

CHAPTER 101

SPECIAL SEWER CONNECTION FEE DISTRICTS

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101.01 PURPOSE. The Council may establish under this chapter Special Sewer Connection Fee Districts for the purpose of collection within said District of a fee from property owners who shall make application to connect their properties to the Municipal Sanitary Sewer Utility of the City.

101.02 WILLIAMSBURG SOUTH TRUNK SEWER CONNECTION FEE DISTRICT.

1. District Description. The areas and properties included within the District shall be as set forth in the Williamsburg South Trunk Sewer Plan dated March 31, 2006 (the "Plan"), maintained in the office of the City Clerk, such areas being shown on the map on file at City Hall.
2. Sanitary Sewer Connection Fee. A connection fee is hereby imposed for each connection made to the Municipal Sanitary Sewer Utility within the boundary of the District described herein. The existing and proposed improvements are known as the "South Trunk Sewer Project" (hereinafter referred to as the "Project Improvements") and consist generally of the construction of: (i) approximately 5,000 feet of 24-inch diameter trunk sanitary sewer, a lift station, and force main (all existing); and (ii) certain trunk sewers of various diameters to be constructed in stages as development occurs within the District. The Plan contains a description of the Project Improvements and an Infrastructure Map illustrating the locations of the existing sanitary sewer mains and the proposed locations of the sanitary sewer mains to be constructed. The Plan also contains an Infrastructure Cost Estimate for the Proposed Project Improvements (the "Infrastructure Cost Estimate") and an allocation of the same on a per acre basis. The Infrastructure Cost Estimate includes costs of the proposed improvements as well as costs already incurred for the construction of the existing improvements described above. As of March 31, 2006, the Project Improvements were expected to serve 1,350 acres, and construction costs were estimated to be \$2,054,222. As of said date, the estimated cost per acre for such improvements was \$1,521.65. The Infrastructure Cost Estimate will be reviewed annually by the City Engineer and adjusted, as of January 1 of each year from and after January 1, 2006, to reflect anticipated and actual construction costs, as applicable, for the appropriate period of time and thereafter shall be presented to the City Council for approval. After approval of the same by the Council, a copy of the most recent Infrastructure Cost Estimate, as so adjusted, and the resulting per-acre allocation, certified by said engineering firm, shall be available for public inspection at the office of the City Clerk during normal business hours. Each such adjusted Infrastructure Cost Estimate shall apply and become effective for purposes of this chapter from and after the date of approval by the Council of the ordinance codified in this chapter. If an annual adjustment is not made by the City Engineer and/or approved by the City Council, the most recently approved Infrastructure Cost Estimate shall be used. The connection fee payable by a property owner whose property will be served by the Project Improvements will be calculated and imposed on a per-acre basis, including a pro rate amount of any portion of an acre included within the owner's subdivision plat or area to be so served and shall be equal to the most current per-acre Infrastructure Cost Estimate for the Project Improvements approved by the Council and placed on file in the office of the

Clerk times the number of acres including any portions thereof included within the owner's subdivision plat or the area to be served by connection to the Project Improvements. The connection fee will be payable in full at the earlier of (i) the time of submission by the property owner to the City of the subdivision plat for the area for signature and recording by the City, in the form approved by the Council under Section 354.8 of the *Code of Iowa*, or (ii) the time of submission by the property owner to the City Engineer of construction plans for the construction of improvements on any portion of the owner's property to be served by connection to the Project Improvements. As of January 1, 2006, therefore, the connection fee payable is \$1,521.65 per acre of property included within the property owner's subdivision plat or other development area until adjusted as described above. If the owner of two contiguous parcels affected by this chapter desires to make a connection to the Municipal Sanitary Sewer Utility that will serve only one such parcel, and the parcels do not bear common improvements and have not been assembled into a single unit for the purpose of use or development, the owner may make application to the Council to connect to each such parcel separately. If the Council finds that the parcels do not bear common improvements and have not been assembled into a single unit for the purpose of use or development, the original connection fee shall be calculated and paid only upon the parcel or parcels that will be served by the connection. A separate connection fee shall be paid when the parcel or parcels not served by the original connection to the Municipal Sanitary Sewer Utility are connected.

101.03 WILLIAMSBURG NORTH TRUNK SEWER CONNECTION FEE DISTRICT.

1. District Description. The areas and properties included within the District shall be as set forth in the Williamsburg North Trunk Sewer Plan dated _____ (the "Plan"), maintained in the office of the City Clerk, such areas being shown on the map on file at City Hall.

