

**YORK SEWER DISTRICT  
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**IMPACT FEE BY-LAWS FOR SEWER CONNECTIONS**

Prior to 1990 the Sewer District recognized that significant capital improvements needed to take place involving the wastewater treatment plant and the necessity to increase capacity due to increased development.

With this thought in mind, the District developed a set of Impact By-Laws with a fee structure aimed at putting the financial burden of increasing capacity on new development. The District's intention was to minimize the impact of plant expansion on existing customers since it was the increasing demand for new service which would make it necessary for a \$7,500,000.00 dollar investment to increase capacity.

**YORK SEWER DISTRICT**

**BY - LAWS TO ESTABLISH A SEWER IMPACT FEE  
FOR DISTRICT SEWER CONNECTIONS**

**Section 1. Purpose and Intent.**

The York Sewer District determines and declares that:

(a) Increased residential and commercial property development within the Town of York has created a need to undertake capital improvements to the existing capacity of the District's sewage treatment facility in order to accommodate and treat the increased sewage flow directly produced and generated by this increased development.

(b) There now exists a need to create a method whereby the costs of the capital improvements to the existing sewage treatment facility made necessary by this increased development can be allocated evenly, fairly and equitably among those persons, firms or

corporations creating this demand for capital improvements to the sewage facilities capacity.

(c) To address this need for capital improvements to the treatment facility, the District hereby intends to create and establish a Sewer Impact Fee to be paid into a separate and distinct fund to be known as the "Sewer Impact Fee Fund" with the proceeds in this fund being applied solely towards the overall capital costs of financing the necessary capital improvements to the sewage treatment facility to increase and enlarge the sewage capacity required by the increased development demands.

(d) The purpose of these by-laws is to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide sewer facilities in York.

(e) The York Sewer District hereby ordains the following by-laws, which is intended to assist in the implementation of the Town of York Comprehensive Plan and the York Sewer District's Facilities Planning.

## Section 2. Sewer Impact Fee

(a) Use of Funds: Funds collected for Sewer Impact Fees shall be used solely for the purpose of acquiring, equipping and/or making capital improvements, along with all costs related thereto, including but not limited to engineering, legal and financing costs, to the sewage treatment facility under the jurisdiction of the York Sewer District.

(b) Time Payable: A Sewer Impact Fee shall be due and payable by the property owner and a permit must be issued by the District prior to: the connection of any sewer line to the sewage collection system, upon the issuance of any plumbing permit for additional plumbing fixtures, any change in use or intensity of use of any property already connected to the sewage collection system, or when water consumption records show a property exceeding the flow established and permitted for that property. Said Sewer Impact Fee is to be determined as provided in Subsection (c) below.

(c) Calculation of Fee: The Impact Fee is based on the volume of flow generated by the average dwelling unit, which has been determined to be 175 gallons per day. The by-law uses this amount as the basic unit for determining the amount of the fee. As a unit of measure the equivalent dwelling unit (EDU) allows comparison of residential and non-residential uses so that all categories of projects can be consistently and uniformly assessed their fair share of the cost of sanitary sewer facilities to serve growth.

Development is viewed as falling into one of two categories: residential or non-residential development. For both residential and non-residential, the amount of the Impact Fee will be based on the number of the EDU's proposed for the property. An amount of \$2,500 per EDU or fraction thereof has been established by the York Sewer District.

### Residential Development

For residential development, each living/dwelling unit will be considered an EDU. A single family home will equal one EDU, for a multiple family property, each living unit shall constitute an EDU. The amount of the Impact Fee is then calculated by multiplying the number of living units by \$2,500 to equal the total fee.

For single family, multi-family, including condominiums that are already tied to the sewer system and plan on increasing their flow by adding plumbing fixtures, a fee of \$100 per added fixture will be charged.

#### Non-residential Development

Application for permit to change use, intensify use, or connect to District facilities requires that the applicant present engineering design data satisfactory to the District projecting the amount of wastewater flow to be generated by the proposed project. The District will also use the Design Flow Table from the Maine Subsurface Wastewater Disposal Rules as listed in the Maine State Plumbing Code, other related manuals and materials, water use records of like uses, the District's professional engineers estimate of flow, or other reasonable means to determine the flow for a particular use or project. When there are multiple uses within a structure, each use shall be subject to a separate Impact Fee.

