

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 and collection facilities 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 and collection facilities 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.

(c) To address this need for capital improvements, 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 and collection facilities to increase, enlarge, and maintain 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 and collection facilities 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 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 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/unit 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 and collection facilities as distinct from expenses for the normal operation, 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 1 (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 following shall be exempted from payment of the impact fee:

- (1) Alterations or expansion of an existing residential building where no alteration of plumbing occurs and number of fixtures remains unchanged 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 change in number of fixtures occurs.

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 11th 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

By-Law language amended May 9, 2013

YORK SEWER DISTRICT

YORK, MAINE

**TABLE 4C
 DESIGN FLOWS FOR OTHER FACILITIES**

NOTE: The design flows calculated in this table represent the design flow for purposes of calculating the septic tank capacity (Section 7(F)) and the size of the disposal field (Table 4D), unless otherwise noted. Important: See notes 1, 2, and 3 at end of Tables.

| Type of facility | Design flow per user or unit |
|---|---|
| Airports | 5 gpd per passenger plus 12 gpd per employee [1] |
| Assembly areas (Meeting hall, no seats) | 2 gpd per person |
| Auditoriums/Stadiums: | 5 gpd per seat |
| Bakery | 100 gpd per bakery plus 12 gpd per employee [1, 2] |
| Bar/Cocktail lounge | add 12 gpd per employee to each |
| w/ limited food | 15 gpd per seat or 13 gpd per patron |
| w/o food | 10 gpd per seat or 7 gpd per patron |
| Barber shop | 400-50 gpd per chair |
| Beauty salon | 100 gpd per chair |
| Bed and breakfast | 90 gpd per bedroom per operator's quarters and 75 gpd per rental room |
| Boarding houses with meals | 180 gpd per house plus 40 gpd per boarder |
| Bottle club | 10 gpd per seat plus 12 gpd per employee |
| Bunkhouses (no plumbing) | 20 gpd per bed |
| Bus service areas | 5 gpd per passenger plus 12 gpd per employee [1] |
| Butcher shop or department | 100 gpd per shop plus 12 gpd per employee [1,2] |
| Cafeteria, open general public | 30 gpd per seat plus 12 gpd per employee [1,2] |
| Cafeteria, private | 15 gpd per seat plus 12 gpd/employee [1,2] |
| Campground sites served by central toilets | 60 gpd per site |
| Campground sites served by individual water and sewer hookups | 75 gpd per site |
| Campground/Transient dump station | 50 gpd per user not served by individual water and sewer hookups |
| Campground park model trailer sites | 125 gpd per site |
| Children's camps, day use only | 15 gpd per camper plus 12 gpd per staff person |
| Children's camps, day and night | 20 gpd per camper plus 12 gpd per staff person |
| Churches | 4 gpd per seat for general seating and 8 gpd per seat for seats in a dining area |
| Dance hall | 5 gpd per attendee plus 12 gpd per employee [1] |
| Day care facilities serving meals | 15 gpd per child plus 12 gpd per adult |
| Day care facilities not serving meals | 10 gpd per child plus 12 gpd per adult |
| Dining hall (separate from any other facility) | 5 gpd per meal per seat [2] |
| Dog kennel (boarding and grooming) | 15 gpd per dog or per run, cage, kennel or stall, whichever is greater; add 7 gpd per dog bath given; add 12 gpd per employee [5] |
| Eating Places | add 12 gpd per employee for each [2, 4] |
| Banquet /Dining hall | 5 gpd per seat per meal |
| Cafeteria | 5 gpd per customer |
| Catering | 50 gal/ 100 sq. ft. floor space |
| Delicatessen, food prepared and no seats | 100 gpd per deli or 1 gpd per meal served plus 12 gpd per employee [1, 2] (whichever is larger) |
| Delicatessen, no food prepared and no seats | 50 gpd per deli plus 12 gpd per employee [1] |
| Drive-in, no full meals and no china service | 30 gpd per car space plus 12 gpd/ employee [1, 2] |
| Eating place, takeout | 100 gpd or 1 gpd per meal served plus 12 gpd per employee [1, 2] (whichever is larger) |
| Eating place, paper service | 7 gpd per seat plus 12 gpd/ employee [1, 2] |
| Ice Cream Stands, ice cream only with no seats | 150 gpd per stand plus 12 gpd per employee. [1, 2] |
| Eating Place 1 meal/day | 10 gpd per seat plus 12 gpd per employee [1, 2] |
| Eating Place, 2 meals/day | 20 gpd per seat plus 12 gpd per employee (1,2) |
| Eating Place, 3 meals/day | 30 gpd per seat plus 12 gpd/employee [1, 2] |
| Specialty food stand or kiosk | 50 gpd per 100 sq. ft. |
| Employees at place of employment with no showers | 12 gpd per employee [1] |
| Employees at place of employment with showers | 20 gpd per employee [1] |
| Fairgrounds/Flea market | 3 gpd per attendee based on average daily attendance |

