



**CITY COUNCIL MEETING
AGENDA
THURSDAY, FEBRUARY 3, 2022
5:00 PM
CITY COUNCIL CHAMBERS – CITY HALL
MOUNT VERNON, NEW YORK
& VIA FACEBOOK.COM/MOUNTVERNONNY
“SPECIAL”**

LEGISLATION AND PUBLIC WORKS

LOCAL LAW NO. 2 - 2022
1st READING

1. A Local Law adopting a new subsection 112-b to Chapter C. Chapter, Article IX. Department of Public Works entitled “Sewer Rents” to establish a sewer rent and providing for the lien and collection thereof.

LOCAL LAW NO. 3 - 2022
1st READING

2. A Local Law adopting a new subsection 112-c to Chapter C. Charter, Article IX. Department of Public Works entitled “Refuse Sustainability Fee” to establish a refuse sustainability fee and providing for the lien and collection thereof.

HELD AMENDMENT

3. An ordinance amending the City of Mount Vernon Administrative Code Part II, General Legislation entitled “Chapter 126. Fees and Deposits” by adding another Article, entitled “Article VI. Sewer and Refuse Sustainability Fees.”

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MOUNT VERNON, NY

LOCAL LAW NO. 2 OF 2022

A LOCAL LAW ADOPTING A NEW SUBSECTION 112-b TO CHAPTER C. CHARTER, ARTICLE IX. DEPARTMENT OF PUBLIC WORKS ENTITLED "SEWER RENTS" TO ESTABLISH A SEWER RENT AND PROVIDING FOR THE LIEN AND COLLECTION THEREOF.

BE IT ENACTED that the City Council of Mount Vernon hereby adopts a new subsection 112-b to Article IX. "Department of Public Works" of the Mount Vernon City Charter, Chapter C entitled, "Sewer Rents" to read as follows:

§112-b SEWER RENTS

Section 1.

§112-b (1) Purpose; authority.

Pursuant to Article 14-F of the New York State General Municipal Law, there is hereby established and imposed, a plan of sewer rents (sewer sustainability fee) applicable to the City of Mount Vernon's ("City") sanitary sewer system. Such plan shall consist of annual charges against properties that utilize the City's sewers. The annual sewer rents as provided for in this chapter and as set forth in Part II: General Legislation, Section 126: Fees and Deposits, Article VI: "Sewer Rents and Refuse Sustainability Fee" of the Mount Vernon City Code shall be applied to pay the costs of the operation, maintenance, upkeep, repair and replacement of the sanitary sewer system.

§ 112-b (2) Definitions.

For the purpose of this chapter, the definitions set forth herein shall be controlling:

SANITARY SEWER SYSTEM — The system for the collection of sewage, including all sewer mains, pumping stations, pipes, appurtenances or other facilities, which are owned, operated and maintained by the City of Mount Vernon, whether in or outside the City.

SEWER RENTS — A schedule of annual charges established and imposed by the City of Mount Vernon for the use of the sanitary sewer system. (City Code: Chapter 126: Fees and Deposits; Article VI: Sewer Rents and Refuse Sustainability Fees).

SYSTEM USERS — The record owners of real properties that have sanitary facilities which discharge into the sanitary sewer system, whether the properties are located in or outside of the City of Mount Vernon.

TOTAL WATER CONSUMPTION — The total volume of water delivered to a property by the water source for which a sewer user is responsible. The total volume of water shall be the sum of the volume of water metered by, or otherwise calculated by the water source.

WATER CONSUMPTION — The consumption of water, measured in hundreds of cubic feet ("CCF"); one CCF equals 748 gallons.

WATER SOURCE—Any entity that delivers water to a property, such as the Mount Vernon Board of Water Supply.

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§ 112-b (3) Obligation to pay sewer rent.

- 1) All system users, as defined herein, shall be liable for fees and sewer rent as enacted.
- 2) While system owners may charge a tenant(s) for sewer rent, owners are liable to the City for payment of sewer rents. The failure of tenants to reimburse or indemnify a system user shall not be a defense to the obligation to pay sewer rent. All sewer rents and penalties shall be a charge against the property for which the system user and any successor in interest shall be liable therefor.