Impact of the proposed development is calculated by dividing the projected flow by 175 gallons per day (EDU); this will provide the number of EDU's. The Impact Fee will then be calculated by multiplying the number of EDU's times \$2,500 (1 EDU) to arrive at the final amount to be paid. Properties will be permitted for the above calculated flow amount. Should future use records indicate an increase over that amount an additional Impact Fee shall be calculated as the difference between the permitted amount and the amount of flow over the permitted flow.

### Section 3. Sewer Impact Fee Fund

(a) A Sewer Impact Fee Fund is hereby established and shall be the depository for all Sewer Impact Fees collected by the Enforcing Officer under the terms of these by-laws. Said Fund shall be segregated by the District from general revenues and shall be used solely and exclusively for the purposes set out in Section 2 (a). All monies so accumulated in this Fund except to finance a debt for improvement under Section 2 (a) shall be expended by the District for the specific purposes stated herein within ten (10) years of their collection and deposit therein. Monies accumulated to finance a debt for an improvement under Section 2 (a), need not be expended within ten years, but must be expended before retirement of the debt.

(b) The proceeds in this Fund may be expended in concert with other revenues and planned expenditures or capital improvement funds or Town funds but only for capital improvements to the sewage treatment facility as distinct from expenses for the maintenance and repair to the existing sewage treatment facility. Funds shall be expended in the order in which they are collected.

(c) In the event that bonds or similar debt instruments are issued for advanced provision of capital facilities for which sewer impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in Section 1.

- (d) Funds may be used to provide refunds as described in Section 4.

#### Section 4. Refunds of Fees Paid

Any funds not expended or encumbered by the end of the calendar quarter immediately following the term defined in Section 3 (a) from the date the sewage treatment facility impact fee was paid, except funds accumulated to finance debt for improvement under Section 2 (a), shall, upon application of the then current landowner, be returned to such landowner with interest at the then current rate per annum, provided that the landowner submits an application for a refund to the District within 180 days of the expiration of the period in Section 3 (a). The landowner may also waive their right to the refund if so desired.

#### Section 5. Existing Connected Structures, Exemptions and Credits

(a) The Sewer Impact Fee required by the provisions of these by-laws shall not apply to any building, structure or dwelling already connected to the sewerage system as of the effective date of these by-laws, except, that any change in the use, intensity of use, character or site of any such building, structure or dwelling after the effective date of these by-laws which results in additional sewage flow shall not be exempt from the Sewer Impact Fee. For purposes of this provision, additional flow shall be defined as any increase in the number of fixture units over that existing as of the effective date of these by-laws or any change in the use or intensity of use of nonresidential property resulting in an increase in the wastewater discharge over that existing or reasonably estimated to have existed as of the effective date of these by-laws or by issuance of a permit to add flow to the District's facilities.

(b) The following shall be exempt from payment of the impact fee:

(1) Alterations or expansion of an existing building where no additional sewage flow occurs and no change in use occurs.

(2) The replacement of a building or structure with a new building or structure of the same size and use where no additional sewage flow occurs.

(3) The installation of a replacement mobile home on a lot or other such site when a sewer impact fee for such mobile home site has previously been paid pursuant to these by-laws where no additional sewage flow occurs, or where a mobile home legally existed on such site on or prior to the effective date of these by-laws.

#### Section 6. Enforcing Officer

These by-laws shall be enforced by the York Sewer District's Superintendent or his duly authorized deputy or agent or any other person duly authorized by the District's Trustees to enforce these by-law.

Section 7. Severability

If any section, phrase, sentence or portion of these by-laws is for any reason held invalid or unconstitutional by any court of competent jurisdiction, provision, such portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions thereof.

Section 8. Effective Date

These by-laws shall take effect on January 11, 1990.

PASSED AND DULY ADOPTED THIS 11 Th DAY OF January , 1990.

Amended January 24, 2002 to increase the fee from \$2000 to \$2,500 per EDU.

By-Law language amended January 5, 2006.

By-Law language amended May 3, 2007