

ORDINANCE 20180920

**AUTHORIZING WATER AND SEWER CONNECTION
CHARGES PAYMENT PLANS**

WHEREAS, water and sewer connection charges should be set at a level sufficient to finance the anticipated capital cost of necessary system capacity; and

WHEREAS, future growth will necessitate expansion of system capacity; and

WHEREAS, the cost of the water and sewer connection charges could pose a hardship for property owners constructing new homes or opening new businesses; and

WHEREAS, many times, property and business owners appear before the Cape Charles Town Council to request various payment plans for the required water and sewer connection charges; and

WHEREAS, in an effort to streamline the process, the Cape Charles Town Council agreed to four options for the payment of the water and sewer connection charges which would be authorized by the town manager and administered by the treasurer; now

THEREFORE, BE IT ORDAINED by the Town Council of Cape Charles, this 20th day of September 2018, that Sections 70-35 and 71-42 of the Town Code be revised per the attached.

Adopted by the Town Council of Cape Charles on September 20, 2018.

By: _____
Mayor

ATTEST:

Town Clerk

Sec. 70-35. - Connection charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the costs associated with maintaining the waterworks. The facility fee covers the capital cost of creating waterworks capacity.
- (b) Class I. The connection fee shall be \$875.00, and the facility fee shall be \$4,000.00, for a total charge of \$4,875.00. For residences having fewer than two bedrooms, the charge shall be one-half of that amount.
- (c) Class II. The connection fee shall be \$875.00. The facility fee shall be calculated on a consumption-based formula as follows: Class I facility fee x residential equivalent x 75 percent. Residential equivalent shall be the estimated daily water consumption rate for the building, as shown below, divided by the residential daily water consumption rate of 125 gallons per day. For buildings with a proposed use not shown below, and for water incorporated into a manufactured or processed product, the town manager will develop an estimated daily water consumption rate for approval by the town council. In no case shall the facility fee be less than a class I fee for a residence having fewer than two bedrooms.

Building Use	Gallons Per Day
Food and beverage, principally sit down	10 per seat
Food and beverage, principally carry out	115
Lodging	45 per lodging room
Retail sales	20 up to 5,000 sq. ft., 4 per 1,000 sq. ft. above 5,000
Office	25 up to 5,000 sq. ft., 5 per 1,000 sq. ft. above 5,000
Medical office	50 per provider
Manufacturing*, distributing, servicing	135 up to 30,000 sq. ft., 5 per 1,000 sq. ft. above 30,000

- Excluding water incorporated into a product

For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption-based formula shall be \$1,375.00, rather than the class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. For buildings being converted to a different use, a new facility fee shall be calculated, and the increment shall be either charged if higher or refunded if lower than the previous use.

- (d) Such charges, plus \$100.00 for inspection and review fees, shall be paid to the building department at the time of building permit issuance, or to the town treasurer pursuant to any payment programs authorized by town council and as outlined in Section 70-35(e), prior to the initiation of connection related construction activities.
- (e) The following four payment options have been approved by the town council:
 - i. Payment of one-half of the total connection and facility fees at the time of permit issuance and the payment of the remaining half at the time of the issuance of the certificate of occupancy.
 - ii. Payment of one-quarter of the total connection and facility fees at the time of permit issuance and payment of one-quarter of the fees every three months until paid-in-full. If the certificate

of occupancy is issued earlier than nine months after permit issuance, the entire remaining amount due shall be paid at time of issuance of the certificate of occupancy.

- iii. Payment of the total connection and facility fees at the time of issuance of the certificate of occupancy, not to exceed eighteen months from date of permit issuance.
- iv. Payment of the total connection and facility fees at the time of permit issuance.

(Ord. No. 20110210, 2-10-11; Ord. No. 20120510A, 5-10-12; [Ord. No. 20140918](#), 9-18-14)

Sec. 71-42. - Connection charges.

