

RESOLUTION NO. 1003 -2020, ADOPTING LOCAL LAW NO. 3-2021, A LOCAL LAW AMENDING CHAPTER 740 OF THE SUFFOLK COUNTY CODE TO WAIVE CERTAIN SEWER CONNECTION FEES

WHEREAS, there was duly presented and introduced to this County Legislature at a meeting held on November 4, 2020, a proposed local law entitled, "**A LOCAL LAW AMENDING CHAPTER 740 OF THE SUFFOLK COUNTY CODE TO WAIVE CERTAIN SEWER CONNECTION FEES**"; now, therefore be it

RESOLVED, that said local law be enacted in form as follows:

LOCAL LAW NO. 3-2021, SUFFOLK COUNTY, NEW YORK

A LOCAL LAW AMENDING CHAPTER 740 OF THE SUFFOLK COUNTY CODE TO WAIVE CERTAIN SEWER CONNECTION FEES

BE IT ENACTED BY THE COUNTY LEGISLATURE OF THE COUNTY OF SUFFOLK, as follows:

Section 1. Legislative Intent.

This Legislature finds and determines that, pursuant to Local Law No. 4-2007, codified in the Suffolk County Code in 740-38, that the connection fee for out-of-district connections to Suffolk County Sewer Districts was raised to \$30.00 per gallons of sewage per day, representing a purchase of capacity based on both hydraulics and loading criteria. This Legislature determined that any waiver or reduction of such fee requires enactment of a local law.

This Legislature has authorized numerous sewer studies, designs and construction appropriations to expand sewer service to unsewered or inadequately sewer parts of the County. This Legislature recognizes that the absence of adequate sewer service in the County is a leading factor in negative environmental issues.

This Legislature finds that facilitating sewerage to accomplish environmental improvements in the vicinity of existing sewer districts where treatment capacity and sewer infrastructure exists to serve an area with presently failing on-site systems in such areas where a public-school district with a monitor appointed by the Commissioner of Education due to significant fiscal stress is located should be encouraged and would benefit areas beyond the area of focus.

Therefore, the purpose of this law is to waive sewer connection fees for financially stressed public-school districts with failing on-site systems.

Section 2. Amendments.

I. Chapter 740-38 of the SUFFOLK COUNTY CODE is hereby amended as follows:

**CHAPTER 740
SEWERS**

* * * *

**ARTICLE VII
SEWER CHARGES, ASSESSMENTS AND FEES**

* * * *

§ 740.38. User charges and connection fees.

C. Notwithstanding the provisions of Subsections A and B of 740-38, the connection fee shall be waived where all of the following conditions are satisfied:

- (1) The connection agreement is with a municipality or institution including but not limited to a public-school district that will be building infrastructure, including a collection system:
 - (a) to serve an area that is in the vicinity of an existing connection area;
 - (b) the Suffolk County Sewer District has capacity to accommodate the sewage generated by the area to be served;
 - (c) the area to be served has a failing on-site system;
 - (d) the area to be served is a public-school district with a monitor appointed by the Commissioner of Education due to significant fiscal stress; and
 - (e) the collection system will be constructed at no cost to the County and with a capacity to be approved by the Sewer Agency.

[C.] D. The Sewer Agency shall establish rules to implement procedures to give effect to Subsection B, including but not limited to determining the date on which the collection system shall be deemed operational.

* * * *

II. Section 740-44 of the SUFFOLK COUNTY CODE is hereby amended to read as follows:

**ARTICLE VIII
GENERAL PROVISIONS**

* * * *

§ 740-44. Connection to County sewage works required.

A. Accessibility.

- 1. Sewage from any building or premises shall be discharged directly into County sewage works if said building or premises is located within the boundaries of a County sewer district or within an area described in Subsection B (1) (a), (b) and (c) or Subsection C of 740-38, pursuant to the Suffolk County Sanitary Code, Article 5, 760-502-4(b).

Section 3. Applicability.

This law shall apply to all sewer district applications received on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26), (27) and (33) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW in that the action constitutes routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect immediately upon its filing in the Office of the Secretary of State.

[] Brackets denote deletion of existing language
___ Underlining denotes addition of new language

DATED: December 15, 2020

APPROVED BY:

/s/ Lisa Black
Chief Deputy County Executive of Suffolk County

Date: December 28, 2020

After a public hearing duly held on December 28, 2020
Filed with the Secretary of State on January 15, 2021