

SANITARY SEWER SERVICE RULES AND REGULATIONS

PREFACE

The following Rules, Regulations and Charges shall be considered a part of the contract of any person, firm or corporation who obtains Sewer Service from the Salamanca Board of Public Utilities; and every person, firm or corporation shall be deemed bound thereby upon execution of an Application in the form set forth herein.

Written applications will not be required from persons, firms or corporations being served on the effective date of these Rules and Regulations, but this shall in no way relieve them of compliance with such Rules and Regulations or applicability of such rates and charges.

All Rules and Regulations, rates and charges heretofore enacted by the Board of Public Utilities in connection with the sale of Sewer Service are hereby repealed.

Section 1 - Territory to which schedules apply

- A. City of Salamanca, New York.
- B. Portions of the Town of Salamanca, New York.
- C. Portions of the Town of Great Valley, New York.

Section 2 - Definitions

As used in these Rules and Regulations and Schedules of rates and charges, the words and phrases listed below shall be deemed to have the following meaning:

CITY - As used herein shall mean the City of Salamanca, New York.

MUNICIPALITY - As used herein shall mean the City of Salamanca, New York.

BPU - As used herein shall mean the Board of Public Utilities of the City of Salamanca, New York.

MANAGER - As used herein shall mean the General Manager of the Board of Public Utilities duly appointed by such Board to have charge of the Sanitary Sewer System and all of its operations.

RULES - Shall mean the Rules and Regulations established by the Board of Public Utilities as contained herein and as revised or modified from time to time.

OWNER - Shall mean a person, firm, corporation or agent controlling the property served or to be served.

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APPLICANT - Shall mean the individual, firm or corporation making application for Sanitary Sewer service from the Board of Public Utilities.

SEWER SYSTEM - Shall mean the Sanitary Sewer System of the Board of Public Utilities of Salamanca, New York, operated by its duly authorized officers and employees.

FAMILY UNIT - Shall mean one (1) or more persons occupying accommodations with a cook stove upon which their food is prepared.

BUSINESS ESTABLISHMENT – any individual, firm, partnership, company, corporation, association or other legal entity established and doing business under the laws of the State of New York.

Section 3 - Applications

A. Written Applications for services will be received on the Form Prescribed (and attached) as Appendix A from individuals eighteen (18) years of age, or older. In the event that the Applicant is a Tenant in a rental unit, the Salamanca Board of Public Utilities may verify with the Landlord that he/she is the Renter-of-Record, before service is established.

B. Applications inside the City

(1) Written Application for sanitary sewer service inside the City limits of the City of Salamanca shall be made at the office of the Salamanca Board of Public Utilities in the Municipal Building, 225 Wildwood Avenue, in Salamanca, New York, by the property Owner or his authorized representative, on the application form supplied for such purpose by the BPU. The Applicant, at the time of submission of the application for sewer service, shall pay the fee for tapping the sanitary sewer main. In addition, the Applicant shall make a deposit of an appropriate amount as and for security for the payment of overdue charges for sewer service, which said deposit may be used for the purpose of crediting the Applicant's account for charges for services which are not paid within thirty (30) days after such charges have accrued, which said thirty (30) days shall be determined from the date of mailing of the customary billing by the BPU for sewer services.

(2) A duly executed Written Application for sewer service shall constitute a contract between the Applicant and the Board of Public Utilities of the City of Salamanca. The Applicant agrees that the rules and regulations contained herein, together with such amendments, alterations, revisions or modifications of said rules as may be made hereafter shall be considered a part of the contract between the Board of Public Utilities, of Salamanca, New York, and every person purchasing or taking sewer service shall be considered as having expressed his or her consent to be bound thereby.

C. Applications outside the City

As of the effective date of these Rules and Regulations and thereafter, the Board of Public Utilities will not accept applications for sewer service outside the City limits except in the following instances:

- (1) A customer in the Town of Great Valley or in the Town of Salamanca immediately adjacent to the existing sanitary sewer collection system and located within the territorial limits of the Great Valley Town or the Salamanca Town Sewer District(s).

- (2) Any customer located outside the City limits who shall first have received special permission from the Board of Public Utilities assembled in regular session, and the Cattaraugus County Health Department, and the New York State Department of Health, and shall have constructed or installed a suitable sanitary sewer lateral, as specified and approved by the Manager of the Board of Public Utilities and the City of Salamanca Plumbing Inspector, from the applicant's premises, to a suitable point located just inside the City Boundary, adjacent to an existing sanitary sewer main owned by the Salamanca Board of Public Utilities. Such control manholes shall be termed the "Point of Delivery" to said customer who will be responsible for the maintenance and repair of all piping between the "Point of Delivery" and the premises of said applicant. Such applicant shall be deemed as taking sanitary sewer service at a point inside the City and shall be charged the same rates as a City consumer and shall be bound by the same Rules and Regulations.

