

ORDINANCE NO. 17-06

AN ORDINANCE IN AMENDMENT OF CHAPTER 20, ARTICLE III OF THE CODE OF ORDINANCES, TOWN OF NORTH KINGSTOWN, ENTITLED, "SANITARY SEWERS"

Note: Words set as ~~strikeover~~ are to be deleted from the ordinance; all underlined text is to be added to the ordinance.

The Town Council of the Town of North Kingstown hereby ordains:

SECTION 1. That Article III, Division 2, Section 20-90 of the Code of Ordinances, Town of North Kingstown, entitled, "Definitions" is hereby amended as follows:

Assessment: a charge assessed against real estate parcels which directly benefit for all or a portion of the construction of a sewer district project.

Commercial use includes any non-residential use or use defined in this ordinance as multi family

Equivalent dwelling unit for assessment purposes shall be defined as a unit whose wastewater flows are equal to 345 gallons per day of water use. The basis by which projected daily wastewater flows will be determined are based upon current RIDEM published Onsite Wastewater Treatment Systems (OWTS), formerly ISDS, values per establishment. For flow wastewater volumes not stated in the OWTS regulations, standard engineering values will be used.

Lot means either:

(1) The basic development unit for determination of lot area, depth and other dimensional regulations; or

(2) A parcel of land whose boundaries have been established by some legal instrument such as a recorded deed or recorded map and which is recognized as a separate legal entity for purposes of transfer of title.

Multi-family use is defined as a building or combination of buildings containing more than two residential units on one lot.

Parcel see lot definition

Wickford Village Center District is an economic development center as defined in the Zoning Ordinance, Section 21.93.

SECTION 2. That Article III, Division 2, Section 20-116 of the Code of Ordinances, Town of North Kingstown, entitled, "Assessment of charges" is hereby deleted and replaced as follows:

Sec. 20-116. - Assessment of charges.

The town council shall, by resolution, designate one or more sewer assessment districts and assess all or such portion of the project cost of the town's sewage facilities against the properties located within each such district as is determined by the town council to provide special rather than general benefit to such parcels. The assessment cost is calculated by establishing the actual total of the project cost, including, but not limited to, design, construction, administration and interim financing.

(a) General

1. *Sewer assessment roll.* At such time as the town council designates any sewer assessment district, the town council and the town tax assessor shall certify to the town finance director a sewer assessment roll of the ~~estates~~ lots located within such sewer assessment district that are determined by the town council to be subject to assessment. Such sewer assessment roll shall describe each ~~estate-lot~~, indicate the classification of user occupying each ~~estate-lot~~, and state the amount of the assessment against each ~~estate lot~~.
2. *Recording and notice.* Upon receipt of any sewer assessment roll from the town council and tax assessor, the finance director shall record a copy thereof as a public record and cause notice to be sent to the owner of each estate assessed in the manner set forth in the enabling legislation.
3. *Collection of assessments; lien.* From the date of delivery of the sewer assessment roll to the finance director, the amount of each assessment, including any interest thereon, shall constitute a debt payable to the town by the owner of each estate assessed, on a parity with the lien for town taxes. The finance director shall have the same powers to collect sewer assessments from the owners of lots assessed, whether or not residents of this state, and to enforce such liens against the lots assessed as the finance director has in the case of town taxes assessed against residents of this state. At the time of transfer of title, the balance of the assessments will be transferred to the new property owner.
4. *Payment.* Each sewer assessment shall be payable in equal annual installments over a period determined by the town council. Annual installments of sewer assessments may be paid in quarterly incremental payments during the installment year. ~~if the owner so elects at such time.~~ The unpaid balance of each assessment shall bear interest from the date the assessment roll is delivered to the finance director at a rate determined by the town council; provided, however, that the whole assessment against any estate may be prepaid without interest at any time prior to the due date of the first installment thereof. The unpaid balance of any sewer assessment, together with interest accrued to the date of payment, may be paid at any time.

