

## Facility Connection Charge Policy

# SIMSBURY WATER POLLUTION CONTROL AUTHORITY

### Regulations for a Facility Connection Charge to Connect to the Public Sewer System of the Town of Simsbury

1. **Authority.** Pursuant to the authority of the Connecticut General Statutes Section 7-255 and in accordance with the ordinances of the Town of Simsbury, the Simsbury Water Pollution Control Authority hereby adopts a facility connection charge (FCC) and regulations for the imposition of that charge for all future connections to the Simsbury public sewer system. This regulation supercedes prior policy and practice regarding connection charges, except for the exemption under Paragraph 9.
2. **Purpose.** The facility connection charge is designed to offset the general administrative and physical costs associated with the expansion of sewer service and to recover from each new user a fair share of the Town's prior capital investment in the system, which investment has produced benefits now available to new users.
3. **Effective Date of Charge**
  - 3.1. **New Connections.** The facility connection charge shall apply to all persons and property owners who, on or after April 1, 2004, connect to the public sewer system of the Town of Simsbury; except for those persons and property owners who qualify for an exemption under Paragraph 6 or Paragraph 9.
  - 3.2. **Change of Use.** The facility connection charge shall also apply to any person or property owner changing an existing use of property after April 1, 2004 so that a permit is required under the Town of Simsbury building and zoning regulations. The facility connection charge shall only be applied to that portion of the new use in excess of that which existed on April 1, 2004.
4. **Definitions.**
  - 4.1. **Unit.** A dwelling for one family only, either in a portion of a building occupied by two or more families, or in a single detached dwelling; or a separately saleable, rentable and/or transferable portion or section of a building under construction or renovation.

- 4.2. **Equivalent dwelling unit (EDU).** The estimated average discharge of a dwelling unit into the public sewer system of the Town of Simsbury. The estimated average discharge per day of a dwelling unit is 210 gallons per day.
- 4.3. **Facility Connection Charge (FCC).** The dollar amount to be charged to a property owner and/or applicant for connection to the public sewer system. The facility connection charge is established and revised by the Simsbury Water Pollution Control Authority and published in a schedule.
5. **Payment.** Facility Connection Charges shall be due and payable in full at the time of connection. The Building Official will not issue a certificate of occupancy for use of the property until such charge is received by the WPCA. Where the FCC is directly associated with a Town financed extension of the collection system, payment of the FCC can, at the discretion of the property owner, be added to the benefit assessment and paid as one sum under the terms and conditions of said benefit assessment.
6. **Elderly Relief.** Pursuant to the provisions of Section 7-253(a) of the Connecticut General Statutes, all property owners, currently entitled to property tax relief may, at their option, apply for a special payment plan. Such plan shall allow payment of only the annual interest charge on any deferred payments of the outstanding balance of principal for the life of the owner. The entire amount of the FCC shall be due and payable upon any transfer of title to the property subject to the FCC or upon the death of the property owner. A special lien shall be placed on any property so benefited.
7. **Engineering Review and Inspection.** The Water Pollution Control Authority may charge reasonable fees for the cost of engineering review of proposed sewer laterals and/or trunk lines and for inspection of construction of such lines. Such charges are in addition to the FCC.
8. **Schedule of Facility Connection Charges.** The Water Pollution Control Authority shall adopt a schedule of facility connection charges based upon equivalent dwelling units (EDUs) following acceptable engineering guidelines. A schedule of FCCs is attached and made part of this policy.
  - 8.1. **Schedule Review.** The Water Pollution Control Authority shall review the schedule of FCCs at the regularly scheduled March meeting.

8.2. **Public Hearing.** The Simsbury Water Pollution Control Authority shall conduct a public hearing wherever it is establishing or revising any facility connection charge imposed pursuant to this regulation.

9. **Implementation.** Properties that have sewer service available on April 1, 2004, but have not connected will be exempt from this policy until April 1, 2006. Previous policy will be administered for these properties until April 1, 2006. New connections that have not been approved by the WPCA on or before April 8, 2004 will pay the facility connection charge.

#### History:

The public hearing establishing the Facility Connection Charge Policy was held on Thursday, February 5, 2004. The Facility Connection Charge was set at \$4,095.00. The policy was effective April 1, 2004.

A public hearing was held on September 9, 2004. The Schedule of Facility Connection Charges (FFC) for “Restaurants/Food Preparation Establishments” was modified. Originally, one (1) FCC multiplier was equal to 4 restaurant seats. The vote of the public hearing changed one (1) FCC multiplier to be equal to 12 restaurant seats.

A public hearing was held on November 8, 2012. *Revisions to the FCC policy for the Town of Simsbury Water Pollution Control Authority* was adopted.

