

TOWN OF ENFIELD NEW HAMPSHIRE

MUNICIPAL SEWER ORDINANCE

ARTICLE IX (new 2021)

SEWER DEVELOPMENT CHARGE

Legislative Purpose

The Town of Enfield has had a longstanding cooperative intermunicipal agreement with the City of Lebanon for the collection and treatment of sewage collected in the Town of Enfield and delivered to the City of Lebanon for treatment and discharge in accordance with state and federal regulations.

It is regarded as inequitable to finance future capital improvements to the municipal sewer system solely through sewer use (rental) rates. Major capital improvements to a municipal sewer collection and treatment system are most frequently required to service future customers, and it appears unfair to require present users to finance this future development, except on some equitable basis. Persons and organizations responsible for development within the Town (e.g., developers) are in the best position to allocate costs applicable to the development to the persons and organizations requiring the future services.

Studies done to date by the Town of Enfield identify projects needed to upgrade and reinforce the existing sewer system to best meet existing service requirements and to accommodate system expansion. These same studies identify projects required to expand and extend the existing system to serve future customers. It is the purpose of this article to establish a sewer development fee [hereinafter a sewer development charge (SDC)] to recover the costs of maintaining and expanding the system to serve existing and new customers directly from those customers.

By imposing the charges set forth in this article, the costs of maintenance and expansion will be distributed more equitably than if they were to be recovered through the sewer use (rental) rates. This is because the charges set forth in this article allow the investment made by existing customers in core facilities on behalf of future customers, and the higher capital costs of serving new customers to be recognized.

Imposition of Sewer Development Charges

An SDC is hereby imposed on all future customers of the Town sewer system and on all existing customers who seek to enlarge existing sewer services. This requirement shall apply to customers both within the Town and outside the boundaries of the Town. (Notwithstanding the foregoing, this article shall not apply to the Town, itself, in its role as a developer.) No person or organization shall be legally entitled to connect to the Town sewer system or to enlarge an existing sewer service until the sewer development charge imposed by this section is paid. This section is not in derogation of, but is in addition to, all other fees which may be required by the Town of Enfield under any other applicable codes or ordinances.

All SDC's imposed by this article shall be determined by the estimated gallons per day of sewer use of a sewer user.

Sewer development charge (SDC): Sewer development charges imposed by this article shall be determined by the estimated gallons per day of sewer use by a sewer user. The SDC is based on one sewer unit at an estimated usage of 210 gallons per day (gpd). For connections in Enfield where the flow is directed to the Lebanon Wastewater Treatment Plant, the rate for every 210 gpd of estimated usage is \$3,006. This rate is subject to change pursuant to the authority of the City of Lebanon and the Town of Enfield, separately and independently, to adjust such fees periodically to reflect the cost associated with the operation, maintenance and capital expenses of the collection and treatment systems of each municipality.

With respect to persons or organizations seeking to enlarge an existing sewer service, the sewer development charge imposed shall be the difference between the current sewer development charge and any prior paid sewer development charge for the same connection, or if none, the sewer development charge that would have been imposed if a sewer development charge had been assessed on the average actual usage for the previous five years. The Director of Public Works may take other factors into account when determining the valuation of the sewer system.

Subsequent changes in sewer development charges.

A.

The sewer development charge imposed by this article shall be reviewed and updated on an as needed basis by the City of Lebanon, where appropriate and/or the Town of Enfield, where appropriate.

B.

It shall be the responsibility of the City Council of Lebanon to establish the sewer development charge with respect to the infrastructure owned, operated and maintained by the City of Lebanon. It shall be the responsibility of the Town of Enfield to establish its own Sewer Development Charge with respect to the infrastructure owned, operated and maintained by the Town of Enfield.

C.

The sewer development charge shall be paid in accordance any rule, regulation, permitting procedure or Ordinance of the Town.

Unpaid sewer development charges constitute a lien.

If any person shall unlawfully connect to the Town sewer system without payment of the sewer development charge set forth in this article, all unpaid sewer development charges shall constitute a lien upon the property which is connected to the system. The lien pursuant to this article shall be placed on the property in accordance with the provisions of RSA 38:22. Interest on these liens shall be calculated in accordance with the provisions of RSA 76:13.

Abatement of sewer development charges.

The Board of Selectmen of the Town may abate, for good cause shown, any sewer development charge assessed on any person or organization pursuant to this article. Such abatements may be made on such terms and conditions as the Board of Selectmen shall deem equitable under the circumstances.