D. Deposits

The Salamanca Board of Public Utilities may require the prospective customer to make a Deposit equal to the estimated bills for two (2) month's use of service. Said deposit for sewer service may be retained for the duration of the provision of such sewer service at the discretion of the Board of Public Utilities, and shall be refunded after all outstanding billings, including the final billing, are paid and service is discontinued.

- (1) Deposit for commercial and industrial accounts

All commercial and industrial customers shall be required to make a deposit equal to the estimated bills for a two month period of service for the premises for which application is made for sanitary sewer service.

- (2) Deposit for residential (or other) sanitary sewer customers

All other sanitary sewer service customers within the area served by the Salamanca Board of Public Utilities may be required to make a Consumer Deposit to the Salamanca Board of Public Utilities in the amount equal to a two month average billing period, prior to any sewer service being rendered to such customer.

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Note: The amount of such residential deposits shall initially be set at:
\$80.00 for all sewer customers within the City of Salamanca and
\$130.00 for those outside the City of Salamanca.

(3) At the request of the Customer, the Board will, following two (2) full years of service, review the Deposit amount on file, to insure appropriateness.

E. Deposit Alternatives

(1) A Certificate of Deposit at a local Banking Institution structured in the names of the Customer and the Salamanca Board of Public Utilities, to be held by the Board, or the issuing Banking Institution. Interest is to be paid directly to the Customer by the Banking Institution.

(2) A Performance Bond issued by a recognized Bonding Company licensed to do business in New York State, in an amount equivalent to two (2) months of estimated service billings, guaranteeing payment of all outstanding utility arrearages in the event of default by the Customer.

(3) A Guarantee Card executed by a property owner in the City of Salamanca, who has service in their name at the address being used to sign with, guaranteeing payment of all outstanding utility arrearages in the event of default by the Customer; and further authorizing that all such arrearages, if unpaid by the Guarantee Card Signer, are to become a lien against the property of such signer. A Guarantee Card cannot be signed by any property owner who currently has an arrearage on their utility invoices or who has been on a payment agreement in the previous twelve months.

Section 4 General Information and Charges

A. Basis of Charges for Service established on or after May 13, 2005

(1) Business Establishment: Billings for business establishments will be on the basis of each business establishment located within the building. Each business establishment shall be separately metered.

(2) Multiple-Family Dwellings: Billings for multiple-family dwellings shall, at the owner's option, be either:

- A. on the basis of each family unit located within the building, in which case each family unit shall be separately metered; or
- B. on the basis of one billing for the building, in which case the owner will be responsible for all water and sewer charges.

There are no initial service connection charges during normal working hours other than lateral tapping charges.

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B. Other charges

(1) Bad Checks

Any and all checks or money orders received by the BPU as payment of utility billings, and subsequently dishonored by the Issuing Agency, will incur a Service Charge of \$50.00. In that event, the Customer's Account will not be credited with the amount of the payment until such time as that Customer makes payment in cash of the amount of the dishonored check or money order, plus the \$50.00 Service Charge, at the Board of Public Utilities' Business Office.

Any Board of Public Utilities' customer issuing three checks within any twenty-four month period which are not honored by the bank will be given notice that only cash, or bank-certified checks will be accepted for utility payments for the following twenty-four month period.

Following such twenty-four month period, personal checks may again be accepted, however, upon the issuance of one additional check not honored by the bank, the Board of Public Utilities will have the option of permanently accepting payment from that Customer only in the form of cash, or bank-certified check.

(2) Records service charge:

There is hereby established a \$2.50 charge for each request from Landlords and other interested parties for information on consumption and cost histories for service, for each account requested, payable to the Salamanca Board of Public Utilities at the time the request is made at the Board of Public Utilities' Business Office.

(3) Other prerequisites:

Any previous amounts which a Customer may owe to the Salamanca Board of Public Utilities for utility service will be paid in full before utility service is re-established. Also, any amounts due for the extension of lines, the installation of the service lateral, reconnection of service, etc., or as an advance payment of any charges as may be required by the BPU, under any pertinent provision of this schedule, shall be paid before service is established.

C. Discontinuance of service

Discontinuance of service will be handled under the provisions of Section 10C.(1.) of the BPU's Water Rules & Regulations.

D. Sewer charges - a lien against the property

All charges for sewer service supplied within the City of Salamanca for repairs, tapping charges, and any and all other charges made in connection with the supply of sewer services to any premises, shall be regarded as due from the Owner.