§ 112-b (4) Sewer rent basis; adjustments; changes.

- 1) Sewer Rent. System users shall pay an amount based on the actual water consumption as determined by the water source using a water meter or other measuring device, or an estimated amount if the water source is unable to obtain a reading.
- 2) A system user who maintains that the sewer rent should be adjusted for any given six-month period may make one application to the Board of Water Supply Commissioner for an adjustment for that period's sewer rent within 25 calendar days of the issuance of the bill. Such application shall be in writing and be supported by substantial evidence establishing that the amount of the system user's water consumption that actually was discharged into the sanitary system was less than the amount of water consumption used to calculate the system user's sewer rent. Proof shall be in the following form:
 - i. An engineering report from a professional engineer licensed in the State of New York;
 - ii. Data from a submeter whose operation has been inspected and verified by the City of Mount Vernon;
 - iii. Affidavits; or
 - iv. Any other documentary evidences.
- (a) The system user has the burden of proof. The quantum and quality of proof is not necessarily dependent on the amount of the adjustment sought.
- (b) If any adjustment is warranted, the system user shall receive the same in the form of a credit on the next bill following the Board of Water Supply Commissioner's determination. If a system user is aggrieved by said determination, said user may appeal to the City Council within 15 days of same.
- (c) All applications for an adjustment that are currently pending shall be heard and determined under this subsection.
- 3) Changes. The initial rate of the sewer rent shall be established by ordinance of the City Council after public hearing. Subsequent changes to the rate of the sewer rent and amount of penalty shall be made in the same manner.

§ 112-b (5) Annual costs of the sanitary sewer system.

The annual operation and maintenance costs of the sanitary sewer system shall be determined as part of the City's budget process. The annual costs shall include, but not be limited to: personnel services, including salaries and fringe benefits, contractual services, repairs and replacement related to the sanitary sewer system, materials and supplies, utilities, building repair and maintenance, equipment, testing and sampling, insurance, indebtedness, auditor's fees, reserve fund, contingency.

§ 112-b (6) Billing and payments.

- 1) System users shall be billed by the City or entity to which billing authority has been designated on a frequency established by the City.
- 2) Sewer rents shall be paid to the City of Mount Vernon.
- 3) Sewer rent bills shall be sent to system users to the address to which property tax bills would be sent.
 - a) The failure of a system owner to receive a bill shall not excuse nonpayment thereof, nor shall it act as a waiver of a penalty imposed herein prescribed.
 - b) A system user that intends to convey property shall notify the City or entity to which billing authority has been delegated within 14 days in advance of the closing title for a final reading and new ownership information.
- 4) System users may be afforded the option of receiving e-bills and making electronic payments. System users may request that a tenant(s) receive their respective bill(s), and such additional notice may be given as an accommodation. (Refer to §112-b(3)2.)
- 5) Any adjustments granted, issued or agreed upon with regard to actual water consumption shall be indicated to system users and reflected in the next succeeding bill.

§ 112-b (7) Late payments; penalties; liens; enforcement.

- 1) All bills shall become due and payable without penalty within 25 days of issuance.
- 2) A penalty of 1% will be charged for any bill that remains unpaid after 25 days. An additional penalty of 1% shall be added for each succeeding month or any portion of a month in which the sewer rent continues to remain unpaid.
- 3) Unpaid sewer rents, penalties and interest shall constitute a lien upon the real property as provided by New York State General Municipal Law §452. This lien shall be senior to every other lien with the exception of the lien of an existing tax, assessment, or other lawful charge imposed by the state or the City of Mount Vernon.

§ 112-b (8) Collection of sewer rents; sewer rent fund.

All revenues from sanitary sewer rents including penalties shall be kept in a separate bank account to be designated as "Sewer Rent Fund." All such funds, together with any interest thereon, shall be used in accordance with General Municipal Law §453.

§ 112-b (9) Appeals.

