ITEM 7.c - SEWER USE RULES AND REGULATIONS REVISIONS

ITEM 7.c.i

**5.15 Connection Fees**

A. A connection fee SHALL be charged to the PROPERTY OWNER(s) for connecting to the sewerage facilities, payable to the WPCA, in accordance with the following schedule:

1. ***Connection Charge*** - four thousand five hundred dollars ($4,500) will be charged for each DWELLING UNIT and/or EQUIVALENT DWELLING UNIT CATEGORY connected to the SEWAGE WORKS as defined in section 5.15 E.

1. The WPCA MAY, on its own initiative, provide for payment of said connection fee in installments and determine the payment schedule and interest thereon in accordance with 7-253 of the Connecti­cut General Statutes. Where an installment payment plan is agreed upon, the WPCA SHALL cause the TOWN Clerk to record upon the land records a certificate of such fact in a form substantially in compliance with the form provided for by section 7-253 of the Connecticut General Statutes.

B. No permit to connect with the sewerage works SHALL be issued until the connection fee therefore SHALL have been paid or an installment payment arrangement is made and recorded. All fees collected under this section SHALL be deposited in the SEWER CONSTRUCTION FUND account to be used solely for the construction, rehabilitation, and replacement of the sewerage works.

C. Where an existing PROPERTY is redeveloped and modifies the quantity of equivalent dwelling units or categorical use of the property , the WPCA SHALL charge a connection charge for the incremental increase of the equivalent dwelling units and/or categorical change. The WPCA shall not issue credits for decrease is use from previous use of property.

D. SCHEDULE OF SEWER CONNECTION CHARGES

1. Payment of sewer connection charges. Sewer connection charges shall be due and payable in full prior to the time of connection. A certificate of occupancy for use of the property will not be issued by the Building Official until such charge is received by the Tax Collector

2. Engineering and Inspection Fees. The Water Pollution Control Authority may charge reasonable fees for the cost of engineering review of proposed building connections and for the cost of inspection of construction of such connections.

3. Connection Charge. Properties that will connect to the sewage treatment system, the sewer connection charge shall be defined by the WPCA per each equivalent dwelling unit (EDU).

4. Annual Review of Connection Charges. The Water Pollution Control Authority shall annually review the schedule of sewer connection charges and set a schedule of charges for sewer connections no later than June 30th.

E. CONNECTION CHARGE CATEGORIES

All residential dwelling units will be charged a connection charge equal to the standard charge for an EDU.

 **(# EDUs per Category) 4**

**Business/Commercial/Industrial**

Office (per individual unit) 0 – 5000 square feet 1.0

Up to and including each additional 2500 square feet over 5000 square feet pay an additional 0.5

Retail / Commercial (per individual Unit) < 5000 square feet 1.0

Up to and including each additional 2500 square feet over 5000 square feet pay an additional 0.5

Industrial (per EDU) 1, 3 1.0

Restaurant / Food Preparation Establishment < 1000 square feet 1.0

Up to and including each additional 500 square feet over 1000 square feet pay an additional 0.5

Child Care Facilities used by less than 12 children 1.0

Up to and including each additional 6 children, pay an additional 0.5

Laundries per washing machine 2 1.0

Hotels / Motels / Rooming Houses / Convalescent Homes and Hospitals (per room) 0.5

**Schools, Churches and Municipal Facilities**

Police Stations, Firehouses, Churches 1.0

Elementary, Intermediate, High Schools < 100 Occupants (pupils / staff) 1.0

Up to and including each additional 25 occupants pay an additional 0.25

Footnotes:

1 The number of EDU’s for industrial flows will be based on flow estimates for a particular industry on an individual basis.

2 Without recycling systems, with recycling systems fee is to be based on make-up water requirements.

3 An equivalent dwelling unit (EDU) equals 35,000 gallons per year.

4 The EDU value for each category shall be used to determine the corresponding connection charge presented in the “Schedule of Sewer Connection Charges” within this document.

ITEM 7c.ii

* 1. **Construction of Sewers by Developers**
1. **AGREEMENTS WITH DEVELOPERS AUTHORIZED**

The WPCA is authorized to enter into agreements with developers, contractors or other owners of land for the construction of sewers or drains by and at the expense of such developers, contractors or owners, which sewers may become part of the public sewer system under the conditions hereinafter stipulated, and the said WPCA is empowered to make, from time to time, any necessary regulations stipulating the terms and conditions of said agreements not inconsistent with the provisions of this ordinance. The Chairman or Vice Chairman of the WPCA is authorized to sign all such agreements on behalf of the WPCA. The terms and the text of a standard form of agreement for work under this ordinance or any variations of said standard form to apply to any particular project thereunder shall be as approved by the Town Attorney. In cases where, in staff's opinion, special circumstances are involved, the Administration must bring the matter to

1. The Bureau of Public Works for approval.
2. **PROVISIONS OF AGREEMENTS**

The WPCA shall specify in the terms of such agreements, or on plans which are made a part thereof, the limits, sizes and grades of the sewers or drains to be built and the nature of and limitations on the wastes or liquids to be conveyed. All the terms of and all subsequent amendments to the Sewer Use Rules and Regulations, shall be applicable to work done under such agreements. Such agreements shall provide that the full cost of construction of the sewer and all expense incidental thereto shall be borne by the developer or owner who shall, before commencing any work, deposit with the Town Clerk a sum deemed by the Public Work Director of said WPCA to be sufficient to defray the cost of preliminary surveys, of the preparation of designs and plans, of other expenses of preliminary engineering, of inspection, supervisory engineering, grade staking, measuring, testing and all other expenses of the WPCA incurred prior to or during construction, or during any maintenance period stipulated, including allowances for pension, insurance and similar costs related to payroll. Such agreements shall also provide that, in case said deposit proves to be insufficient at any time during the progress of the work, further deposit shall be made upon notification by the Public Works Director, and that upon acceptance of the sewer or drain, any unexpended portion of said deposit shall be returned to the developer or owner.

