

PROPOSED ORDINANCE NO. 119 - 2019

AN ORDINANCE TO AMEND SECTION 9 OF ORDINANCE NO. 266-1985, AS AMENDED BY ORDINANCE NOS. 100-C-2001, 128-2006 AND 74-2014, TO INCLUDE AN OUT OF DISTRICT SEWER EQUALIZATION FEE TO BE CHARGED BY THE DEPARTMENT OF PUBLIC WORKS

WHEREAS, Section 1234 of the Nassau County Charter allows individuals or corporations not located within a County sewage collection district (“Out of District”) to contract with the County to dispose of sewage originating on such property into County sewage facilities; and,

WHEREAS, in connection with such contracts, the Nassau County Department of Public Works (“DPW”) imposes certain fees and charges, including an Out of District Sewer Equalization Charge, on the contracting party; and,

WHEREAS, the current Out of District Sewer Equalization Charge, a proportional “catch-up” contribution by the contracting party to connect to existing County sewer infrastructure, is negotiated by DPW and the contracting party using a formula based on differing methods of determining property values; and

WHEREAS, it would be more beneficial for the County to have both a standardized, legislatively approved process for calculating an Out of District Equalization Fee, and a consistent valuation policy for calculating the amount thereof; now, therefore

BE IT ORDAINED, by the County Legislature of the County of Nassau as follows:

Section 1: Section 9 of Ordinance No. 266-1985, as amended by Ordinance Nos. 100-C-2001, 128-2006 and 74-2014, relating to the establishment of various fees imposed by DPW, is

amended to read as follows:

SECTION 9 – Fees

9.1 General Permit

The fee for a General Permit shall be one hundred twenty dollars (\$120) payable on filing the application. Each permit holder shall also be required to pay a fee of three hundred ninety-nine dollars (\$399) as a sewer permit inspection fee.

9.2 Special Permit

The fee for a Special Permit Shall consist of the following charges:

- (a) One hundred sixty dollars (\$160) to a maximum of eight hundred dollars (\$800) for Engineering reports.
- (b) An inspection charge of two percent (2%) of the estimated cost of the construction of the external sewers from the available County sewer to the point where the sewer enters the building. The estimated cost of construction is to be determined by the Commissioner. No work will commence until County Inspectors are on the job site. An inspection charge will not be made where the Owner is required to provide this service through others (see Section 13).
- (c) The fee for a Special Permit shall consist of the sum total of the charges described above and shall be payable before issuance of the permit.

9.3 Industrial Discharge Permit

The fee for an Industrial Discharge Permit shall be two hundred thirteen dollars (\$213) payable to the County on filing the application.

9.4 Dye Testing

In each instance when a dye test is conducted to determine whether a building is equipped with a connection to the sewer system, and such test is not made for the sole use and benefit of the County, a minimum fee of one hundred sixty dollars (\$160) to a maximum fee of eight hundred dollars (\$800) per dye test shall be paid to the County by:

- (a) the person requesting such test, or
- (b) the owner of the premises on which such test is made when test is done to establish an illegal connection.

9.5 Verification of Permit/Connection

A fee for the written verification of Permits issued for connection to the public sewer may be charged by the County. The fee shall be ninety-five dollars (\$95.00).

9.6 Out of District Sewer Equalization Fee

An Out of District Sewer Equalization Fee of thirty-six dollars (\$36) per gallon per day shall be imposed by the Commissioner upon any user from outside the geographical boundaries of the Nassau County Sewer and Storm Water Resources District that receives approval from the County of Nassau to connect to County sewer system to enable the disposal of sewage originating on such user's property. At the time of filing the application for such connection, such user shall identify the daily sewage requirement of the proposed connection. The calculation of the daily sewage requirement shall be based upon applicable minimum design sewage flow rates determined by the Commissioner. The fee shall be payable to the County at the time such connection to the County sewer system is activated.

§ 2. It is hereby determined, pursuant to the provisions of the State Environmental Quality Review Act, 8 N.Y.E.C.L. section 0101 et seq. and its implementing regulations, Part 617 of 6

N.Y.C.R.R., and Section 1611 of the County Government Law of Nassau County, that the adoption of this local law is a “Type II” Action within the meaning of Section 617.5(c)(20) and (27) of 6 N.Y.C.R.R., and, accordingly, is of a class of actions which do not have a significant effect on the environment; and no further review is required.

§ 3. This ordinance shall take effect immediately and shall apply to applications approved on or after October 1, 2019.