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Notwithstanding that the ownership may be changed subsequent to the charges being and such charges shall become a lien against the property.

E. Access to premises

The Owner specifically agrees to give the Manager of the Board of Public Utilities or any of his duly authorized employees, access to the premises at any time, to examine pipes or to repair, remove and inspect any equipment, or to examine the manner of use. In case of fraud on the part of the Owner or Applicant, or in the case of failure to provide and permit access to the premises as outlined above, the sewer service may be denied with or without notice.

F. Damage

Any person, firm, or public or private corporation causing any damage to any sewer main, service lateral, pump or other sewer system facility or appurtenance, shall reimburse the BPU accordingly, and for any loss of sewer use caused thereby.

G. Multiple services

Whenever two (2) or more premises or customers are supplied by a single service lateral as of the effective date of these Rules and Regulations, the failure of any one (1) of these to pay any rentals or charges due, or to comply with any of the Rules and Regulations herein contained, will subject all of the users on the same lateral to all the provisions of this Section.

H. Sewer Use Ordinance

The City of Salamanca Sewer Use Ordinance provisions are applicable to all Sewer Users of the Board, whether in the City of Salamanca or in any of the Town Sewer Districts, and the enforcement authority of the BPU relative to this Sewer Use Ordinance is absolute.

Section 5 - Service Laterals and Tapping of Mains

A. Tapping of mains

All tapping of mains will be performed only by the duly authorized Employees of the BPU. Charges will be made to the Owner for such taps in accordance with the current applicable Rate Schedule for such charges (which will include the tap plus installation of the lateral piping to the roadway side of the public sidewalk, or equivalent if there is no sidewalk).

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B. Service laterals

The Owner will be responsible for the sanitary sewer lateral from the building being served, to the point of interconnection with the Salamanca Board of Public Utilities' sewer main.

C. Specifications

The BPU reserves the right to specify the size, type, and location of the service lateral.

Note: With the exception of the Township's Sewer Districts described above, the BPU will not supply service laterals or main extensions outside of the City Boundaries.

D. Depth of service laterals

The sanitary sewer service lateral shall be laid in accordance with the Plumbing Code applicable in the City of Salamanca and in accordance with the City of Salamanca Sewer Use Ordinance.

E. Separate service laterals

Every building shall be supplied by a separate sanitary sewer service from the main to the building except:

- (1) Where other conditions existed on January 1, 1998.
- (2) Where use in other buildings is incidental and where the buildings are under the same ownership and occupancy

F. Sewer Rent Rates

- (1) There is hereby established in the City of Salamanca, a scale of rents to be called "sewer rents", the revenues from which shall be used for the payment of the cost of the management, maintenance, operation and repair of the sanitary sewer system, including treatment and disposal work, for the enlargement or replacement of the same, for the payment of the interest on any debt incurred for the construction of such disposal work and for retiring such debt and for any other purposes authorized by the laws of the State of New York, but shall not be used for the extension of a sewer system to serve non-sewered areas.
- (2) The owner of any parcel of real property connected with the sanitary sewer system of the City of Salamanca or serviced by the City of Salamanca Board of Public Utilities shall pay a sewer rent for the use of such sanitary sewer system, which sewer rent shall become due and payable monthly at the same time that the water

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bill for public water supplied to such real property becomes due and payable. The sewer rent shall be included as a separate charge on the water bill.

(3) The sewer rental is hereby established as consisting of two separate and distinct components.

A. Each property serviced with a potable water supply and sanitary sewer service shall pay a flat monthly charge based upon the size of the potable water meter(s) servicing the property pursuant to the following schedule which schedule is based upon individual living units and/or individual businesses located upon the property:

meter sizes up to and including 3/4"	\$10.50/month
meter size of 1"	\$17.50/month
meter size of 1" to 1½"	\$37.50/month
meter size of 2"	\$57.50/month
meter size of 3" and larger	\$87.50/month

B. In addition to the flat monthly service charge set forth above, each property serviced with a potable water supply and sanitary sewer service shall also pay an amount equal to one hundred thirty-seven percent (137%) of the charge for public water supplied to any such property during the monthly billing period.

(4) Owners of real property connected to the sanitary sewer system, but having a private water supply shall, at their expense, meter such private water supply, such meter having been approved by the Board of Public Utilities, and shall pay sewer rents as set forth above based upon the amount of water consumed on the premises as if the water had been purchased from the City of Salamanca Board of Public Utilities.

(5) All of the other section of Local Law No. 2 for the year 1969 shall remain in full force and effect.