- (a) Connection charges shall consist of a connection fee and a facility fee. The connection fee contributes to the town's costs associated with maintaining the treatment works. The facility fee covers the capital cost of creating treatment works capacity.
- (b) Class I. The connection fee shall be \$875.00, and the facility fee shall be \$6,600.00, for a total charge of \$7,475.00. For residences having fewer than two bedrooms, the charge shall be one-half of that amount.
- (c) Class II. The connection fee shall be \$875.00. The facility fee shall be calculated on a consumption-based formula as follows: Class I facility fee x residential equivalent x 75 percent. Residential equivalent shall be the estimated daily water consumption rate for the building, as shown below, divided by the residential daily water consumption rate of 125 gallons per day. For buildings with a proposed use not shown below, and for water incorporated into a manufactured or processed product, the town manager will develop an estimated daily water consumption rate for approval by the town council. In no case shall the facility fee be less than a class I fee for a residence having fewer than two bedrooms.

Building Use	Gallons Per Day
Food and beverage, principally sit down	10 per seat
Food and beverage, principally carry out	115
Lodging	45 per lodging room
Retail sales	20 up to 5,000 sq. ft., 4 per 1,000 sq. ft. above 5,000
Office	25 up to 5,000 sq. ft., 5 per 1,000 sq. ft. above 5,000
Medical office	50 per provider
Manufacturing*, distributing, servicing	135 up to 30,000 sq. ft., 5 per 1,000 sq. ft. above 30,000

* Excluding water incorporated into a product

For buildings qualifying under chapter 66, article VIII of this Code, the facility fee used in the consumption-based formula shall be \$1,375.00, rather than the class I facility fee, if construction activity is commenced after the submission of the application or within the ten-year period of tax exemption. For buildings being converted to a different use, a new facility fee shall be calculated, and the increment shall be either charged if higher or refunded if lower than the previous use.

- (d) Such charges, plus \$100.00 for inspection fees and review fees, shall be paid to the building department at the time of building permit issuance, or to the town treasurer pursuant to any payment programs authorized by town council and as outlined in Section 71-42(e), prior to the initiation of connection related construction activities.
- (e) The following four payment options have been approved by the town council:
 - i. Payment of one-half of the total connection and facility fees at the time of permit issuance and the payment of the remaining half at the time of the issuance of the certificate of occupancy.
 - ii. Payment of one-quarter of the total connection and facility fees at the time of permit issuance and payment of one-quarter of the fees every three months until paid-in-full. If the certificate

of occupancy is issued earlier than nine months after permit issuance, the entire remaining amount due shall be paid at time of issuance of the certificate of occupancy.

- iii. Payment of the total connection and facility fees at the time of issuance of the certificate of occupancy, not to exceed eighteen months from date of permit issuance.
- iv. Payment of the total connection and facility fees at the time of permit issuance.

(Ord. No. 20110210, 2-10-11; Ord. No. 20120510A, 5-10-12; [Ord. No. 20140918](#), 9-18-14)



*Municipal Corp. of
Cape Charles*

The undersigned Clerk of the Council of the Town of Cape Charles, Virginia (the “Town”), hereby certifies that:

1. A meeting of the Council of the Town (the “Council”) was duly called and held on September 20, 2018 (the “Meeting”).
2. Attached hereto is a true, correct and complete copy of Ordinance 20180920 (the “Ordinance”) of the Town entitled as recorded in full in the minutes of the Meeting, duly adopted by a majority of the members of the Council present and voting during the Meeting.
3. A summary of the members of the Council present or absent at the Meeting and the recorded vote with respect to the foregoing Resolution as set forth below:

<u>Member Name</u>	<u>Present</u>	<u>Absent</u>	<u>Voting</u>		
			<u>Yes</u>	<u>No</u>	<u>Abstaining</u>
William Dize, Mayor	X				
Chris Bannon	X		X		
Steve Bennett	X		X		
Andy Buchholz	X		X		
Cela Burge		X			
Paul Grossman	X		X		
Tammy Holloway	X		X		

4. The Ordinance has not been repealed, revoked, rescinded or amended and is in full force and effect on the date hereof.

Witness my signature and the seal of the Town of Cape Charles, Virginia this 21st day of September 2018.

Clerk of the Council
Town of Cape Charles, Virginia

(Seal)