

WATER SUPPLY SYSTEM CONNECTION FEE ORDINANCE

WHEREAS, the Town of Lincoln is experiencing economic development which is threatening the limits of the Town's existing water system, and;

WHEREAS, the Town will be required to augment the existing supply to serve anticipated additional users, and;

WHEREAS, it is the purpose of this ordinance to defray the cost of additions and/or improvements to the wastewater treatment system, including, but not necessarily limited to improvements and/or repairs to the existing water treatment system, new construction, principal and interest payments on debt incurred therefore, related consulting and engineering fees, necessitated by requirements of the Water Supply and Pollution Control Commission;

NOW, THEREFOR, the Town of Lincoln, in recognition of the above, enacts the following:

WATER SUPPLY SYSTEM CONNECTION FEE ORDINANCE

1. **Fee Imposed.** Any owner engaging in new construction as defined in paragraph 2 requiring a utilization of the Town's water supply system shall be required to pay a one-time water supply connection fee, the payment of which shall entitle the landowner, his heirs, successors, and or assigns to utilize the water supply system of the Town in accordance with the level of usage permitted for the specific premises by the fee paid and the use requested as hereinafter set forth.

2. **New Construction.** Any new construction, addition or change in use of property which may reasonably be expected to increase the current or prospective use of the Town water supply system shall be deemed new construction for purposes hereof, and shall require application to the Town pursuant hereto and payment of any resulting additional fee provided for herein.

3. **Payable in Advance.** Each owner must apply for and make advance payment of the connection fee to the Selectmen before the Town will permit the owner to utilize the Town water supply.

4. **Inspection and Adjustment.** Prior to the commencement of construction or conversion resulting in a change of use the Town shall cause an inspection of the premises and/or proposal to be performed to determine the number of points to be assessed according to the provisions of paragraph 7 below. Subsequent to completion of construction, a physical inspection of the premises shall be performed by the Town and adjustments in the prepaid connection fee shall be made at such a time in the event the points assessed result in a fee greater or less than the sum paid in advance. The property owner shall be responsible for paying such additional connection fee, if any, resulting from the Town's inspection of his property.

5. **No Refund.** Once adjustments have been made to the original fee pursuant to paragraph 4, the Town shall not be responsible for any refund of the original fee paid by the owner or by his predecessor in title, even upon subsequent alteration of the property which theoretically reduces the number of points.

6. **Point System.** A point system shall be used in order to make the connection fee equitable and proportional to the anticipated use of the water system. The dollar charge per point shall be set forth in Exhibit A, attached hereto and made a part hereof. The Selectmen shall assess points in accordance with the anticipated use of each property owner subject to this ordinance. A minimum number of 4 points shall be assessed in each case where water from the Town system has not been previously provided by the

Town to premises subject to this ordinance. For any change in use, the connection fee shall be determined on the basis of the increase in use over the pre-existing use.

7. The following guidelines shall be used in assessing points:

1. For Restaurants, the total seating capacity shall be multiplied by .5 and for Bars, the total seating capacity shall be multiplied by .25 to determine the points to be assessed. Provided, however, in the event the Restaurant or Bar uses disposable paper products rather than washable dishware, glassware, the number of assessed points shall be reduced by three-fifths.
2. .75 points for each room and each bath of a Motel, Lodge, or Ski Lodge, Ski Club.
3. At campsites providing dump stations for recreation vehicles and/or travel trailers, each such hook-up shall be multiplied by .5 to determine the points to be assessed. Common dump stations such as campgrounds shall be assessed 10 points.
4. Additional sinks, not including in baths or kitchens, .25 points each.
5. A half-bath, consisting of one wash basin, and one toilet, 1.5 points each.
6. Each extra toilet or urinal in a half-bath area, an additional .75 points.
7. A single shower or a single tub, 1.5 points.
8. Full baths, which includes a shower or tub, a wash basin, and a toilet, 3 points.
9. If a wash basin is located in a room directly adjacent to a shower, a tub, or a toilet, they shall be considered a full bath and shall be assessed 3 points.
10. Kitchens, 2.5 points.
11. Commercial laundries, 2 points per washer.
12. Residential laundry rough-ins, .5 points.
13. Outside water taps, or spigots, 1 point each. All residences or commercial establishments shall be assessed for at least one outside water tap or spigot, even though there may in fact, be none present on the outside of the building.
14. Commercial swimming pools, 10 points each. Residential swimming pools, 4 points each.

15. A commercial car wash shall be assessed 20 points.
16. Fire extinguishing systems, such as wet stand pipes, dry stand pipes, and sprinklers shall not be assessed at all, whether located in residential or commercial establishments.
17. Take-out type restaurants, 7.5 points.
18. Jacuzzis and hot tubs in a commercial establishment will be assessed 6 points. Jacuzzis and hot tubs in a residential establishment shall be assessed 2 points each.
19. The Selectmen are hereby empowered to determine in their sole discretion the points applicable for any use not expressly provided for herein, and may abate or adjust points, as justice may require in the event of any change or modification of use not expressly provided for herein.
20. For good cause shown, the Selectmen may abate or adjust any points determined under this section. The Selectmen are empowered hereby to negotiate payment terms with large developers in the event there are unusual circumstances equitably warranting modification of the provisions of this ordinance.

8. Prepayment of Connection Fee Required. Upon approval by the Planning Board of any development of ten or more units or any new construction which will total 10 or more points under section 7, the owner shall make a deposit of connection fees as follows:

A. Within 30 days after Planning Board approval and/or approval for allocations by the Board of Selectmen, the owner shall present to the Selectmen a realistic timetable estimating when facilities using the water system will be occupied. Upon presentation of the timetable, the owner will make a 50% deposit of estimated connection fees due on the proposed project during the twelve months immediately following.

B. Annually, thereafter, a similar deposit shall be required for each twelve month period. The Selectmen may make such adjustments in the deposits as are appropriate based on actual construction and revised timetable estimates.

C. The balance due on the connection fee will be paid prior to building permit being issued.

D. Any owner who is determined to have intentionally underestimated a timetable to avoid deposit fees may be assessed an additional levy equal to underestimated deposits together with 10% of the total deposit properly required.

9. Penalties and Remedies for Non-Payment of Fees. In the event an owner fails or refuses to pay the connection fee, such unpaid charges shall result in a lien on the subject property in accordance with State Law. Interest in accordance with State Law shall be assessed and the Town may collect charges as allowed by RSA 38:22.

10. Capital Improvement Fund. Connection fees collected pursuant hereto shall, until expenditure thereof is necessitated by construction and related costs, be maintained in such Capital Reserve Fund as the Selectmen in their discretion may choose. Amounts equal to connection fees shall be annually maintained in the Water System Improvement Capital Reserve Fund.

11. Separability. If any clause, phrase or provision of this ordinance is declared invalid by any court or other competent authority, such holding will not affect the validity of any other clause, phrase, or provision, nor affect the validity of any other connection fees assessed or paid pursuant hereto.

EXHIBIT A

To Water Supply Connection Fee Ordinance

The Water Supply connection Fee shall be one hundred dollars (\$100.00) per point and shall apply to any connection whether pre-sold or not, made subsequent to passage hereof.

ORDINANCE REVIEWED AND APPROVED ON THIS _____ DAY OF _____,

By the Board of Selectmen of the
Town of Lincoln, New Hampshire
