

## DIVISION 8. SEWER LOT DEVELOPMENT FEE

### Sec. 78-401. Statement of purpose.

- (a) The town has incurred and will continue to incur great expense to install and improve a public sewer system in certain areas of the town.
- (b) Owners of buildable lots adjacent to the public sewer system have been charged a sewer assessment for each such buildable lot.
- (c) There are many parcels of real property, improved and unimproved, which are not adjacent to the public sewer system, or are adjacent but have not yet connected to the public sewer system but which, in the future, may connect into the public sewer system without being charged a sewer assessment.
- (d) The town intends to distribute the cost of construction, improvements, maintenance and operating costs of the public sewer system in a manner which is fair and equitable to all property owners who connect into and make use of the public sewer system.
- (e) A sewer lot development fee, so-called, shall be assessed in accordance with the provisions of this division against all property owners who request to or who are required to connect into the public sewer system and whose lot or units have not been charged a sewer assessment on an individual basis.

(Code 1986, § 20-361)

### **Sec. 78-402. Levied.**

- (a) In the case of an unimproved residential lot or in the case of a lot with an existing residential building, the applicant for a sewer connection permit shall pay a sewer lot development fee of \$3,500.00 per lot or per unit, whichever is applicable, as a precondition to the issuance of the sewer connection permit. At the option of the applicant, the fee of \$3,500.00 for each lot or unit may be paid in four annual installments of \$875.00 each, together with interest on the unpaid balance at the rate of 12 per centum per annum.
- (b) In the case of commercial units (except restaurants) the applicant for a sewer connection permit shall pay a sewer lot development fee of \$0.80 per square foot of overall floor space for each such commercial unit.
- (c) In the case of restaurants and industrial units, and except as provided for below, the applicant for a sewer connection permit shall pay a sewer lot development fee of \$1.00 per square foot of overall floor space. In the case of applicants who at the time of application and each year thereafter use less than 40,000 cubic feet of water per year, the \$1.00 per square foot fee shall only be assessed against the first 30,000 square feet of floor space. If the applicant's or its successor's or assign's water usage in any year exceeds 40,000 cubic feet per year, then the sewer lot development fee shall be recalculated and reassessed based upon the total square feet of the overall floor space without limitations.

(d)

- (1) Industrial users whose projected total sewage flow is less than or equal to the flow from an equivalent single dwelling unit (450 gallons per day, or 22,000 cubic feet per year) and who do not propose to discharge any process-related sewage flow may petition the town council in writing for a reduction in their sewer lot development fee. The minimum sewer lot development fee levied against an industrial user shall be the same as the residential sewer lot development fee for a single lot or unit, as provided for in subsection 78-402(a).
- (2) Any change in use proposed by the industrial user that results in water usage in excess of 22,000 cubic feet per year and/or the discharge of process-related sewage flow will result in the review of any such reduction that may have been granted, and an adjustment to the calculated sewer lot development fee may be made at the sole discretion of the town.

(e) When the overall square footage of the commercial, restaurant or industrial unit is equal to or greater than 10,000 square feet, at the option of the applicant, the sewer lot development fee may be paid in four annual installments, together with interest on the unpaid balance at the rate of 12 per centum per annum.

(f) For the purpose of this division, industrial units are defined as those uses or units located on a parcel of real estate which are zoned as I-A or I-B on the official zoning map of the town.

(g) In the case of an unimproved residential lot or in the case of a lot with an existing residential building within the area known as Envine Estates and further described by ordinance number chapter 580, an ordinance relating to the construction of sewers by private parties in the Envine Estates area of assessor's plat N-G, the applicant for a sewer connection permit, if applied for prior to November 1, 1989, shall pay a sewer lot development fee of \$1,000.00 per lot or per unit, whichever is applicable, as a precondition to the issuance of the sewer connection permit. At the option of the applicant, the fee of \$1,000.00 for each lot or unit may be paid in four annual installments of \$250.00 each, together with interest on the unpaid balance at the rate of six per centum per annum.

(h) The town council may waive the sewer lot development fee from local government divisions within the town.

(Code 1986, § 20-362; Ch. 863, § 1, 7-18-2005)