5. *Special assessments:* All buildings used for the sole purpose of holding religious services therein, state facilities, municipal facilities and other lots zoned as public (P) shall be assessed as one residential parcel.
6. *Deferment.* Notwithstanding the foregoing, the town council shall have discretion to defer a sewer connection for a parcel of land if the owner of such parcel, within five years of the date before the sewer construction began, has installed a new septic system. Such parcel shall be assessed and begin paying the assessments as all other parcels within the district with the exception of those properties which fall under Section 116b(2)(a)(i). For a period not more than five years from the date of acceptance, the user fee will be suspended. If the property is sold during the five-year period, the parcel must be connected to the sewers and the user fee will begin upon the sale of the property.
7. *Grinder pumps.* If the town council finds it necessary to install (where proposed low pressure sewer is being created or a dwelling that is located in a low lying area along a gravity sewer system) grinder pumps as part of the project area, the town may provide one grinder pump unit to each developed parcel at no cost to the dwelling owner. The availability of the grinder pump shall remain in effect up to one year of the project completion and acceptance of the project. For an undeveloped parcel, the town will provide a credit to be determined by the town council at the time the parcel is improved. The installation of the grinder pump is the responsibility of the property owner. The operation and maintenance of the grinder pump system shall be the responsibility of the property owner. The owner shall obtain a service contract from a qualified firm to provide operation and maintenance to the system and a copy of the service contract shall be submitted with the permit application in order to receive an approval to connect to the sanitary system. The owner shall provide his own emergency power to the grinder pump system during power outages. The town is not responsible to provide emergency power or to provide maintenance to the grinder pump system(s). The owner will be responsible for the replacement of the pump if the need arises.
8. *Sewer lot development assessment:*
 1. ~~For parcels of real property, improved and unimproved, which are not included in a specific sewer district not yet connected to the town's sewer system, but which, in the future, may connect into the public sewer system without being charged a sewer assessment, the town intends to distribute the future cost of construction and improvement in a manner which is fair and equitable to all property owners who connect into the town's sewer system.~~
 2. ~~A sewer development assessment will be assessed against all property owners who request to or who are required to connect into the town's sewer system and whose lot or unit(s) has not been charged a sewer assessment on an individual basis.~~

- a. A sewer development assessment will be assessed against all property owners who request to or who are required to connect to the town's sewer system.
 - b. A parcel of land, whether improved or unimproved, which is located outside of an established sewer district, may connect to the town's sewer system.
 - i. The cost of infrastructure to the nearest sewer district shall be the burden of the parcel owner.
 - ii. The parcel shall be subject to an assessment at the time of connection. If the parcel is included in a future sewer district, the parcel owner shall not be subjected to a future assessment as part of such future sewer district.
9. *Sewers built by private parties (assessments):* Notwithstanding any other provisions of this article, it is hereby determined that sanitary sewer lines built by and at the expense of a private party and not assessed under subsection (5)a shall pay the following assessment:
- a. For each residential/commercial parcel of land which abuts a public highway or a highway which by general use is generally believed to be a public highway or a right of way, or a private road in which sanitary sewer lines are installed by a private party and which are connected to the public sanitary system the following assessment shall apply:
 - i. An assessment for a residential parcel shall be adopted by the town council;
 - ii. An assessment for a commercial parcel outside of the Post Road South Sewer District or Wickford Village Center Sewer District shall be based on an equivalent dwelling unit as defined in this article.

(b) Designated Sewer Districts

1. *Post Road South Sewer District.* There is hereby created the Post Road South Sewer District, which encompasses portions of Camp Ave., Dana Road, Huling Road and Post Road from Route 403 to Map 103/Lot 6 (7769 Post Road). The town council shall assess all or such portions of the project cost of the towns' sewage facilities.
 - a. Residential assessments: Assessments accruing to properties as the result of the construction of systems of sewers and/or systems of sewerage and sewage disposal shall be assessed as follows:
 - i. Each residential lot which abuts a public highway or a highway which by use is generally believed to be a public highway or a right-of-way, and in which there has been constructed a public sanitary sewer, shall be assessed a per lot fee adopted by the town (see schedule of fees) at the time of the assessment. Whenever such a lot contains a building or buildings that are, in the opinion of the town, potential sewer connections, an additional assessment shall be levied.
 - ii. Each residential lot which does not abut a public highway or right-of-way but which, in the opinion of the town, is a potential sewer connection shall be assessed as described in section 116(2)(a)(1)(i).