2. Sanitary Sewer Connection Fee. A connection fee is hereby imposed for each connection made to the Municipal Sanitary Sewer Utility within the boundary of the District described herein. The existing and proposed improvements are known as the "North Trunk Sewer Project" (hereinafter referred to as the "Project Improvements") and consist generally of the construction of: (i) approximately _____ feet of ____-inch diameter trunk sanitary sewer, a lift station, and force main (all existing); and (ii) certain trunk sewers of various diameters to be constructed in stages as development occurs within the District. The Plan contains a description of the Project Improvements and an Infrastructure Map illustrating the locations of the existing sanitary sewer mains and the proposed locations of the sanitary sewer mains to be constructed. The Plan also contains an Infrastructure Cost Estimate for the Proposed Project Improvements (the "Infrastructure Cost Estimate") and an allocation of the same on a per acre basis. The Infrastructure Cost Estimate includes costs of the proposed improvements as well as costs already incurred for the construction of the existing improvements described above. As of _____, the Project Improvements were expected to serve _____ acres, and construction costs were estimated to be \$_____. As of said date, the estimated cost per acre for such improvements was \$_____. The Infrastructure Cost Estimate will be reviewed annually by the City Engineer and adjusted, as of January 1 of each year from and after January 1, 20__, to reflect anticipated and actual construction costs, as applicable, for the appropriate period of time and thereafter shall be presented to the City Council for approval. After approval of the same by the Council, a copy of the most recent Infrastructure Cost Estimate, as so adjusted, and the resulting per-acre allocation, certified by said engineering firm, shall be available for public inspection at the office of the City Clerk during normal business hours. Each such adjusted Infrastructure Cost Estimate shall apply and become effective for purposes of this chapter from and after the date of approval by the Council of the ordinance codified in this chapter. If an annual adjustment is not made by the City Engineer and/or approved by the City Council, the most recently approved Infrastructure Cost Estimate shall be used. The connection

fee payable by a property owner whose property will be served by the Project Improvements will be calculated and imposed on a per-acre basis, including a pro rate amount of any portion of an acre included within the owner's subdivision plat or area to be so served and shall be equal to the most current per-acre Infrastructure Cost Estimate for the Project Improvements approved by the Council and placed on file in the office of the Clerk times the number of acres including any portions thereof included within the owner's subdivision plat or the area to be served by connection to the Project Improvements. The connection fee will be payable in full at the earlier of (i) the time of submission by the property owner to the City of the subdivision plat for the area for signature and recording by the City, in the form approved by the Council under Section 354.8 of the *Code of Iowa*, or (ii) the time of submission by the property owner to the City Engineer of construction plans for the construction of improvements on any portion of the owner's property to be served by connection to the Project Improvements. As of January 1, 20__, therefore, the connection fee payable is \$_____ per acre of property included within the property owner's subdivision plat or other development area until adjusted as described above. If the owner of two contiguous parcels affected by this chapter desires to make a connection to the Municipal Sanitary Sewer Utility that will serve only one such parcel, and the parcels do not bear common improvements and have not been assembled into a single unit for the purpose of use or development, the owner may make application to the Council to connect to each such parcel separately. If the Council finds that the parcels do not bear common improvements and have not been assembled into a single unit for the purpose of use or development, the original connection fee shall be calculated and paid only upon the parcel or parcels that will be served by the connection. A separate connection fee shall be paid when the parcel or parcels not served by the original connection to the Municipal Sanitary Sewer Utility are connected.

101.04 PRIVATE SYSTEMS. Following the installation of a sanitary sewer under the provisions of this chapter, owners of land abutting or adjoining a public street in which such sewer has been installed, being persons other than the builder, shall be obliged to connect any sewage-generating facilities into said sanitary sewer, as required by Chapter 95.

101.05 OTHER COSTS. A connection fee imposed by this chapter is in addition to, and not in lieu of, any other fees for connection required under the other provisions of this Code of Ordinances. The property owner paying a connection fee will be responsible for the full cost of providing any necessary sanitary sewer extensions or service lines from the private property improvements or buildings to the trunk sewers being constructed as part of the Project Improvements.

101.06 NONPAYMENT. In the event a connection is made to the Municipal Sanitary Sewer Utility without payment of the connection fee set forth in this chapter, the City shall disconnect such service until such time as the property owner has paid the required connection fee. In addition, the City may pursue any other remedy allowed by law.

101.07 USE OF PROCEEDS. The connection fees collected by the City under this chapter shall be used only for the purpose of operating the Municipal Sanitary Sewer Utility, or paying the debt service on obligations issued to finance the Public Improvements.

101.08 INTERPRETATION. The provisions of this chapter are intended and shall be construed so as to fully implement the provisions of Section 384.38(3) of the *Code of Iowa*. In the event that any provision of this chapter is determined to be contrary to law, it shall not affect other provision or application of this chapter, which shall at all times be construed to fully invoke the provision of Section 384.38(3) of the *Code of Iowa* with reference to the assessment and collection of the connection fees provided thereunder.

