

**RESOLUTION 118-20: ADOPTION OF PROPOSED LOCAL LAW NO. 2-2020 TO IMPLEMENT EQUIVALENT DWELLING UNIT APPORTIONMENT FOR COSTS ASSOCIATED WITH REGIONAL WASTEWATER TREATMENT**

Councilman Ambroz offered the following Resolution 118-20 and moved its adoption. Seconded by Councilwoman Linson to wit:

The following was submitted:

**WHEREAS**, a Public Hearing was held on August 20, 2020 at a meeting of the Town Board,

**Proposed Local Law No. 2 of Year 2020  
Town of Walworth, County of Wayne**

**BE IT ENACTED**, by the Town Board of the Town of Walworth, Wayne County, State of New York, as follows:

Section I. Authorization

The adoption of this Local Law is in accordance with New York Law, including but not limited to Town Law at Article 12.

Section II. Title and Purpose

This law shall be known as and may be cited as Local Law No. 2-2020 To Implement Equivalent Dwelling Unit Apportionment for Costs Associated with Regional Wastewater Treatment. The purpose of this Local Law is to set forth the manner in which costs associated with the Wayne County Regional Wastewater Treatment Plant will be paid via assessments against those in the associated sewer district(s), which shall be apportioned based upon Equivalent Dwelling Units assigned per the criteria in this Local Law.

Section III. Legislative Finding

The Town Board of the Town of Walworth finds and hereby determines that the manner of assessment for costs associated with regional wastewater treatment shall be on a benefits basis and should be clearly defined.

Section IV. Law

The following shall be codified at Article XIII of the Walworth Town Code, as the last section thereof, with remaining sections in Part 2 of the Sewer Chapter to be re-numbered accordingly:

**Section \_\_\_\_\_ - Apportionment of Costs Associated with the Regional Wastewater Treatment Plant by Equivalent Dwelling Units.**

Costs associated with the Wayne County Regional Wastewater Treatment Plant will be paid via assessments against those in the associated sewer district(s), which shall be apportioned based upon Equivalent Dwelling Units assigned per the following criteria:

(1) **Residential (Class A):**

Single Family Residence (estimated 60,000 gpy)	One (1) EDU
Mobile Home / Apartment / Town Home (with kitchen & bath)	One (1) EDU

Multi-family homes, town homes, or homes with apartments shall be assigned one (1) EDU for each separate home, town home, or apartment containing a kitchen & bath.

(2) **Commercial/Institutional (Class B, less than 480,000 gallons per year):**

Minimum One (1) EDU per service and an additional One (1) EDU for every 60,000 gallons per year usage above the first 60,000 gallons per year (gpy), up to 480,000 gpy, rounded to the nearest whole EDU.

Example: “**Cheerful Day Care Center**” usage (previous year) = 345,000

gpy Minimum for first 60,000 gpy = One (1) EDU  
345,000 gpy – 60,000 gpy = 285,000 gpy  
285,000 gpy / 60,000 gpy = 4.75 = **Five (5) EDU’s**

**Total = Six (6) EDU**

(3) **Commercial/Institutional (Class B, Greater than 480,000 gpy):**

Minimum One (1) EDU per service and an additional One (1) EDU for every 60,000 gpy usage above the first 60,000 gpy up to 480,000 gpy and then an additional One (1) EDU for every 120,000 gpy above 480,000 gpy, rounded to the nearest whole EDU.

Example: “**Community School Facility**” usage (previous year) = 1,025,000 gpy

Minimum for first 60,000 gpy = One (1) EDU  
480,000 gpy – 60,000 gpy = 420,000 gpy / 60,000 gpy = Seven (7) EDU’s  
1,025,000 gpy – 480,000 gpy = 545,000 gpy / 120,000 gpy = 4.54 = Five (5) EDU’s  
Total EDU’s for “Community School Facility” example = 1 + 7 + 5 = **13 EDU’s**

(4) **Industrial User (Class C, Less than 6,000,000 gpy):**

One (1) EDU for every 60,000 gpy up to 6,000,000 gpy, and then rounded to the nearest whole EDU. Minimum Six (6) EDU's.

Example: "X Fabricator Inc." usage (previous year) = 900,000 gpy  
 $900,000 \text{ gpy} / 60,000 \text{ gpy} = \text{Fifteen (15) EDU's}$

(5) **Industrial User (Class C, Greater than 6,000,000 gpy):**

One (1) EDU for every 60,000 gpy usage up to 6,000,000 gpy and then an additional One (1) EDU for every 120,000 gpy above 6,000,000 gpy, and then rounded to the nearest whole EDU.

Example: "Y Food Processing Corp." usage (previous year) = 13,420,000 gpy  
 $6,000,000 \text{ gpy} / 60,000 \text{ gpy} = \text{One hundred (100) EDU's}$   
 $13,420,000 \text{ gpy} - 6,000,000 \text{ gpy} = 7,420,000 \text{ gpy} / 120,000 \text{ gpy} = 61.8 = \text{Sixty two (62) EDU's}$   
Total EDU's for "Y Food Processing Corp." example =  $100 + 62 = 162 \text{ EDU's}$

Section V. Validity and Severability

Should any word, section, clause, paragraph, sentence, part or provision of this local law be declared invalid by a Court of competent jurisdiction, such determination shall not affect the validity of any other part hereof.

Section VI. Repeal, Amendment and Supersession of Other Laws

All other ordinances or local laws of the Town of Walworth which are in conflict with the provisions of this local law are hereby superseded or repealed to the extent necessary to give this local law force and effect during its effective period.

Section VII. Effective Date

This Local Law will take effect upon filing in the office of the New York State Secretary of State.

Adopted this 20<sup>th</sup> day of August, 2020 at a meeting of the Town Board.

Roll call vote:	Councilwoman Linson	Aye
	Councilman Bryson	Aye
	Councilman Ambroz	Aye
	Councilman Phillips	Aye
	Supervisor Jacobs	Aye

Resolution carried.