Once feasibility is determined the applicant shall provide detailed engineering plans and specifications to be approved by the WPCA.

Prior to approval for construction the plan will be reviewed by the WPCA or its consultant for conformance with the Litchfield WPCA Rules and Regulations and Construction Standards as well as standard practice. Any cost associated with the review shall be borne by the applicant.

1. **RIGHTS-OF-WAY / EASEMENT**

Such agreement shall require, whenever the work is not in a duly accepted public highway, that adequate rights-of-way (minimum 20 foot width) be conveyed to the WPCA prior to the start of construction of such sewer, the terms of conveyance being subject to approval of the Town Attorney. Extensions in general shall be within the public right of way and shall be designed and constructed in such a manner that future extension is possible.

1. **INSURANCE REQUIRED**

All such agreements shall provide that the developer or owner or the contractor engaged by the developer or owner to perform the work shall assume all risks and hold the WPCA and the town harmless from any and all claims for damage arising from the work or its conduct. To secure such risks, adequate liability, property damage and compensation insurance in amounts fixed by the WPCA shall be required of the developer or owner or contractor performing the work who shall furnish proper and acceptable certificates of insurance before starting work.

**5- BOND MAY BE REQUIRED**

The WPCA, whenever in its opinion there is possibility of loss by the WPCA by reason of failure of the owner or developer to complete the work contemplated in the agreement, or any part thereof, or to comply with any maintenance requirements, may require as a part of said agreement that adequate bond or other surety acceptable to the District be submitted to insure completion and maintenance of the work.

**6- PAYMENT OF OUTLET CHARGE BY DEVELOPER**

The WPCA may establish and revise a schedule of fair and reasonable charges for connection into the sewerage system of any sewer or drain constructed under the terms of a Developer's Agreement. However, said WPCA may vary the amount of connection charge to be collected from a developer when in its opinion the use of the established schedule of charges would not be fair and reasonable.

Connection charges may be paid by developers at the time of execution of the Developer's Permit-Agreement or deferred until the time that connection permits are issued.

The amount of connection charge to be paid by a developer, at the time of execution of the Developer's Permit-Agreement shall be set forth in the vote of the WPCA granting permission to said developer to construct said sewer or drain.

When a developer elects to defer payment of the connection charge, the amount of the deferred connection charge payable when the connection permit is issued shall be in accordance with the established schedule of charges in effect at that time.

The developer shall pay to the WPCA a flat charge per lot or per parcel of land at the time of execution of the Developer's Permit-Agreement to cover the additional administrative and recording fees associated with the deferment of charges.

All connection charges shall be paid to the WPCA and credited to the proper amount in the Sewer Construction Fund.

**7- ACCEPTANCE OF DEVELOPERS SEWERS**

After certification by the Director of Public Works that any sewer or drain constructed under the terms of this Ordinance has been completed in accordance with the plans, specifications and standards of the WPCA and that the maintenance period of 18 months fixed in the agreement has expired, and that all roadways, curbs, walks and other surfaces and appurtenances disturbed by the work have been properly restored, or that adequate security by bond or otherwise has been furnished to assure such restoration, the WPCA, upon recommendation by the Director of Public Works, may by resolution incorporate said sewer or drain into the Public Sewer System, to become effective as specified in such resolution.

ITEM 7.c.iii

**6.05. Determination for Exclusion**

In determining whether any waste discharged or proposed to be discharged into any public SEWER is or is not to be excluded under Sections VI, or any subdivision of any of them of these Rules and Regulations, consideration SHALL be given to the quantity, time or times, rate and manner of discharge, dilution and character of the waste in question, the size of the SEWER into which it is or is to be discharged, the probable quantity of other SEWAGE in said SEWER at the time of discharge, the quantities of other objectionable wastes likely in said SEWER, and other pertinent facts. The WPCA shall establish and publish Availability and Capacity Guidelines as to the availability of sewers and the capacity of said sewer to accept proposed discharges to the sewer system in accordance with the Rules and Regulations and any local, state & federal regulatory requirements.

ITEM 7.c.iv

**8.04. Penalty for Violation**

Any PERSON violating any provision of these Rules and Regulations MAY be proceeded against and fined not exceeding the following schedule each day that any violation of these Rules and Regulations continues, and each day that any PERSON continues to discharge improper wastes or substances into any public SEWER SHALL be deemed a separate offense for the purpose of applying the above penalties. Annual Review of Penalty Fees. The Water Pollution Control Authority shall annually review the schedule of penalty fees and set and publish a schedule of charges no later than June 30th.

1. Connection to, opening, uncovering, alteration, or disturbance of the SEWER SYSTEM without WPCA approval.
2. Discharge of septage containing either industrial wastes or incompatible pollutants.
3. Discharge of dewatering drainage into the SEWER SYSTEM.
4. Lack of, or non-conforming, grease or oil trap/interceptor or Pre-Treatment Equipment on the BUILDING CONNECTOR or BUILDING DRAIN which discharges to the SEWER SYSTEM.
5. Failure to properly maintain/service FOG and pre-treatment equipment to maintain proper working order and provide inspection and maintenance records as required
6. Connection of a building storm drain to the SEWER SYSTEM.
7. Wastewater discharge into a STORM SEWER.
8. Building SEWER connection to manholes with WPCA approval.
9. Failure to report violations.
10. Failure to arrange for construction inspections or obtain WPCA approval of construction.
11. Failure to maintain BUILDING CONNECTOR or BUILDING DRAIN in good repair.