

**VILLAGE OF BUCHANAN  
RESOLUTION TO ADOPT LOCAL LAW #2  
TO ADD ARTICLE III §155-38 TO VILLAGE CODE**

**Introduced by:** \_\_\_\_\_  
**Seconded by:** \_\_\_\_\_  
**Dated:** \_\_\_\_\_

**WHEREAS**, a resolution was duly adopted by the Board of Trustees of the Village of Buchanan for a public hearing to be held by said Village Board at the Municipal Building, 236 Tate Avenue, Buchanan, to hear all interested parties on a proposed Local Law to add Article III §155-38 entitled "Sewer Rents" of the Code of the Village of Buchanan; and

**WHEREAS**, notice of said public hearing was duly advertised in the official local newspaper; and

**WHEREAS**, said public hearing was duly held at a regularly scheduled meeting of the Village Board on February 4, 2020 at 7:30 p.m. at the Municipal Building, 236 Tate Avenue, Buchanan, New York, and all parties in attendance were permitted an opportunity to speak on behalf of or in opposition to said proposed Local Law, or any part thereof; and

**WHEREAS**, the Board of Trustees of the Village of Buchanan, after due deliberation, finds it in the best interest of the Village of Buchanan to adopt said Local Law;

**NOW BE IT THEREFORE RESOLVED** that the Board of Trustees of the Village of Buchanan hereby adopts said Local Law No. 2-2020 amending Chapter 155 entitled "Sewers" of the Code of the Village of Buchanan, a copy of which is attached hereto and made a part of this resolution; and

**BE IT FURTHER RESOLVED** that the Village Clerk be and hereby is directed to enter said Local Law in the minutes of this meeting and in the Local Law Book of the Village of Buchanan, and to give due notice of the adoption of said local law to the Secretary of State of the State of New York.

Upon Roll Call Vote:

Mayor Theresa Knickerbocker \_\_\_\_\_

Trustee Richard Funchion \_\_\_\_\_

Trustee Duane Jackson \_\_\_\_\_

Trustee Cesare Pasquale \_\_\_\_\_

Trustee Nicolas Zachary \_\_\_\_\_

Vote: Resolution carried by a vote of \_\_\_\_ to \_\_\_\_.

STATE OF NEW YORK            )  
COUNTY OF WESTCHESTER    )

I, Cynthia Kempter, Village Clerk of the Village of Buchanan, do hereby certify that the above is a true and exact copy of a Resolution adopted by the Village Board of the Village of Buchanan at a meeting of said Board held February 4, 2020.

\_\_\_\_\_  
CYNTHIA KEMPTER, Village Clerk

**VILLAGE OF BUCHANAN  
LOCAL LAW NO. 2 OF THE YEAR 2020**

**A LOCAL LAW AMENDING CHAPTER 155 OF THE CODE OF THE VILLAGE OF  
BUCHANAN**

**Section One:** The following sections of the Village Code are amended to add Article III, Section 38 to Chapter 155 to read as follows:

**ARTICLE III. Sewer Rents**

§ 155-38 Section 155-38 of Article III, Chapter 155, entitled "Sewers" of the Code of the Village of Buchanan is hereby added to read as follows:

**A. Establishment.**

The owner of all premises using the Village of Buchanan sewer system or any part thereof shall be required to pay sewer rents for the payment of the costs of operation, maintenance and repairs of the Village of Buchanan sewer system.

**B. Applicability.**

The sewer system for which the sewer rents are established and imposed is the entire sewer system within the Village of Buchanan as defined in §451 of the General Municipal Law as it does now or as it may from time to time exist.

**C. Setting of rates.**

All sewer rent rates, charges, fees and penalties, shall be established by the Village Board of Trustees by resolution, shall be based upon the consumption of water on the premises connected with and served by the sewer system and shall be set forth in the Fee Schedule maintained by the office of the Village Clerk.

**D. Payments.**

Sewer rents shall be payable on the same schedule as water fees are charged.

**E. Billing.**

Sewer rent bills can be obtained at the Office of the Village Clerk after the first five days following each period. The Clerk may send out bills as an accommodation to the consumer, but delivery of such bills to the proper party is not guaranteed. If the consumer does not receive a bill on or before the fifth day following the period, he or she should call the Office of the Clerk of the Village of Buchanan.

Sewer rent bills shall be issued on the same basis as water bills.

**F. Late Payment penalties, liens and collection.**

All bills for sewer rents are due and payable at the Office of the Village Clerk on the same schedule as water fees. All amounts due for sewer rents will be received without penalty during the first month following the billing. Penalty shall be charged at the same rate as water penalty remains unpaid will be added to the bill, In accordance with the provisions of the Village Law, all bills unpaid shall be sent to the Village Treasurer for collection on the same process as water fees. In accordance with General Municipal Law §452 sewer rents shall constitute a lien upon the real property served by the sewer system. 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. Delinquent accounts, including sewer rents and penalties shall be collected in a manner provided in General Municipal Law §452(4).

**G. Sewer Rent Fund.**

All revenues derived from sewer rents, including penalties, shall be credited by the Treasurer to a special fund to be known as the "Sewer Rent Fund." Monies in such fund shall be used in accordance with §453 of the General Municipal Law.

**H.** This local law shall take effect immediately upon filing with the Secretary of State of the State of New York.