A system user dissatisfied with the determination of the City, entity to which billing authority has been designated, or the decision of the Commissioner of the Board of Water Supply, may submit such dissatisfaction in writing within 14 days of that determination or decision to the City Council for further consideration.

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§ 112-b (10) Properties located outside City.

System users for properties located outside the territorial limits of the City of Mount Vernon are liable for charges in accordance with this chapter unless the subject of an existing agreement with the City.

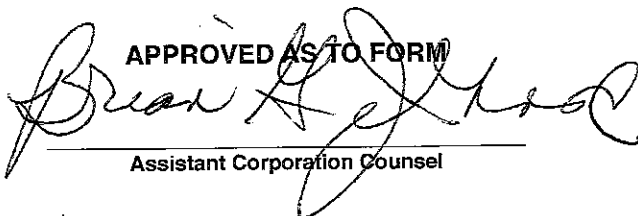
§ 112-b (11) Exemption.

Properties owned by the City of Mount Vernon are exempt from the obligation to pay sewer rent.

§ 112-b (12) Severability.

If any provision of this article or the application thereof to any person or circumstances is adjudged invalid by a court of competent jurisdiction, such judgment shall not affect or impair the validity of the other provisions of the article or the application thereof to other persons and circumstances.

Section 2. Effective Date. The Local Law shall take effect on March 1, 2022, contingent upon or corresponding with the date of filing of with the New York State Secretary of State, whichever comes first.

APPROVED AS TO FORM

Assistant Corporation Counsel

Councilperson

**THIS ORDINANCE
ADOPTED BY CITY COUNCIL**

President

ATTEST:

City Clerk

APPROVED

Date

APPROVED

Dept. _____

By _____
Mayor

LOCAL LAW NO. 3 OF 2022

A LOCAL LAW ADOPTING NEW SUBSECTION 112-c TO CHAPTER C. CHARTER, ARTICLE IX. DEPARTMENT OF PUBLIC WORKS ENTITLED "REFUSE SUSTAINABILITY FEE" TO ESTABLISH A REFUSE SUSTAINABILITY FEE AND PROVIDING FOR THE LIEN AND COLLECTION THEREOF.

BE IT ENACTED that the City Council of Mount Vernon hereby adopts new subsection 112-c to Chapter C. Charter, Article IX. Department of Public Works entitled "Refuse Sustainability Fee" to read as follows:

§112-c - Refuse Sustainability Fee

Section 1.

§112-c (1) Purpose; authority.

Establishment of Refuse Sustainability Fee. The City Council of Mount Vernon ("City") hereby establishes a Refuse Sustainability Fee to defray the cost of collection, transportation, and disposal of solid waste and recyclables from improved real properties in the City.

Section 112-c (2)

Definitions. All terms set forth in this local law shall have the same definitions as set forth in Chapter 112-b, "Sewer Rents" of the Mount Vernon City Charter, unless otherwise noted herein.

Section 112-c (3)

Computation of Refuse Sustainability Fees. The Refuse Sustainability Fee for each calendar year for each improved real property in the City shall be calculated by multiplying the number of parcels on each such tax assessment lot, as shown on the most current tax assessment roll and records of the City Assessor, by the Refuse Sustainability Fees set forth in Part II: General Legislation; Chapter 126: Fees and Deposits; Article VI: Sewer Rents and Refuse Sustainability Fees of the Mount Vernon City Code.

Changes in Fees. The Refuse Sustainability Fee may be changed by amending Part II: General Legislation; Chapter 126: Fees and Deposits; Article VI: Sewer Rents and Refuse Sustainability Fees of the Mount Vernon City Code.

Section 112 c (4)

Billing of Refuse Sustainability Fees. The Refuse Sustainability Fee for each improved real property in the City shall be billed for each calendar year as a separate line item on a biannual real property tax bill for each such tax assessment lot. Only in the year of the enactment of the Refuse Sustainability Fee, must it be due in full by December 31. Every year thereafter it will be due in conjunction with the City Property tax schedule.

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Section 112 c (5)

Usage of Refuse Sustainability Fees. The collection of revenue from the Refuse Sustainability Fees shall only be used to defray the cost of collection, transportation, capital projects, benefits, and disposal of solid waste refuse and recyclables within the City of Mount Vernon.

