

**BOARD OF SUPERVISORS
COUNTY OF NEW KENT
VIRGINIA**

O-21-04

At a special work session of the Board of Supervisors of the County of New Kent in the Board Room of the County Office Building in New Kent, Virginia, on the 1st day of November, 2004:

Present:	Vote:
Mark E. Hill	Aye
D. M. "Marty" Sparks	Aye
Stran L. Trout	Aye
W. R. "Ray" Davis, Jr.	Aye
James H. Burrell	Aye

Motion was made by Mr. Trout, which carried 5:0, to adopt the following Ordinance:

**AN ORDINANCE TO AMEND APPENDIX A
OF THE CODE OF NEW KENT COUNTY
PURSUANT §§ 15.2 – 2119 AND 15.2-2122 OF THE CODE OF VIRGINIA
FOR THE PURPOSE OF IMPOSING A SEWER CONNECTION AVAILABILITY FEE
AND FOR RENAMING THE CURRENT SEWER CONNECTION FEE**

WHEREAS, New Kent County's 2004 Comprehensive Plan established the goal of extending public water and sewer to designated villages and to the four economic development priority areas along I-64 Interstate (the interchanges with State Routes 249, 106, 155, and 33 interchanges); and

WHEREAS, the immediate need to provide sewer service to the Kentland PUD (I-64 Interchange with State Route 155) and the Bottoms Bridge area (I-64 Interchange with State Route 246), two economic opportunity areas to which the County has agreed to have public water and sewer; and

WHEREAS, the longer term need for public utilities to serve the two other economic opportunity areas identified in the 2004 Comprehensive Plan made a compelling case for a public sewer system that will run along the I-64 Interstate (the "I-64 Trunk Line"); and

WHEREAS, the Board has determined that the imposition of a Connection Availability Fee, commonly referred to as the “Tap Fee,” is necessary to recover the capital costs of the I-64 Trunk Line; and

WHEREAS, the Connection Availability Fee is the proportionate share of the capital costs of the total public sewer system based on gallons per day flow.

NOW THEREFORE BE IT ORDAINED that pursuant to the authority granted under §§ 15.2- 2119 and 15.2-2122 of the Code of Virginia, that Appendix A (Public Works) to the Code of New Kent County be amended as follows:

- 1.. To rename the current “Connection Fee” for sewer to “Connection Usage Fee” and to reenact the connection fees already adopted by this Board under the name Connection Usage Fee.
2. To add a new fee called “Connection Availability Fee”.
3. The connections fees are set forth in the chart below:

Public Works

A. Sewer Connection Fees

Connection Availability Fee	Current Fee \$0.00	Proposed Fee \$3,300 per residential unit or per ERU (equivalent residential unit) for commercial and industrial units
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Connection Usage Fee

Size of Meter	Current Sewer	New Sewer
5/8”	\$6,000.00	\$6,000.00
3/4”	\$6,000.00	\$6,000.00
1”	\$9,000.00	\$9,000.00
1 ½ ”	\$18,000.00	\$18,000.00
2”	\$31,000.00	\$31,000.00
3”	\$62,000.00	\$62,000.00
4”	\$101,000.00	\$101,000.00
6”	\$207,000.00	\$207,000.00
8” – 10”	\$424,000.00	\$424,000.00

B. When Connection Fees Are Due

1. Connection Availability Fee:

a. The due date for payment of the Connection Availability Fee shall be the first of the following to occur:

1. the approval of a Planned Unit Development;
2. the approval of an application to subdivide land into ten (10) or more lots;
or
3. the application for a building permit.

b. When there is a development agreement executed pursuant to § 15.2-2303.1 of the Code of Virginia (rezoning) or a Subdivision Agreement executed pursuant to Chapter 90 of the Code of New Kent County (subdivision) that sets forth an incremental payment plan for the Connection Availability Fee, the due date for payment of the Connection Availability Fee shall be extended according to the terms of the agreement, however, such agreement shall require that

1. no less than one-fifth (1/5) of the total Connection Availability Fee shall be paid each year;
2. the final payment shall be made no later than five (5) years from the date of the agreement; and
3. the aggregate dollar amount owed in Connection Availability Fees shall be backed by a surety or a letter of credit acceptable as to form and amount to the Board of Supervisors.

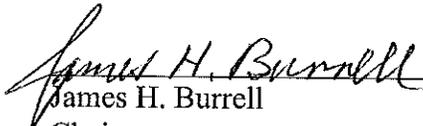
2. Connection Usage Fee:

The due date for payment of the Connection Usage Fee shall be at application for building permit.

This ordinance shall take affect immediately upon adoption.



Gary F. Christie
County Administrator



James H. Burrell
Chairman