

AN ORDINANCE TO AMEND ARTICLE III. CITY WATER AND SEWERAGE SYSTEMS OF CHAPTER 74 “UTILITIES” OF THE CODE OF ORDINANCES OF THE CITY OF NEW BERN

THAT WHEREAS, the North Carolina General Assembly has authorized the City to adopt system development fees in accordance with N.C.G.S. §160A-314 and Article 8 of N.C.G.S. §162A; and

WHEREAS, pursuant to N.C.G.S. §162A-205, the City retained the services of Blaine Humphrey, P.E., a North Carolina licensed professional engineer, with the firm of Rivers & Associates, Inc., to produce a written analysis, employing generally accepted accounting, engineering, and planning methodologies to calculate system development fees for the City’s public water and sewer systems; and

WHEREAS, Blaine Humphrey, P.E., a North Carolina licensed professional engineer with the firm of Rivers & Associates, Inc., produced, and the City adopted on April 10, 2018, a “City of New Bern System Development Fee Evaluation” dated January, 2018 (hereinafter “Evaluation”); and

WHEREAS, subsequent to posting of the Report to its website and otherwise making the Evaluation available to the public for review and comment, the City conducted a public hearing at its regular Board of Aldermen meeting held on March 27, 2018 to receive public comment on the Evaluation prior to considering adoption of the analysis with any modifications or revisions; and

WHEREAS, the Board of Aldermen of the City of New Bern does hereby direct the City Engineer or his assigns and a qualified licensed professional engineer or accountant to update the Report and system development fees at least every five years hereafter; and

WHEREAS, the Board of Aldermen of the City of New Bern does hereby direct the Director of Finance of the City to assure that all expenditures of system development fees herein created shall conform to N.C.G.S. §162A-211 as the same may be amended from time to time; and

WHEREAS, the Board of Alderman of the City of New Bern deems it advisable and in the public interest to effect certain revisions to Article III. “City Water and Sewerage Systems” of Chapter 74 “Utilities” of the Code of Ordinances of the City of New Bern to establish a system development fee as provided herein.

NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF NEW BERN:

SECTION 1. That Article III. “City Water and Sewerage Systems” of Chapter 74 “Utilities” of the Code of Ordinance of the City of New Bern be and the same is hereby amended by adding Section 74-101 as follows:

“Sec. 74-101. System development fees.

System development fees shall be charged with respect to new development to recoup costs of existing facilities which serve such new development. New development includes the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the calculated anticipated daily flow rate, or any use or extension of the use of land which increases the calculated anticipated daily flow rate.

- (1) Beginning on the effective date of this ordinance, system development fees shall apply to:
 - (a) All new connections to the city’s water or sewer system, except for fire line connections;
 - (b) Existing connections where new improvements have an increased calculated anticipated daily flow rate of water or sewer from the city; and
 - (c) Change of use will require the owner/customer to pay the difference between the old use and the proposed new use, if there is an increase in caclulated anticipated daily flow rate. No refunds will be granted if the new usage is less than the old usage.

- (2) System development fees shall not include and separate charges may be assessed for:
 - (a) Administrative, plan review, or inspection costs associated with permits required for development.
 - (b) Connection fees pursuant to section 74-97 for the purpose of reimbursing the city for the actual costs of connecting the service unit to the system.
 - (c) Dedication of capital improvements onsite, adjacent, or ancillary to a development absent a written agreement providing credit or reimbursement to the developer pursuant to N.C.G.S. §160A-320, §160A-499 or Part 3D of Article 19, Chapter 160A as the same may be amended from time to time.

- (d) Reimbursement to the city for its expenses in constructing or providing for water or sewer utility capital improvements adjacent or ancillary to the development if the owner or developer has agreed to be financially responsible for such expenses.
- (3) System development fees will not be charged on buildings or other improvements constructed to replace like buildings provided that the replacement will not result in any increased capacity requirements over that required to serve the replaced building. System development fees are transferable between locations on different parcels of property as long as the parcels are contiguous or separated only by a street or alley and part of a single or multi-phased project shown on an approved site plan at the time of issuance of a building permit.
- (4) Any credits for demolition of a structure on the same or contiguous site pursuant to subsection (3) of this section which was connected to the water and sewer systems are limited to 10 years from the date of demolition.
- (5) System development fees shall be paid in full prior to the issuance of a building permit for the structure to be built at the service address.
- (6) Additions, alterations to or replacements or change in use of existing buildings shall be required to pay a system development fee based on the same rates that apply to new construction improvements. When a change in use occurs, the new use will pay the difference calculated between the existing use and the proposed use.
- (7) Buildings that contain more than one use shall have the system development fee calculated from the sum of each use in the building, based upon the schedule of system development fee charges.
- (8) The system development fee as authorized by this section shall be paid for connections to the city's municipal water and sewer systems in the amount or at the rate as may from time to time be fixed by the Board of Aldermen, which rates shall be on file in the office of the City Clerk."

SECTION 2. The Director of Finance of the city is hereby directed to account for all system development fees as directed by law. Revenue from system development fees may be expended only for previously completed capital improvements for which capacity exists and for capital rehabilitation projects.

SECTION 3. Any ordinances or resolutions in conflict with this ordinance are hereby repealed. This Ordinance shall be effective from and after the date of its adoption and shall be

updated at least every five years to reflect a new or amended system development fee analysis prepared pursuant to North Carolina General Statutes as the same are amended from time to time.

ADOPTED THIS 12th DAY OF JUNE, 2018.



DANA E. OUTLAW, MAYOR



BRENDA E. BLANCO, CITY CLERK