

**VILLAGE OF BUCHANAN
LOCAL LAW NO. OF THE YEAR 2024
AMENDING CHAPTER 155 ENTITLED SEWERS TO THE CODE OF
THE VILLAGE OF BUCHANAN**

Article I Use of Sewer System
§ 155-35 A OUT OF DISTRICT USERS.

A. All out of district users shall be subject to all of the regulations, ordinances, and standards of this chapter **in addition to the following regulations.**

B. Connection.

(1) Prior to connecting to the sewerage system, the out of district user shall file a connection permit with the Village Clerk in accordance with **Chapter 155 including §§ 155-4 and 155-30.**

(2) The application shall be reviewed by the Village Engineer or Sewer Inspector considering additional flow, sewage content, and impacts to the sewerage system. Then the Village Engineer or Sewer Inspector shall make a positive or negative recommendation to the Board of Trustees for the proposed out of district connection.

(3) **The property owner(s) shall be responsible for the service lateral up to the point of the connection to the Village collection system.**

(4) The Board of Trustees shall determine whether or not the proposed out of district user connection is approved.

(5) If approved, the connection permit for the out of district user shall be filed with the Village Clerks and County Land Records Offices.

D. **Sewer rents.**

(1) The Village shall issue sewer rents to out of district users in accordance with § **155-38** except that **users of sewer (wastewater system) located outside of the corporate limits of the Village of Buchanan shall be 50% more than for the use or class of service located inside the Village. Failure to remit payment within 60 days**

shall be a violation punishable by a fine not exceeding \$250 and or 15 days in jail and each day of the offense beyond 60 days will be considered a separate day.

(2) Out of district users shall remit payment for sewer rents directly to the Village of Buchanan.

E. Violations.

(1) Out of district users shall be under the jurisdiction of the Village of Buchanan.

(2) The Village ~~shall be able~~ **has authority** ~~to~~ issue violations, fees, summons, liens, and ~~other punitive actions~~ **measures** to out of district users which violate the regulations and standards established by this chapter.

(3) The Village shall issue violations and penalties in accordance with § ~~155-36~~**26**.

Article I Use of Sewer System § 155-26 Penalties for offenses.

~~Any person, persons, firm, association or corporation or agent thereof who shall neglect, fail or refuse to comply with any of the provisions of this chapter shall be deemed guilty of disorderly conduct and, upon conviction, shall be fined in the sum established by the Board of Trustees and set forth in the Fee Schedule maintained by the Village Clerk. Each day that such offense continues shall be deemed a separate offense.~~

Replaced with

- A. Any person, persons, firm, association or corporation or agent thereafter convicted of a violation of this article shall be required to reimburse the Village for any fines from State and County agencies, and costs for any remedial or corrective action, required to restore or repair the condition to the satisfaction of the Village Engineer or any other permitting or regulatory authority; and
- B. Any person, persons, firm, association or corporation or agent violating any provision of this article shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed \$250 or imprisonment for up to 15 days, or both. Each day shall constitute a separate and distinct offense, punishable by a like fine or penalty as set forth herein.
- C. Notwithstanding the penalties hereinabove provided, the Village of Buchanan may maintain an action or proceeding in a court of competent

jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this article.

D. The foregoing provisions for enforcement of the regulations in this article are not exclusive but are in addition to any and all laws applicable thereto.

Article II Wastewater Discharges

§ 155-37 Notice of violation; penalties for offenses

~~B. Any person who shall violate the provisions of this chapter shall be subject to a penalty established by the Board of Trustees and set forth in the Fee Schedule maintained by the Village Clerk. A separate offense shall be deemed committed on each day during or on which a violation occurs or continues.~~

Replaced with

B. Any person, persons, firm, association or corporation or agent thereafter convicted of a violation of this article shall be required to reimburse the Village for any fines from State or County agencies, or costs for any remediation, corrective action required to restore or repair the condition to the satisfaction of the Village Engineer or any other permitting or regulatory authority.

C. Any person, persons, firm, association or corporation or agent violating any provision of this article shall be guilty of a violation and, upon conviction thereof, shall be punished by a fine not to exceed the sum of \$250 or imprisonment up to 15 days, or both. Each day shall constitute a separate and distinct offense, punishable by a like fine or penalty as herein set forth herein.

D. Notwithstanding the penalties hereinabove provided, the Village of Buchanan may maintain an action or proceeding in a court of competent jurisdiction to compel compliance with or to restrain by injunction the violation of any provision of this article.

E. The foregoing provisions for enforcement of the regulations in this article are not exclusive but are in addition to any and all laws applicable thereto.

~~C.~~ F. The Village reserves the right to deny water and/or sewer service to any violator who fails to promptly correct any violations, pay fees, or appear in court. All disconnections from the sewerage system shall be made in accordance with § 155-19.

~~D.~~ G. Should a violation pose an immediate health concern to the welfare of the Village and the property owner in negligent in correcting the violation, the Village reserves the right to perform the necessary corrective actions with its own or contracted forces. All costs thereof shall be provided for and defrayed by a special tax bill to be assessed in favor of the Village against the property on which said corrections are made, and such special tax bill shall become a lien on said property.

If the property is not within the Village, the Village will seek all legal actions available under the Village Code.