G. Sewer Tapping Charge Fee Schedule

4"	Sewer Service	\$ 550.00	
6"	Sewer Service	Actual Cost	\$750 Deposit Due at Time of Request
8" and Larger	Sewer Service	Actual Cost	\$1,000 Deposit Due at Time of Request

H. Special applications

Whenever application is made for any service or facility not herein specifically provided for, such service may be provided at the discretion of the BPU, but subject to such terms and conditions as the BPU may in each circumstance prescribe by resolution.

Section 6 - Main Extensions

A. Extensions Inside the City

All extensions of sanitary sewer mains inside the City of Salamanca will be made at the discretion of the Board of Public Utilities assembled in regular session and the cost of such extension will be assessed against the benefitted property-owner(s). The extension will remain the property of the Salamanca Board of Public Utilities, upon completion.

B. Extensions Outside the City

The BPU will not extend the sanitary sewer collection outside the City of Salamanca except within the territory of the Town of Salamanca and Town of Great Valley Sewer Districts, and provided formal application is made by such Sewer District and is approved by the Board of Public Utilities, assembled in regular session. The cost of such extensions shall be charged to the Benefiting Town Sewer District, and the estimated cost thereof shall be paid to the BPU in advance of construction or material purchases. The cost of construction shall be computed upon completion of the work and the difference, if any, between the cost so computed and the amount paid in advance, shall be promptly paid to the BPU or refunded to the Town Sewer District in conformity with this paragraph.

In the event that the Sewer Districts choose to perform their own main line construction work, or to utilize a Private Contractor to perform such construction work, the BPU, the Cattaraugus County Health Department, and the New York State Department of Health will all need to review and approve the Plans and Specifications (including the materials to be utilized), in advance of any installation work commencing. The BPU and the Cattaraugus County Health Department will oversee all the construction operations.

C. Extensions or Replacements by the Board of Public Utilities

Nothing contained herein shall be construed as preventing the BPU from installing, at its own expense, new mains along any street or highway, or on or across private property under easement, within the City, for the purpose of replacing inadequate, defective or obsolete mains; for the purpose of improving its collector system; or as preventing the BPU, either wholly or partly, at its own expense, from replacing inadequate, defective or obsolete mains.

D. Size and Type of Mains

In all cases, the BPU shall determine the size and type of pipe, and shall specify the materials to be used in the construction of any and all extensions.

City of Salamanca
BOARD OF PUBLIC UTILITIES

225 Wildwood Avenue Suite 6
Salamanca, NY 14779-1580
(716) 945-3130
FAX (716) 945-3490

UTILITY SERVICE APPLICATION

ELECTRIC
 WATER
 SEWER

Name: _____
Spouse or Domestic Partner: _____

Current Address: _____

Last 4 Digits of Social Security Number(s): _____ / _____

New Residence Where Services are Being Requested: _____

Driver's License Number: _____
Spouse or Domestic Partner Driver's License Number: _____

Photo ID(s) (which includes Date of Birth)
_____ / _____

Phone Number(s): _____ / _____
Cellular Number(s): _____ / _____

Previous Residence Where Services Have Been Provided: _____

Employer: _____ Nearest Relative: _____
Address: _____ Address: _____
How Long? _____ Phone No: _____

Employer: _____ Nearest Relative: _____
Address: _____ Address: _____
How Long? _____ Phone No: _____

Having applied to the Salamanca Board of Public Utilities for Electric, Water and/or Sewer Service for the premises specified above, I affirm that statements made on this application are true under the penalties of perjury. A copy of the Salamanca Board of Public Utilities' Rules and Regulations is available upon request. Spouses and/or domestic partners are also responsible for utility invoices, in addition to the account holder.

Signature of Applicant

Date Signed

Witness

Deposits _____
Guarantor _____
Tax Exempt _____

Revisions to Sewer Rules

1. February 2011 Commission Meeting Section 3D, Deposits #2. The deposit amount was raised from \$50 to \$80 for customers inside the City of Salamanca and the deposit amount was raised from \$100 to \$130 for customers outside the City of Salamanca.
2. April 2012 Commission meeting Section 4 B, increasing the bad check fee from \$20 to \$30. Change effective 5/1/12.
3. November 17, 2015 Commission Meeting Section 3 E (3). Changed guarantee card so no customer who has an arrearage can sign a card.
4. Effective 9/10/2019 BPU Board resolved to request the City Lower the Sewer rate from 152% of water to 137%. 9/25/2019 City Common Council approved the Change. 10/9/2019 Adopted by the Mayor, Law change requested with the State. 10/21/2019 NY State filed the new Law, which makes the 137% rate official.
5. At the July 22, 2020 meeting, the Board passed a resolution to raise the Reconnection fee from \$30 to \$40 and increase the Bad Check fee from \$30 to \$50 Changes effective September 1, 2020.
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