- iii. For other residentially zoned lots containing a multi-family use in the Post Road South Sewer District, each lot shall be assessed as commercial under 116(2)(a)(2).
2. Commercial assessments: Each commercial property shall be assessed a “per square footage” fee adopted by the town. In no instance shall the fee be less than the assessment fee for a residential parcel for the district. The “square foot” assessment shall be based on the gross buildable square footage. The non-buildable area shall be limited to wetlands, cemeteries, permanent utility and right-of-way easements and waterbodies, as indicated by the town’s GIS mapping. ~~Whenever such a parcel of land contains a building (or buildings) that are, in the opinion of the town, additional potential sewer connections or where additional sewer laterals have been provided, an additional assessment shall be levied as hereinbefore set forth in addition to the initial assessment for each such potential sewer connection.~~
 2. Wickford Village Center Sewer District. There is hereby created the Wickford Village Center Sewer District, which encompasses the commercial uses on Main Street, West Main Street, Brown Street, Newtown Avenue and Intrepid Road. This district includes lots zoned Wickford Village Center (WVC), Neighborhood Business (NB) and Village Residential (VR).
 - a. Residential Assessments: Assessments accruing to properties as a result of the construction of systems of sewers and/or systems of sewerage and sewage disposal shall be assessed as follows:
 - i. Each lot with an existing single family or ~~multi-~~ duplex-family residential use, whether abutting a public highway or right-of-way, and in which there has been constructed a public sanitary sewer or has the potential to connect to sewers, shall NOT be assessed ~~for FIVE years after the completion of the sewer project~~, unless the property owner chooses to connect or is compelled by state law or regulation to connect.
 - ii. Each lot containing a multi-family use in the Wickford Village Center Sewer District shall be assessed as commercial under 116(2)(b)(2).
 - b. Commercial Assessments: Each lot with an existing commercial use ~~commercial property~~ shall be assessed on the basis of equivalent dwelling units. Each lot shall be assessed a minimum of one equivalent dwelling unit and a maximum of two equivalent dwelling units. Any additional water use for a lot shall be calculated as set forth in Chapter 9, Article 1, Section 9-4 Table XIII . ~~If a change in use or tenancy results in an increased sewer flow of one or more equivalent dwelling units, an additional assessment on the property shall be levied.~~
 - i. Properties assessed as residential properties ~~Single family and duplex residential properties in the WVC zone~~ that convert to commercial use shall be assessed as commercial upon conversion.
 - ii. Each lot with a mix of uses including but not limited to commercial and residential shall be assessed as commercial lots on the basis of equivalent dwelling units.

iii. Each lot with a mix of uses including an owner occupied residential unit shall be assed as commercial and capped at a calculation of one equivalent dwelling unit.

c. Additional water consumption due to change of tenancy will be evaluated and may alter assessments in accordance with 20-51(c).

Sec. 20-117. ~~Future sewer assesement (TBD)-reserved~~

SECTION 3. That Article III, Division 4, Section 20-130 of the Code of Ordinances, Town of North Kingstown, entitled, "Connection to public sewer required" is hereby amended as follows:

Sec. 20-130. - Connection to public sewer required.

- (a) The owner of all houses, buildings or properties used for human occupancy, employment, recreation or other purposes situated within the Town and abutting on any street, alley, or right of way in which there is now located or may in the future be located a public sanitary sewer of the Town, is hereby required at his expense to install suitable toilet wastewater facilities therein, and connect such facilities directly with the proper public sewer in accordance with the provisions of this article, within six months after date of official notice to do so, except when a public sewer is greater than 250 feet from the structure and a subsurface sewage disposal facility is approved by the Rhode Island Department of Environmental Management, there is a permanent, physical impediment or the property is served by a new OWTS constructed after January 1, 2010 to the most recent state and local standards and requirements. In the case of the new OWTS installed after January 1, 2010, an exemption shall be granted for a period to July 1, 2020 or until the property title is transferred. ~~For five years after the completion of the Wickford Village Center Sewer project, existing single family and duplex residential lots in the Wickford Village Center Sewer District are exempt from mandatory connection under this section unless otherwise compelled by state law or regulation.~~
- (b) Where sewers are available, all new construction must connect into the sewerage system.

SECTION 4. This Ordinance shall take effect upon passage and all Ordinances or parts of Ordinances inconsistent herewith are hereby repealed.

First Read and Amended at the Town Council Meeting of February 13, 2017 and referred to the Town Council Meeting of March 6, 2017 for Second Reading and Consideration of Adoption. Amended at the Town Council Meeting of March 6, 2017 and referred to the Town Council Meeting of March 13, 2017 for Second Reading and Consideration of Adoption. Amended and Adopted at the Regular Town Council Meeting of March 13, 2017.

Jeannette Alyward
Town Clerk