## **REVISIONS TO THE FCC POLICY FOR THE TOWN OF SIMSBURY WATER POLLUTION CONTROL AUTHORITY**

The Town of Simsbury Water Pollution Control Authority (the “Authority”), by vote of a majority of the quorum present at a duly constituted public hearing held on November 8, 2012, has revised its policy concerning the facility connection charge (“FCC”) for residential dwelling units. Specifically, the Authority has created a stratified facility connection charge, as follows:

- 1) For an apartment or condominium that is less than 1,200 square feet, if and to the extent that it has only one bedroom, an FCC equal to 70% of the standard charge for an Equivalent Dwelling Unit (“EDU”), which would equal \$2,865.00;
  
- 2) For an apartment or condominium that does not qualify under category one, and that is less than 2,000 square feet, if and to the extent that said apartment or condominium has no more than two bedrooms, an FCC equal to 80% of the standard charge for an EDU, which would equal \$3,275.00;
  
- 3) Any residential dwelling unit that does not satisfy either of the two criteria stated above will be charged a FCC equal to the standard charge for an EDU, the sum of \$4,095.00.

For purposes of the FCC policy, and, specifically, for purposes of determining the number of bedrooms contained within a dwelling unit, the Authority proposes to incorporate by reference, and adopt, the definition of a “bedroom” contained within the State of Connecticut Building Code, as the same may be amended from time to time.

As used in the FCC policy, the term condominium has the following definition: a dwelling unit contained within a single building in which there are at least two separate dwelling units contained within the exterior walls of said building; provided that the title to the land underlying said building is not owned by the individual owners of said dwelling units. The presence of physical space for office, retail or other non-residential uses within the exterior walls of said building shall not disqualify a dwelling unit within the building from being a condominium. In the case of such a “mixed use” building, the portion of the building composed of dwelling units will be assessed a separate FCC for each and every dwelling unit, in accordance with the stratified charges set forth in numbered paragraphs 1 through 3 above, and the balance of the mixed use building will be assessed a FCC based on the custom and practice of the Authority for assessing such a charge against a commercial establishment.

As used in the FCC policy, the term apartment has the following definition: a dwelling unit contained within a building that contains at least two separate dwelling units within the exterior walls of said building; provided that the title to the building and to the land underlying said building is all owned by the same person or entity for the purpose of leasing the space in the building to persons who will have no ownership interest in any part of the building, or the land, or in any entity that itself owns the building or the land. The presence of physical space for office, retail or other non-residential uses within the exterior walls of said building shall not

disqualify a dwelling unit within the building from being an apartment. In the case of such a “mixed use” building, the portion of the building composed of dwelling units will be assessed a separate FCC for each and every dwelling unit, in accordance with the stratified charges set forth in numbered paragraphs 1 through 3 above, and the balance of the mixed use building will be assessed a FCC based on the custom and practice of the Authority for assessing such a charge against a commercial establishment.

For the avoidance of doubt, a mixed use building that has four dwelling units (whether the same be an apartment or a condominium) will be assessed (a) four separate FCCs, one for each dwelling unit contained therein (and the amount of the FCC for a respective dwelling unit shall depend upon the square footage and bedroom composition of said unit, as determined by the application of criteria set forth in numbered paragraphs 1 through 3 above), and (b) an additional FCC for the commercial space (the amount of which will be based on the aforesaid custom and practice of the Authority in assessing commercial establishments).

The square footage of an apartment or condominium shall be defined, for purposes of this policy, as follows: the combined total area of floor-level habitable space, for each and every floor, within the interior walls of an apartment or condominium, determined without regard to whether a fixture or other object is occupying, or intended to occupy, such space.

Any owner of an apartment building or of a building composed of condominium units or apartments, in whole or in part (i.e., including mixed use buildings that contain apartments and condominiums), who desires to connect to the Water Pollution Control Facility, shall furnish to the Authority drawings and specifications that depict for each apartment or condominium, the following: (1) the number of bedrooms in the apartment or condominium (as the term bedroom is defined in this policy); and (2) the square footage of each apartment and condominium (as the term square footage is defined in this policy). The owner (either itself or by and through a duly authorized agent) shall declare and certify to the Authority, under oath, that the drawings and specifications, including the number of bedrooms contained within, and the square footage of, each apartment or condominium, are substantially correct.

## SCHEDULE OF FACILITY CONNECTION CHARGES

CATEGORIES	FCC Multiplier
Single family homes and individual condominiums (Per unit)	1
Multiple unit dwelling building w/single service lateral connection (Per unit)	1
Office, Retail, Commercial (Per unit)	
≤2500 sq.ft.	1
Each additional 1250 sq.ft.	0.5
Restaurant/Food Preparation Establishments	
Restaurants/Per 12 seats	1
Bars/Per 8 seats	1
Hotels/Motels <sup>(1)</sup>	
Per 2 units	1
Laundries – Per washing machine <sup>(2)</sup>	1
Public buildings, such as, police stations, fire houses, town hall, churches.	1
Elementary, Middle, High Schools	
≤ 100 occupants (pupils/staff)	1
Each additional 20 pupils/staff	0.2
Child care facilities	
≤12 children	1
Each additional 6 children	0.5
Other, such as industrial, boarding schools, etc. <sup>(3)</sup>	≥1

<sup>1</sup>Restaurant/dining facilities additional

<sup>2</sup>Without recycling systems. With recycle systems, fee to be based on make-up water requirements.

<sup>3</sup> Minimum charge of one unit, total FCC subject to review and evaluation of the Simsbury WPCA on an individual basis.