

Sponsor: Councilman DeFeo
First Reading: 11/17/14
Second Reading: _____
Third Reading: _____
Ord. No.: 016-14

AN ORDINANCE TO AMEND CHAPTER 70 “UTILITIES” TO CREATE A WATER AND SEWER CAPITAL RECOVERY CONNECTION FEE FOR THOSE PROPERTIES CONNECTING TO THE TOWN’S WATER AND SEWER SYSTEM NORTH OF DUCK CREEK AND TO ADJUST FEES ACCORDING TO INFLATION

WHEREAS, the Town of Smyrna is authorized by sections 4.2.13, 4.2.14, 21 and 22 of the Town Charter to provide water and sewer services to properties located inside and outside of the town limits of the Town of Smyrna;

WHEREAS, the Town of Smyrna is authorized by sections 4.2.13, 4.2.14, 21 and 22 of the Town Charter to establish fees for water and sewer services provided by the Town;

WHEREAS, the Town of Smyrna is undertaking an extensive water and sewer expansion project for purposes of extending water and sewer services to areas of town located north of Duck Creek; and

WHEREAS, in the opinion of the Town Council of the Town of Smyrna, it is necessary to require existing properties to pay a capital recovery fee to connect to the system in order for the Town to recover those expenses incurred by the Town to make water and sewer services available to those properties.

NOW THEREFORE, BE IT HEREBY ENACTED by the Town Council of the Town of Smyrna, a majority thereof concurring in Council duly met, that the Town Code of the Town of Smyrna be and hereby is amended as follows:

Section 1. Amend Chapter 70 “Utilities,” Article II “Water and Sewer System,” Division 3 “Connections” by including a new section 70-65 “Sewer and Water Capital Recovery Connection Fee” as follows:

Sec. 70-65. – Sewer and Water Capital Recovery Connection Fee.

- (a) All property located north of Duck Creek, whether located within or without the municipal limits of the Town of Smyrna, connecting to the Town’s water and sewer system shall pay a capital recovery connection fee of \$2,859.80 for each equivalent dwelling unit (EDU) connecting to the Town’s water and sewer systems north of Duck Creek. This fee shall be in addition to any impact fee that may be required, but this fee shall be in lieu of the connection fee identified herein in section 70-64.
- (b) Payment of the capital recovery connection fee shall be a condition precedent to the connection of any property to the town's sanitary sewage collection facilities and/or to the town's water treatment and distribution system.

(c) Such capital recovery connection fee shall represent that property owner's proportionate share of the town's actual capital costs of supplying water and sewer utilities to those properties located north of Duck Creek. For purposes of this subsection, an EDU shall be assigned for every 300 gallons per day (gpd) of water estimated to be consumed by a particular use based on the following table. For any uses not specifically enumerated in the table, the Town shall calculate the EDUs based on the use or uses in the table that are individually or collectively the most comparable to the proposed use.

Usage	Gallons Per Day (gpd)
Residential (single-family homes, townhouses, apartments, condominiums, mobile homes)	300
Office	0.1 per square foot
Warehouse	0.03 per square foot
Retail Store	0.05 per square foot
Service Station	0.18 per square foot
Restaurant (typical)	25 per seat
Restaurant (24 hours or along freeway)	50 per seat
Tavern/bar with limited food service	25 per seat
School/Day Care	7.5 per student/12.5 per employee
Motel	50 per room
Hotel	50 per room plus ancillary uses
Hospital	150 per bed
Nursing & assisted living facilities	100 per person
Assembly Halls	2.50 per seat
Church	4 per pew seat
Factory, service use, etc.	12.5 per employee

(d) All property owners connecting to the Town's water and sewer system within twelve (12) months of water and sewer utility services becoming available shall have fifty (50%) percent of the capital recovery connection fee waived. No property owner shall have more than \$10,000 in capital recovery connection fees waived.

(e) All capital recovery connection fees collected by the Town shall be specifically designated to pay for the costs of installing water and sewer infrastructure, provided that the Town Council shall determine the time and manner in which these connection fees are applied towards the water and sewer infrastructure costs.

Section 2. Amend Chapter 70 "Utilities," Article II "Water and Sewer System," Division 3 "Connections" by including a new section 70-66 "Adjustment of connection fees for inflation" as follows:

Sec. 70-66. – Adjustment of connection fees for inflation

Annually, beginning January 1, 2016, the amount of the minimum connection fees and the sewer and water capital recovery connection fee shall automatically be increased to reflect inflation based upon changes in the consumer price index as established by the U.S. Department

of Labor for the Philadelphia-Wilmington-Atlantic City (Pennsylvania, New Jersey, Delaware, Maryland) region for the preceding 12 months; provided however, that the town council may act, by resolution adopted on or before December 31st of each year, to waive or to increase the adjustment more than the posted change in the CPI for the following year.

SYNOPSIS

This ordinance requires the payment of a capital recovery connection fee in the amount of \$2,859.80 before properties located north of Duck Creek are connected to the town's water and sewer system. This ordinance authorizes a partial discount of the fee for those properties connecting within 12 months of water and sewer becoming available. The capital recovery connect fee is to be used to pay for the costs associated with installing the water and sewer infrastructure, and the fee shall be annually adjusted for inflation beginning in 2016.

This will certify that this is a true and correct copy of the Ordinance duly adopted by the Town Council of the Town of Smyrna at its regular Council meeting on _____, 2014.

ATTEST:

Council Secretary

Mayor

This shall certify that the title and synopsis of this Ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Clerk

This shall certify that the title, effective date and synopsis of this ordinance was published in the "Smyrna/Clayton Sun Times" on _____, 2014 and posted at the Town Hall on _____, 2014.

So Certifies:

Town Manager