

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 maintain the existing capacity of the District’s treatment and collection facilities to accommodate and treat the increased discharge and assignment of capacity directly produced and generated by increased development.

(b) In order to evenly, fairly, and equitably allocate these costs among residential and commercial firms or corporations creating this demand, the York Sewer District pursuant to the authority granted to the District in its Charter, the District hereby establishes a Sewer Impact Fee. This fee will be paid into a separate and distinct fund to be known as the “Sewer Impact Fee Fund.” The proceeds in the Sewer Impact Fee Fund shall be applied solely towards the overall capital improvements to the treatment and collection facilities to maintain the sewage capacity required by increased development demands.

(c) 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 treatment and collection facilities in York.

(d) The York Sewer District Board of Trustees therefore hereby adopts the following “By-laws to Establish a Sewer Impact Fee for District Sewer Connections” (the “By-laws”), which are intended to assist in the implementation of the York Sewer District’s Fiscal Sustainability Planning, Asset Management, and Master 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 treatment and collection facilities under the jurisdiction of the York Sewer District.

(b) Applicability: A Discharge Permit fee and associated Sewer Impact Fee, shall be due and payable by the property owner or operator upon:

- (1) Application for a Discharge Permit for a new building or an addition to an existing building which results in new residential dwelling units;
- (2) Application for a Discharge Permit for additional plumbing fixtures in an existing connected residential property; or
- (3) Application for a Discharge Permit to connect a new commercial use to the sewer system; change an existing use or intensify an existing use of any property already connected to the sewage collection system; when a new discharge volume is being added beyond the existing permitted discharge capacity for that property, when water consumption records show a property exceeding the discharge capacity established in an existing discharge permit, or when a review of existing permits is conducted, including renewals of the Town of York Business license or commercial discharge license review or renewal, and an unreported exceedance is discovered. It is the permit holder's responsibility to apply for additional discharge capacity if/when their discharge exceeds their permitted amount. Failure to keep a permit current shall result in potential fines and prosecution per the District's Rules and Regulations

(c) Calculation of Sewer Impact Fee: Development falls into one of two categories: residential or commercial, and based upon the following, each year, the District Board of Trustees shall calculate and establish residential and commercial Sewer Impact Fee Rates as part of the District's annual Rate Schedule.

Residential Development: The Residential Sewer Impact Fee is based on the volume of flow generated by a dwelling unit depending upon the number of bedrooms it contains, which has been determined to be:

150 gallons per day for a 1-bedroom dwelling unit;

200 gallons per day for a 2-bedroom dwelling unit;

250 gallons per day for a 3-bedroom dwelling unit;

300 gallons per day for a 4-bedroom dwelling unit; and
50 gallons per day for each additional bedroom thereafter.

For residential development, each dwelling unit is charged a Sewer Impact Fee based upon the number of new bedrooms in the dwelling unit and upon the 2002 District-adopted \$2,500 Sewer Impact Fee per average dwelling unit, adjusted for inflation in accordance with the Engineer News Record Construction Cost Index (the “CCI”). . For a multi-family property, to determine the total Sewer Impact Fee charged, the Sewer Impact Fee of each dwelling unit is added.

- (i) The District Board of Trustees shall annually set Sewer Impact Fees per dwelling unit for new connections to the District sewer system and for addition of a new bedroom or bedrooms to a residential property, including condominiums, already connected to the District sewer system.
 - (ii) The Sewer Impact Fee for renovations of residential properties, including condominiums, that are already connected to the sewer system, and are only planning to add a plumbing fixture/s, is \$100 per added fixture.
- (2) *Commercial Development:* For commercial development, payment of a Sewer Impact Fee is required when establishing a new commercial use, and when changing an existing use to another use or increasing the intensity of an existing use results in an increase of wastewater flow discharged to the District sewer system that exceeds the estimated wastewater discharge amount set forth in an existing discharge permit as that use’s designated capacity.
- (i) New commercial application to connect to District facilities. The property owner or operator must present engineering design data, satisfactory to the District, estimating the amount of wastewater flow to be generated by the proposed development and to be discharged to the District sewer system. Alternatively, the property owner may, with the District’s approval, use the Design Flow Table from Maine Subsurface Wastewater Disposal Rules as listed in the current Maine State

Plumbing Code, other related manuals and materials, water use records of like uses, or contract with the District’s professional engineers to estimate the discharge flow for a particular proposed use or development, all subject to District review and approval. When there are multiple uses or units within a building or structure, each use/unit shall be subject to a separate Sewer Impact Fee.

(i) The District Board of Trustees shall annually set a Commercial (or “Non-Residential”) Sewer Impact Fee, which for Fiscal Year 2025 shall be calculated on the basis of the rate of \$15.72 per gallon times the number of gallons of estimated wastewater flow to be discharged by the proposed development to the District sewer system; for subsequent fiscal years, the District Board of Trustees shall annually adjust the Commercial Sewer Impact Fee in accordance with the CCI. The permitted discharge amount will become the approved designated capacity assigned to the property. This amount may not be changed or altered without the issuance of a new discharge permit.

(d) Collection of Fee: The District will not issue a discharge/connection permit until the applicant has paid the Sewer Impact Fee required by these by-laws.

(e) Review: Calculation of the Commercial Sewer Impact Fee, as provided in Subsection (c)(2)above, is subject to review by the District and may result in an additional Sewer Impact Fee for a change of use or a change in intensity of use after review and approval of the District.

(f) Definitions. For purposes of these By-laws:

(1) “Residential” development is a building or structure or addition thereto consisting of one or more dwelling units; all other types of development and additions thereto are considered “commercial” or “nonresidential” development.

(2) “Dwelling unit” is one or more rooms arranged with separate means of ingress and egress, intended to be used, or is used as a complete housekeeping unit for one or more individuals with independent living, cooking, sleeping, bathing and sanitary facilities.

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 District under the terms of these By-laws. The Sewer Impact Fee 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) of these By-laws. All Sewer Impact Fees deposited in the Sewer Impact Fee Fund, except those fees used 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. Sewer Impact Fees 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 the construction of capital improvements for which Sewer Impact Fees may be expended, Sewer 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.

Section 4. Enforcement.

(a) These By-laws shall be enforced by the York Sewer District's Superintendent or duly authorized designee, or any other person duly authorized by the District's Trustees to enforce these By-laws.

(b) Pursuant to the District's authority under Sections 13 and 18 of the York Sewer District Charter, there shall be a lien on real estate served or benefited by the District's sewer system to secure the payment of Sewer Impact Fees which shall take precedence over all other claims on that real estate excepting only claims for taxes.

Section 5. Review and Revision.

The Sewer Impact Fees established under these By-laws are based upon estimates of the costs of capital improvements to the District’s sewage treatment and collection facilities made necessary by increased development in the territory served by the District. The District may, by annual adoption of its Rate Schedule, change the amounts of the Sewer Impact Fees from time-to-time as warranted by new information or changed circumstances or increases in construction costs of District sewer infrastructure.

Section 6. 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, such section, phrase, sentence or portion shall be deemed a separate, distinct and independent provision, and such holding shall not affect the validity of the remaining portions hereof.

Section 7. 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

By-Law language amended August 11, 2021

By-Law language amended June 12, 2024

YORK SEWER DISTRICT
YORK, MAINE