Section 112-c (6)

Ability to Opt-out of Refuse Sustainability Fees. The Refuse Sustainability Fees can only be opted out by commercial & industrial improved real property in the City. These opt-outs must be submitted by written communication to the Commissioner of the Department of Public Works prior to September 30 of the current year to be effective for the next succeeding year.

Section 112 c (7)

Levy and Lien of Unpaid Refuse Sustainability Fees. If a Refuse Sustainability Fee including accrued interest thereon is not fully paid by the second installment of the calendar year for which originally billed, the unpaid amount shall, pursuant to the procedures set for in Section 120-cc of the General Municipal Law, become a lien as of January 1 of the next succeeding year and shall accrue additional interest, to be collected, and to be enforced in the same manner and at the same time as provided by law for City taxes due in such next succeeding year. Exception is made for the first year of the enactment of the Refuse Sustainability Fees.

Section 2.

Effective Date. This Local Law shall take effect on March 1, 2022.

APPROVED AS TO FORM

Assistant Corporation Counsel

APPROVED
Dept. _____

Councilperson

**THIS ORDINANCE
ADOPTED BY CITY COUNCIL**

President

ATTEST:

City Clerk

APPROVED

Date

By _____
Mayor

AN ORDINANCE AMENDING THE CITY OF MOUNT VERNON ADMINISTRATIVE CODE PART II, GENERAL LEGISLATION ENTITLED "CHAPTER 126. FEES AND DEPOSITS" BY ADDING ANOTHER ARTICLE, ENTITLED "ARTICLE VI. SEWER AND REFUSE SUSTAINABILITY FEES."

WHEREAS, by letter dated February 2, 2022, the Mayor of the City of Mount Vernon has requested that the City Council adopt two new local laws, Local Law 2, which establishes a new Sewer Rent to be paid by the residents of Mount Vernon, and Local Law 3, which establishes a new Refuse Sustainability Fee also to be paid by the residents of Mount Vernon; and

WHEREAS, the two new charter provisions require establishment of a new section of the City Code that enumerates these new fees; and

WHEREAS, the letter has requested that the Honorable City Council amend the charter provision, City of Mount Vernon Part II, General Legislation Entitled "Chapter 126. Fees and Deposits" by adding another article entitled "Article VI. Sewer Rents and Refuse Sustainability Fees" to correspond with the new Charter provisions, Chapter C. Article IX. Department of Public Works, 112-b entitled, "Sewer Rents" and, Chapter C. Article IX Department of Public Works, 112-c entitled, "Refuse Sustainability Fee;" NOW, THEREFORE,


The City of Mount Vernon, in City Council convened, does hereby ordain and enact:

Section 1. As a new subsection of Part II, General Legislation, a new article entitled Article VI., "Sewer Rents and Refuse Sustainability Fee."

Section 2. The chart below are the initial Sewer Rents and Refuse Sustainability Fees effective upon the adoption of the 2022 Budget.

Type of Fee	Amount
Sanitary Sewer Fee	\$1.25 per 100 cubic feet
Sanitary Sewer Fee Minimum Charge (up to 1500 Cubic Feet)	\$18.75
Residential Refuse Fee (per unit)	\$200.00
Low Income Senior Residential Fee (per unit)	\$100.00
Non-Residential Refuse Fee	\$2,000.00
Non-Profit Refuse Fee (0.5 acre or less)	\$500.00
Non-Profit Refuse Fee (0.51 acre or more)	\$1,000.00
Non-Profit Dormitory (Family) Refuse Fee	\$100.00
Non-Profit Dormitory (SRO) Refuse Fee	\$50.00

Section 3. This ordinance shall take effect upon its approval by the Board of Estimate & Contract.

APPROVED AS TO FORM

 Assistant Corporation Counsel

Councilperson

**THIS ORDINANCE
ADOPTED BY CITY COUNCIL**

President

ATTEST:

City Clerk

APPROVED

Date

APPROVED

Dept. _____

By _____

Mayor