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ORDINANCE NO. 7170-15

AN ORDINANCE TO AMEND AND REORDAIN CHAPTER 33, SEWERS AND SEWAGE DISPOSAL, OF THE CODE OF THE CITY OF NEWPORT NEWS, VIRGINIA, ARTICLE II., CONNECTIONS TO PUBLIC SEWER, SECTION 33-19, CHARGES.

BE IT ORDAINED by the Council of the City of Newport News, Virginia:

1. That Chapter 33, Sewers and Sewage Disposal, of the Code of the City of Newport News, Virginia, Article II., Connections to Public Sewer, Section 33-19, Charges, be, and the same hereby is, amended and reordained as follows:

CHAPTER 33

SEWERS AND SEWAGE DISPOSAL

ARTICLE II. CONNECTIONS TO PUBLIC SEWER

Sec. 33-19. Charges.

(a) *Definitions.* For the purposes of this article, the following words shall have the meanings ascribed to them in this section:

(1) *Assessed* shall mean the process to impose taxes or assessments upon abutting property owners for construction of sanitary sewers within the city as authorized by Title 15.2 of the Code of Virginia, 1950, as amended.

(2) *Corner lot* shall mean a lot abutting upon two (2) or more streets at their intersection, the shortest side fronting upon a street shall be considered the front of the lot, and the longest side fronting upon a street shall be considered the side of the lot.

(3) *Frontage* shall mean that portion of any real property abutting directly on a public right-of-way.

(b) *Connection charge.* A connection charge for connection with sewers shall be paid to the city for each lot or parcel of land to be served by such sewers as follows:

(1) For single-family units when the lot or parcel of land has not been assessed, the charge shall be three thousand two hundred fifty-six dollars ($3,256.00) plus a fee of one thousand three hundred two dollars ($1,302.00) for the

installation of a lateral. If a lateral had been previously installed to serve the property, no installation fee shall be paid at the time of connection.

(2) For other than single-family units when the lot or parcel of land has not been assessed, the charge shall be computed by multiplying the actual frontage of the lot or parcel of land by fifty-five dollars ($55.00) and adding thereto the applicable charge specified in (b)(4) of this section.

(3) When the lot or parcel of land has been assessed, the charge shall be that specified in (b)(4) of this section.

a. Single-family -- If a lot or parcel of land which has been assessed is subdivided to create additional single-family lots or parcels, the charge for each lot or parcel not already connected to the sewer system shall be in accordance with (b)(1) of this section.

b. Other than single-family -- If a lot or parcel of land which has been assessed is subdivided to create additional lots or parcels for development of other than single-family units, the charge for each lot or parcel not already connected to the sewer system shall be computed by multiplying the actual frontage of the lot or parcel of land by eight dollars and ninety-five cents ($8.95) and adding thereto the applicable charge specified in (b)(4) of this section. It is the council's intent to recognize in this subsection that there is but a single assessment for a subdividable parcel. A single lateral, hereafter termed the "primary lateral," is provided to parcels in sewer projects, although other laterals may be constructed if the property owner pays for the cost of materials and labor for such laterals. A connection fee shall therefore be paid for each new parcel created by subsequent subdivision of a parcel other than the parcel served, or capable of being served, by the "primary lateral."

(4) Flat rate charges shall be based on the following:

a. For a single-family unit when the lot or parcel has been assessed, a charge according to the following shall be paid:

1. Three hundred twenty-four dollars ($324.00) if paid in a single payment within the first twelve (12) months after the sewer involved was certified for connection. This reduced rate shall be available only to those property owners who obtain a building or plumbing permit within the first twelve (12 months after the sewer is certified for connection and

connect within the time period specified in this section.

2. Six hundred fifty dollars ($650.00) if not paid as provided in 1. immediately above.

b. For property other than single-family, a charge based on the following shall be paid:

1. For each multifamily unit: Four hundred fifty-five dollars ($455.00) per family unit.

2. For sewers serving commercial units: Six hundred fifty dollars ($650.00) for the first lateral exiting the structure plus four hundred fifty-five dollars ($455.00) for each additional lateral.

3. For sewers serving parcels zoned Light Industrial District (M1) or Heavy Industrial District (M2): Six hundred fifty dollars ($650.00).

