

Sewer Ordinance Amendment

Town of Bar Harbor

An Amendment to Adopt the Fiscal Year 2014 Sewer Budget, Rates, Fees and Charges and to Revise the Sewer Connection Fee Structure.

The Town of Bar Harbor hereby ordains that Chapter 165, Sewers, of the Town Code is amended as follows:

[Please Note: Old language is ~~stricken~~. New language is underlined.]

Chapter 165 , SEWERS

Article I. Terminology

§ 165-1. Definitions and word usage.

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SERVICE CONNECTION

The branch sewer line from the public sewer to the public right-of-way line of a dwelling or other establishment.

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Article II. Use of Public Sewers Required

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Article III. Sewer Budget and Rates

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§ 165-6. Definitions.

As used in this article, the following terms shall have the meanings indicated:

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~~DEBT REPAYMENT~~

~~—The amount necessary in a given fiscal year to service debt incurred after July 1, 1995.~~

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OPERATING BUDGET

The budget adopted by the Town Council for the operation of the municipal sewer system during a given fiscal year, ~~including the servicing of debt existing as of July 1, 1995,~~ but not including the servicing of debt ~~incurred after July 1, 1995,~~ depreciation or the capital improvement budget.

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§ 165-7. Procedure for establishing rates.

- A. Town Council action. The Town Council shall establish sewer rates by ordinance as required by Charter § C-30-A.
- B. Operations rate. The minimum operations rate shall be established by subtracting from a fiscal year's operating budget all operating revenues expected to be received from all sources other than the application of the sewer rates to actual or minimum usage (i.e., ~~connection fees, sludge dewatering, interest earned,~~ etc.) and then dividing the resulting number by a reasonable estimate of the annual total municipal usage for that fiscal year. For example:

Operating budget	\$1,000
<u>Other revenues</u>	<u>- \$250</u>
Net to be raised from operations rate	\$750

Total municipal usage = 100 cubic feet

Operations rate = \$750 / 100 cubic feet = \$7.50 per cubic foot

- C. Capital rate. The capital rate shall be established by adding a fiscal year's annual capital budget and debt repayment, subtracting from that sum all capital revenues expected to be received from all sources other than the application of the sewer rates to actual or minimum usage (i.e., connection fees, sale of fixed assets, etc.) and all expenses otherwise financed, and then dividing the resulting number by a reasonable estimate of the total municipal usage for the summer and fall quarters for that year. For example:

Annual capital budget	\$1,000
Debt repayment	+ \$400 <u>200</u>
Capital Revenues	+ \$200
Expenses otherwise financed	- <u>\$200</u>
Net to be raised from capital rate	\$1,200

Estimate of total municipal summer and fall usage: 200 cubic feet

Capital rate = \$1,200 / 200 cubic feet = \$6.00 per cubic foot

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§ 165-7.1. Sewer budget, fees and charges.

A. Budget adopted. The fiscal year ~~2013~~ 2014 Sewer Budget, dated ~~October 31, 2012~~ May 16, 2013, is hereby adopted as published and summarized below.

(1) Fund balance. Unreserved and undesignated fund balances are estimated as follows:

(a) ~~Estimated starting~~ Starting unreserved and undesignated fund balance:

[1] Operating Fund: ~~\$195,525~~ (3,368).

[2] Capital Fund: ~~\$16,414~~ \$104,815.

(b) Ending unreserved and undesignated fund balance:

[1] Operating Fund: ~~\$19,860~~ 18,935.

[2] Capital Fund: ~~\$20,000~~ 19,999.

(2) Revenues.

(a) Total revenues and other sources are estimated to be:

[1] Operating Fund: ~~\$1,286,280~~ 1,259,854.

[2] Capital Fund: ~~\$1,048,779~~ 902,787.

(b) Revenue from sewer rates shall be calculated as follows:

[1] Operations rate charges: ~~\$1,158,094~~ 1,139,465.

[2] Capital rate charges: ~~\$755,512~~ 811,252.

(3) Expenses. Total appropriations shall be:

(a) Operating Fund: ~~\$1,461,946~~ 1,237,551.

(b) Capital Fund: ~~\$1,052,723~~ 871,859.

(4) Rates.

(a) Operations rate: ~~\$4.39~~ 4.25 per 100 cubic feet of water used.

