessment or other lawful charge imposed by or for the state or a political subdivision or district thereof. In addition, there shall also be an administrative fee imposed in the amount of \$50 for any unpaid rents, industrial cost recovery payments and or penalties that are levied upon the Village taxes for the real property served by the sewer system. Such rents, industrial cost recovery payments, penalties and administrative fees thereon may be included in the Village tax levy pursuant to the Village Law or the provisions of Article 14-F of the General Municipal Law and any and all laws amending or replacing such statutory provision.