4. For sewers serving mobile home parks: Four hundred fifty-five dollars ($455.00) per mobile home site.

5. For sewers serving hotels and/or similar establishments: Four hundred fifty-five dollars ($455.00) per unit.

(c) *Subdivision lots.* For sewers installed by a developer in accordance with the subdivision regulations, no charge shall be paid to the city under this section for those lots served by the sewer and for which the subdivision connection fee was paid by such developer, except as provided in (b)(3) of this section.

(d) *Corner lots.* For corner lots, the shortest side abutting a public street plus one-half (½) of the intersection arc distance shall be used in determining the frontage charge under this section, provided sixty (60) feet shall be the minimum distance used.

(e) *Lots with no public street frontage.* For lots which do not abut any public street, the shortest side of the lot shall be used in determining the frontage charge under this section, provided that sixty (60) feet shall be the minimum distance used.

(f) *Other requests.* When a sewer connection lateral larger than four (4) inches in diameter or an additional lateral is desired, the applicant for the permit required by this article shall pay the cost of labor and materials necessary to construct the same but not less than one thousand dollars ($1,000.00).

(g) *Unusual cases.* The city manager or his designee is authorized to make adjustments to the charges set forth in this section in instances where unusual property frontages exist. If the individual requesting a sewer connection establishes, to the satisfaction of the city manager or his designee, that the total frontage of his property does not represent frontage on developable property, the city manager or his designee may then reduce the frontage upon which the charge is based to that which represents frontage on developable property (but not to a figure which is less than sixty (60) feet).

(h) *When charge due.* The charge for connecting to the public sewer as herein set out shall be paid to the city as follows:

(1) For connections involving single-family units when the lot or parcel has not been assessed requested pursuant to (b)(1) and (b)(3)a., the charge shall be paid prior to the time application is made to the department of codes compliance for the building permit or the plumbing permit, whichever applies to the specific request. If the connection is not completed and approved by the plumbing inspector within the time specified by the pertinent permit, the charge less five hundred dollars ($500.00), to cover administrative costs associated with processing the application and the refund, shall be refunded to the applicant upon request. If the lateral was installed, the charge for the same shall not be refunded; however, if the lateral was not installed, the charge for the same shall be refunded to the applicant upon request. Any subsequent request for a sewer connection at the address involved shall follow the application process that is in effect at the time of such request.

(2) For existing buildings other than single-family that has not been assessed, the connection charge shall be paid prior to the time application is made to the department of codes compliance for the plumbing permit; provided, however, that in the case of properties that have been assessed, the plumbing permit shall be obtained within the first twelve (12) months after the sewer involved is certified for connection. If the connection is not completed and approved by the plumbing inspector within ninety (90) days after issuance of the plumbing permit, the charge less five hundred dollars ($500.00), if applicable, to cover administrative costs associated with processing the application and the refund, shall be retained with the reminder refunded to the applicant upon request. If the lateral was installed, the charge for the same shall not be refunded; however, if the lateral was not installed, the charge for the same shall be refunded to the applicant upon request.

(3) For new construction, the connection charge shall be paid prior to the time application is made to the department of codes compliance for the building

permit; provided, however, that in the case of properties that have been assessed, the building permit shall be obtained within the first twelve (12) months after the sewer involved is certified for connection. If the connection to the public sewer is not completed and approved by the plumbing inspector within twelve (12) months after issuance of the building permit, the charge, less five hundred dollars ($500.00), if applicable, to cover administrative costs associated with processing the application and the refund, shall be retained with the remainder refunded to the applicant upon request. If the lateral was installed, the charge for the same shall not be refunded; however, if the lateral was not installed, the charge for the same shall be refunded to the applicant upon request.

2. That the increase in fees set forth in this ordinance shall not apply to any sewer extension project for which an authorizing ordinance has been adopted as of the date of adoption of this ordinance.

3. That this ordinance shall be in effect on and after July 1, 2015.

PASSED BY THE COUNCIL OF THE CITY OF NEWPORT NEWS ON MAY 12, 2015

Mabel Washington Jenkins, MMC
City Clerk

McKinley L. Price, DDS
Mayor

A true copy, teste:

City Clerk