

Chapter 339, SEWERS

[HISTORY: Adopted by the City Council of the City of Binghamton as indicated in article histories.
Amendments noted where applicable.]

GENERAL REFERENCES

Building construction -- See Ch. 200.
Health and sanitation -- See Ch. 259.
Housing and property maintenance -- See Ch. 265.
Plumbing -- See Ch. 310.
Sewer use -- See Ch. 342.
Streets and sidewalks -- See Ch. 355.
Subdivision of land -- See Ch. 360.
Water -- See Ch. 405.
Zoning -- See Ch. 410.

ARTICLE I, Contracts [Adopted 10-5-1970 (Ch. 17 of the 1970 Code)]

§ 339-1. Monthly payments on sewer contracts.

Pursuant to authority contained in § C-151 of the Supplemental Charter of the City of Binghamton, the Comptroller of the City is authorized to audit and the Treasurer of the City is authorized to pay monthly estimates on contract work for sewers, upon duly verified claims, upon certificates, of the City Engineer duly approved by the Commissioner of Public Works, to apply on the contract price of such sewer not exceeding 85% of the value of the work done; subject, however, to the provisions of said § C-151 that such payments shall not be used as evidence against the City, that the work already done has been completed according to contract and that it shall not preclude the City from contesting any claims of the contractor that the sewer has been completed according to the contract.

ARTICLE II, Sewer Rents [Adopted 12-19-1979 by L.L. No. 9-1979 (Sub-Part XXIV of the 1970 Code)]

§ 339-2. Definitions.

For the purposes of this article, the definitions set forth in § 451 of the General Municipal Law shall be controlling.

§ 339-3. Rents established; computation. [Amended by L.L. No. 2-1982]

A. Imposition. Pursuant to Subdivision 26-a of § 20 of the General City Law and pursuant to Article 14-F of the General Municipal Law, the City hereby establishes and imposes sewer rents in the City for the use of the sewer system or any part or parts thereof and establishes and imposes such sewer rents as a minimum charge and a water use surcharge on the real property within the City using such sewer system.

B. Computation. Sewer rents shall be based on water consumption and computed in the following manner on all water consumed: 120% of the 100 cubic feet rate charged by the Binghamton/Johnson City Joint Sewage Treatment Board to the City of Binghamton per 100 cubic feet of water usage billed for the same time period; provided, however, that in case of consumers of water who discharge into the sewer system an amount of sewage substantially less than or substantially greater than the amount of water supplied to such consumer, the amount of sewage discharged into the sewer system shall be determined by meters, gauges or other suitable measuring devices acceptable to the City Engineer and installed by such consumer at the consumer's expense and at no cost or expense to the City of Binghamton; and the sewer rent thereon shall be computed at the rate of 120% of the 100 cubic feet rate charged by the Binghamton/Johnson City Joint Sewage Treatment Board to the City of Binghamton per 100 cubic feet of sewage discharged into the sewer system. All consumers shall pay a minimum thirdly charge each four months at the same time water rents are due and payable, which is hereby fixed and established in an amount as set from time to time by the City Council.

§ 339-4. Due date; delinquent payments. [Amended 6-2-08 by Ord. No. 28-2008]

A. Bills for sewer rents shall be issued three times each year and are payable to the City Treasurer. Such sewer rents due and payable shall be for, and relate to, the water usage billed in the same time period.

B. Delinquent payment. If any account, which includes but is not limited to water and sewer charges, rents, and corresponding late fees and penalties, is delinquent with a balance that exceeds \$1,000.00 at any time or if no payment activity has occurred for two consecutive bills, then water service shut off shall occur in accordance with the provisions set forth in Section 405- 52.

§ 339-5. Lien for sewer rents.

Sewer rents shall constitute a lien upon the real property served by the sewer system to the extent set forth in § 452 of the General Municipal Law.

§ 339-6. Collection of delinquent sewer rents. [Amended by L.L. No. 6-1989; Amended 6-2-08 by Ord. No. 28-2008]

The City may enforce the collection of delinquent sewer rents pursuant to § 452 of the General Municipal Law (Local Law No. 4-1966, § 5). All outstanding account balances, which includes but is not limited to water and sewer charges, rents, and corresponding late fees and penalties, on November 1st for bills issued through August 1st, will be added to the real estate taxes for the following year.

§ 339-7. Correction of errors.

If any owner of real property on which a sewer rent has been imposed deems himself aggrieved because such real property is not served by the sewer system or an error has been made in computing such sewer rent, he or she may file an application for a refund of all or part of such sewer rent. Such application shall be verified by him or her and shall set forth the amount of refund sought and the grounds therefor. Such application shall be presented to the City Engineer, who may refund all or part of such sewer rent.

§ 339-8. Effective date.

This article shall take effect January 1, 1980.