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| Gyms, not associated with schools | 10 gpd per participant plus 3 gpd per spectator plus 12 gpd per employee [1] |
| Health care facility | add 12 gpd per employee to each |
| Adult daycare (no overnight, 4 to 8 Hrs. per day) | 25 gpd per client |
| Hospitals, medical | 165 gpd per bed (includes laundry) |
| Hospitals, psychiatric | 100 gpd per bed |
| Nursing/Convalescent home | w/ laundry 125 gpd per bed |
| Nursing/Convalescent home | w/o laundry 75 gpd per bed |
| Medical office/Dental office | 80 gpd per medical staff, plus 5 gpd per patient |
| Residential care/ Retirement home | 60 gpd per resident |
| Health clubs | 10 gpd per participant plus 3 gpd per spectator plus 12 gpd per employee [1] |
| Hotels and motels with shared baths | 80 gpd per bedroom plus 12 gpd per employee [1] |
| Hotels and motels with private baths | 100 gpd per bedroom plus 12 gpd per employee [1] |
| Hotels/Motel with kitchen | 60 gpd per bed (2 person) |
| Hotels/Motel without kitchen | 50 gpd per bed (2 person) |
| Laundry, self-service | 300 gpd per machine plus 12 gpd per employee [1] |
| Limited operation hunting camp | 45 gpd per owner/occupant plus 12 gpd per hunter/guest |
| Marina | 100 gpd plus 10 gpd per slip or mooring (clothes washers are not included; design flow for clothes washers must be calculated separately); w/bathrooms add 30 gpd per slip; w/o bathrooms add 100 gpd per slip. |
| Medical offices, clinics, and dental offices | 80 gpd per medical staff plus 5 gpd per patient plus 15 gpd/office employee [1] |
| Nursing Homes | 150 gpd per bed plus 12 gpd per employee [1] |
| Parks and picnic areas, public rest rooms and no showers | 3 gpd per attendee or 40 gpd per parking place, which ever is greater, plus 12 gpd per employee [1] |
| Parks and picnic areas, public rest rooms and showers | 8 gpd per attendee or 40 gpd per parking place, which ever is greater, plus 12 gpd per employee [1] |
| Prison/jail | 120 gpd per inmate, plus 12 gpd per employee |
| Public restrooms | 325 gpd toilet, 162 gpd per urinal, or 3 gpd per user |
| Rooming houses, no meals | 180 gpd per house plus 30 gpd per roomer |
| Recreation/sporting camps | 45 gpd per owner/occupant plus 25 gpd per bed/sportsperson |
| Rental cabins and cottages | 50 gpd per bed plus 12 gpd per employee [1] |
| Rental cabins, housekeeping | 50 gpd per cabin, plus 50 gpd per bed |
| Rental cabins, with no plumbing fixtures | 20 gpd per bed |
| School, Grades Kindergarten to 12 | 10 gpd per student plus 12 gpd per teacher and other employees; w/cafeteria add 3 gpd per student; w/cafeteria, gym & showers add 8 gpd per student. [1] |
| School, boarding | 75 gpd per student plus 12 gpd per teacher and other employees [1] |
| Dormitory/Boarding hall (no eating facilities) | 40 gpd per student, plus 12 gpd per employee |
| Service stations | 100 gpd per fuel pump cabinet or 250 gpd per toilet plus 12 gpd per employee [1] |
| Shopping centers or stores, public rest rooms and showers [3] | 325 gpd per toilet plus 20 gpd per shower plus 12 gpd per employee [1] Design flows for any eating places or butcher shops must be determined and added to total design flow. |
| Sports Bars | 20 gpd per seat plus 12 gpd per employee [1, 2] |
| Sports centers | add 12 gpd per employee |
| Bowling center w/ snack bar | 75 gal per lane |
| Country clubs | 60 gal per member or patron |
| Fitness, exercise, karate or dance center | 50 gal per 100 sq. ft. |
| Tennis and/or racquetball courts | 300 gpd per court |
| Gyms/Health clubs (not associated with schools) | 10 gpd per member, plus 3 gpd per spectator |

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| Golf course/Driving ranges, only snack food, no showers | 250 gpd per toilet |
| Go-kart/Motocross/Batting cages/Mini-golf | 250 gpd per toilet |
| Pool halls/Arcades | 250 gpd per toilet |
| Swimming pools, Bathhouses & Spas | 10 gpd per person or 250 gpd per toilet |
| Taverns/Bars (including but not limited to pubs, etc.) | 10 gpd per seat plus 12 gpd per employee [1] |
| Theaters indoor | 5 gal per day per seat add 12 gpd per staff/employee |
| Theaters drive-in | 10 gals per car space add 12 gpd per staff/employee |
| Veterinary hospital no boarding or grooming | 250 gal per practitioner/shift [5] |
| w/ kennels & boarding | add 15 gpd per run, cage, kennel or stall |
| w/ grooming | add 7 gpd per dog bath given |
| Visitors center | 5 gpd per visitor plus 12 gpd/ employee (Includes libraries, museums, similar uses) [1] |
| Warehouse | 100 gpd or 12 gpd per employee, whichever is greater |

NOTES:

1. The design flow for employees is based on the total number of employees present in any 24-hour period.
2. Multiply the hydraulic loading rate by 1.8 for sizing the disposal field. The initial value taken from the table is used to size the septic tank and for minimum lot size determinations.
3. 22 M.R.S. §1672 requires a public rest room for shopping centers containing 6 or more separate retail establishments with an off street public parking area of not less than 2 acres.
4. Requires an external grease interceptor sized and installed pursuant to Section 6(L).
5. Requires outlet filter in septic tank.