

## **Sewer Privilege Fee Policy**

### **Article I. Statutory authority.**

Tiverton Wastewater District (“District”) in the Town of Tiverton in which common sewers are laid may determine that a person who uses such common sewers in any manner, instead of paying an assessment, shall pay for the permanent privilege of their estate such reasonable amount as the District shall determine.

### **Section 1.01 Private sewer extension Sewer Privilege Fee.**

- (a) If a private developer or a person other than the Tiverton Wastewater District applies to construct a sewer extension to the System, the District shall assess a Sewer Privilege Fee in lieu of betterment assessment against each residential equivalent dwelling unit (EDU) connecting to the sewer extension. The Sewer Privilege Fee shall be \$3,500 per EDU. The Sewer Privilege Fee shall be due and payable in full upon approval to connect.
- (b) In addition to the Sewer Privilege Fee, private developers or persons other than the Tiverton Wastewater District constructing sewer extensions to the existing System shall pay \$2,500 with their application to connect. This payment will be used as a retainer against which staff time working on the administrative aspects of the development is charged. In the event the retainer is fully utilized, additional retainer of \$2,500 will be required. The fee schedule for staff shall be reviewed and adjusted annually, starting with FY2023 as follows:

Executive Director	\$90.16
Superintendent Engineer	\$79.61
District Engineer	\$78.60
Office Manager	\$66.83

- (c) Except as herein provided, the provisions of the Betterment Assessment Policy voted on and approved by the District Board of Directors on September 23, 2019 as to the assessment, apportionment, division, abatement, and collection of sewer assessments, liens, and interest thereon shall apply to assessments made under this policy, and the District shall have all of the powers conveyed by law.
  - (i) Any request to connect to the public sewer system through an extension as aforesaid shall be in accordance with the approved Wastewater Facilities Plan and amendments thereto and determined based on available public sewer capacity.
  - (ii) In addition, property owners constructing and/or connecting a private sewer extension shall bear the burden of all costs, including costs of construction, paving, legal services, related to the following:
    - 1) Review of design plans and specifications for the private sewer extensions to be accepted as part of the System. Review shall be performed by the District or its designee.
    - 2) Inspection fees related to the installation of the private sewer line connecting to the public sewer system.
    - 3) Application fees for any applicable District inspection or connection permits.
  - (iii) Costs associated with the design and construction of a private sewer extension shall be considered separate from the Sewer Privilege Fee. Payments or method of payment related to these costs shall not be reflected within the Sewer Privilege Fee.

**Section 1.02 Compensatory sewer privilege fee for parcel assessment unit increase.**

- (a) Where 1) a betterment has been assessed to an undeveloped property based upon the estimated number of developable Sewer Units as required by these Regulations and the property is ultimately developed in a manner which actually reflects a number of Sewer Units in excess of the number estimated for determining the betterment assessment, or 2) a betterment has been assessed to a developed parcel and later in time the use of that parcel is increased resulting in a number of Sewer Units in excess of the number estimated for determining the betterment assessment, the District shall assess a Compensatory Sewer Privilege Fee to reflect the increased use as determined by the District. This fee shall be \$3,500 per additional equivalent dwelling unit. Fees shall be due and payable in full upon approval to connect.
- (b) Charges shall be charged at the time of determination of the Compensatory Privilege Fee, as detailed in Subsection (a) to the System. Fees shall be due and payable in full upon approval to connect.

**Section 1.03 Superseding conditions.**

These Regulations shall be incorporated into the existing District Rules and Regulations and Policies, to the extent there is a conflict, shall supersede all previous District regulations for all future capital additions to the System.

**Section 1.04 In-kind public benefit authorization.**

The District Board of Directors, in its sole discretion, is authorized to reduce the amount of the calculated Sewer Privilege Fee for an in-kind Public Benefit that is of equal value. Any such reduction shall be memorialized in an Agreement between a private developer or a person and the District approved by its Board of Directors.

**Section 1.05 Affordable Housing benefit authorization.**

The District Board of Directors, in its sole discretion, is authorized to reduce the amount of the calculated Sewer Privilege Fee for a development producing low and moderate income housing units (“LMI Units”) under the Rhode Island Low and Moderate Income Housing Act, also referred to as the Affordable Housing Act. The benefit shall be a reduction of the privilege fee for each LMI Unit equivalent to the percentage of the total LMI Units in the development. Any such reduction shall be memorialized in an Agreement between a private developer or a person and the District approved by its Board of Directors. For example, if the developer offers 50% of the development project as LMI Units, the Sewer Privilege Fee for each LMI Unit shall be reduced by 50%.

**Section 1.06 Miscellaneous authorization.**

The District is authorized to take any other action necessary or appropriate to accomplish the establishing and recovery of such betterment assessments and privilege fees.

**THIS POLICY WAS VOTED ON AND APPROVED BY THE TIVERTON WASTEWATER DISTRICT BOARD OF DIRECTORS ON JUNE 27, 2022.**

**BY A VOTE OF THE BOARD OF DIRECTORS, THIS POLICY WAS AMENDED TO ADD SECTION 1.05 ON JULY 25, 2022.**