(b) Capital rate: ~~\$5.19~~ 5.54 per 100 cubic feet of seasonal water used.

(c) Minimum operations bills:

[1] Residential customers: ~~\$43.90~~ 42.50 for up to 1,000 cubic feet of water used per quarter.

[2] Nonresidential customers: ~~\$122.92~~ 119.00 for up to 2,800 cubic feet of water used per quarter.

[3] Unmetered customers: ~~\$94.39~~ 91.38 per quarter (based on 2,150 cubic feet of water used).

(d) Septic tank pumpage: ~~\$11.03~~ 10.68 per 100 gallons.

(e) Sludge disposal: ~~\$6.61~~ 6.40 per 100 gallons.

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(f) Connection fee rate: ~~\$9.83 per gallon of sewage per day~~ \$100 per inch diameter of the service connection.

(g) Late payment penalty: 7.0% per annum.

Article IV. Sewer Connection Permits and Fees

§ 165-8. Permit required.

No person shall connect a building sewer to the public sewer, increase the flow of his existing sewer connection or change the use of any property connected to the sewer without first receiving a connection permit from the Superintendent and paying the appropriate connection fee, if any.

§ 165-9. Sewer connection fee rate.

The Town Council shall establish sewer connection fee rates by ordinance as required by Charter § C-30-A.

§ 165-10. Application for permit.

All persons required by this chapter to obtain a connection permit shall apply to the Superintendent on forms provided by the Superintendent. Said application shall state the name and service address of the owner, the proposed use of the property, and the estimated volume of the waste, a copy of any required building permit, the diameter of the proposed sewer service connection and such other information as the Superintendent may reasonably deem necessary to administer this chapter. The Superintendent shall either approve or deny the application within 30 days of the receipt of a complete application. The permit shall not be issued until the connection fee, if any, has been paid.

§ 165-11. Calculation of ~~connection fee~~ design flow.

~~The connection fee shall be calculated by multiplying the sewer connection fee rate established by the Town Council by the~~ daily design flow of the proposed facility, as shall be determined by the Superintendent with reference to the following:

A. New facility. For any new facility, the Superintendent shall determine the daily design flow by referring to the following table and assuming the maximum estimated population. In cases where the proposed use is not listed, the Superintendent shall make his/her determination of a reasonable design flow after consultation with the Maine Department of Human Services and any other appropriate authorities or references. The design flows for facilities shall be based on the resultant daily flows of wastewater as determined from the following table:

Design Flows for Facilities

Type of Facility¹	Gallons Per Day Design Flow
<u>Single-Family Residential</u>	
Each one- or two-bedroom unit	180 per unit
Each additional bedroom	90 per bedroom
<u>Multiple Residential</u>	
Boardinghouses (includes meals)	50 per bedroom
Rooming houses (without meals)	40 per bedroom
Transient accommodations with	
Shared bathrooms	60 per bedroom
Private bathrooms	100 per bedroom
Mobile home parks	225 per site
Multifamily homes (except retirement homes)	
One-bedroom unit	120 per unit
Two-bedroom unit	180 per unit
Three-bedroom unit	270 per unit
Multifamily homes (retirement homes limited to persons older than 50 years)	
Each one- or two-bedroom unit	120 per unit
<u>Commercial Establishments</u>	
Airports ⁵	5 per passenger
Beauty salon ⁵	10 per customer
Bottle club ²	10 per 15 square feet
Bowling alley	75 per lane
Bus service areas ⁵	5 per person
Factories and plants ⁵	
Without showers	15 per person
With showers	25 per person
Laundry, self-service	400 per washer
Offices or research laboratories ⁵	15 per person
Restaurants	
Eat in with conventional utensils ²	30 per 15 square feet
Eat in with disposable utensils ²	15 per 15 square feet
Twenty-four-hour operation ²	50 per 15 square feet
Takeout only ³	8 per 15 square feet

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Type of Facility¹	Gallons Per Day Design Flow
Retail ⁴	6 per 100 square feet
Service station ⁶	125 per vehicle
Taverns ²	20 per 15 square feet
Tennis or racquetball courts	300 per court
Theaters	5 per seat
Visitor center ⁵	6 per visitor per day
Work or construction camps (semipermanent)	
With flush toilets	50 per bed
Gray water only	35 per bed
<u>Institutional</u>	
Assembly halls or public buildings	5 per seat
Churches	5 per seat
Hospitals	150 per bed
Institutions (other than hospitals)	100 per bed
Mouse production area	1.76 per square foot
Nursing homes	100 per bed
Schools (boarding)	75 per bed
Schools (day) ⁵	
Elementary	7 per student plus 15 per employee
Junior high	9 per student plus 15 per employee
High school	12 per student plus 15 per employee
<u>Seasonal Commercial</u>	
Camps ⁵	
Day (no meal served)	10 per person
Day (only lunch served)	15 per person
Resort (limited plumbing)	50 per bed
Fairgrounds, parks and picnic areas (with bath, showers and toilets) ⁵	10 per person
Swimming pools and bathhouses ⁵	10 per person
Campgrounds	
No sewer hookups	50 per site
With sewer hookups	75 per site

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NOTES:

- 1 For facilities that constitute a composite of one or more of the following types of facilities, the design flow shall be calculated by adding the design flow for each type of facility that comprises the entire facility.
- 2 Square feet refers to the square feet of dining area as defined by this chapter.
- 3 Square feet refers to square feet of serving area.
- 4 Square feet refers to square feet of gross leasable area as defined by Chapter 125, Land Use.
- 5 Estimated maximum occupancy per day, as shown on land use ordinance permit, application or site plan.
- 6 Per vehicle that can be fueled simultaneously.

B. Increase of volume or change of use of existing facility. For the expansion of a facility or use, increase of sewage discharge or the change of use of a property, the Superintendent shall determine whether the proposed design flow will increase over the current flow, the current flow being the highest design flow based on the actual use of the property in the past two years. The Superintendent shall first calculate the proposed design flow, using the method outlined in this section, and then subtract therefrom the current design flow which shall be calculated using the same method used to calculate the proposed design flow. The resulting number shall be the design flow on which ~~the connection fee~~ a determination of sewer capacity shall be based.

§ 165-12. Inspections.

The Superintendent or Code Enforcement Officer may inspect any system for which a permit is granted pursuant to this chapter to ensure continued compliance with the same. Upon the finding of a violation, such official shall take all necessary enforcement action.

§ 165-13. Enforcement.

This chapter may be enforced under 30-A M.R.S.A. § 4452 and Chapter 125, Article X of the Bar Harbor Code.

§ 165-14. Appeals.

The Town Council may, upon written application of an aggrieved party received by the Planning Department within 30 days of the Superintendent's decision on a connection permit, hear appeals from said decision. All appeal procedures shall be as provided by Chapter 125, Land Use, § 125-103, Administrative appeals, except that "Superintendent" shall be substituted for "Code Enforcement Officer," "Chapter 165, Article IV, of the Bar Harbor Code" shall be substituted for "this chapter," and "Town Council" shall be substituted for "Board of Appeals."

§ 165-15. Term of permit.

A connection permit shall expire and all fees shall be forfeited 18 months from the date the permit was issued if within such time the new building sewer is not connected to the public sewer, the flow of the existing sewer connection is not increased, or the use of the property has not changed, as provided in the connection permit application.

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§ 165-16. Refunds.

Within 18 months from the date of issuance the Finance Director may refund to the permittee the connection fee paid, less an administrative fee of \$100, upon the return of the unused connection permit. A permit shall be considered unused if, within 18 months from the date the permit was issued, the new building sewer is not connected to the public sewer, the flow of the existing sewer connection is not increased, or the use of the property has not changed, as provided in the connection permit application. Upon payment of the refund, the sewer connection permit shall become null and void.

§ 165-17. Denial of permit.

The Superintendent shall deny a sewer connection permit if the sewer lines or any pump stations serving the subject property have insufficient capacity to carry the proposed flow or if the proposed project will provide sewage which would cause the wastewater treatment plant to receive influent in excess of its design capacity for flow, biochemical oxygen demand or other design parameter.

[end of ordinance]

LEGISLATIVE HISTORY:

5-3-13	Proposed by Manager
5-7-13	Directed by Council
5-16-13	Drafted by Manager
_____	Introduced
_____	Public Hearing
_____	Council Adopted
_____	Sent for Codification