

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

**O-25-04**

At the regular meeting 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 13<sup>th</sup> day of December, 2004:

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

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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 ADDING ADDITIONAL TERMS OF PAYMENT  
AND ESTABLISHING RATES BASED ON METER SIZE FOR THE SEWER  
CONNECTION AVAILABILITY FEE**

**WHEREAS**, New Kent County Board of Supervisors adopted an Ordinance establishing a sewer connection availability fee on November 3, 2004; and

**WHEREAS**, at that meeting of the Board of Supervisors there was a motion to add certain provisions to the terms for payment of the sewer connection availability fee; and

**WHEREAS**, such amendments must be made by ordinance.

**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:

Public Works

A. Sewer Connection Fees

Connection Availability Fee - Current	\$3,300 per residential unit or per ERU (equivalent residential unit) for commercial and industrial units
Connection Availability Fee - Proposed	
Size of Meter	
5/8"	\$3,300.00
3/4"	\$3,300.00
1"	\$5,280.00
1 1/2"	\$9,900.00
2"	\$17,325.00
3"	\$31,845.00
4"	\$54,120.00
6"	\$99,000.00
8" – 10"	\$173,250.00

B. **When Connection Fees Are Due**

1. **Connection Availability Fee:**

a. The due date for payment of the Connection Availability Fee shall be fifteen (15) work days from the first of the following to occur:

1. **Board** the approval of a Planned Unit Development;
2. ~~the~~ Approval of an application to subdivide land **the preliminary subdivision plat(s) for** into ten (10) **three (3)** or more lots; or
3. ~~the application for a building permit.~~ **Connection to the sewer system.**

b. Payments made at time of Planned Unit Development approval or at time of preliminary subdivision plat approval will be based on the number of lots or units in the application. If more lots or units should be created after payment is made, these lots would have to pay the Connection Availability Fee at time of connection. Unless agreement is reached between the developer and the County, the allocation of the Connection Availability Fee to lots within the PUD or the subdivision will be based on which lots connect first; the first that connect will receive a credit for the payment made by the developer.

c. Payment of the Connection Availability Fee may be made in installments pursuant to a Connection Availability Fee Payment Agreement. ~~the due date for~~ The payment of the Connection Availability Fee shall be extended according to the terms of ~~the~~ such agreement, however, ~~such~~ the 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;
3. the aggregate dollar amount owed in Connection Availability Fees shall be backed by cash, a surety or a letter of credit acceptable as to form and amount to the Board of Supervisors; and
4. for commercial and industrial properties, where the amount of the exact connection availability fee can only be estimated, the connection availability fee payment agreement shall provide for future payments of the difference between the estimated fee and the actual fee.

d. Sewer Connection Availability Fees are non-refundable.

e. If a property owner has paid a sewer connection fee for service to that property before November 3, 2004, no Connection Availability Fee shall be due. If, due to any subsequent subdivision or development of that property, additional connections and/or a larger meter(s) is (are) required to provide service to that property, the Connection Availability Fee shall then be due in full.

## 2. Connection Usage Fee:

The due date for payment of the Connection Usage Fee shall be at time of application for building permit connection to the sewer system.

**AND NOW THEREFORE BE IT ORDAINED** that pursuant to the authority granted under §§ 15.2-2119 and 15.2-2122 of the Code of Virginia, the following provisions shall apply to the Connection Availability Fee, however, such provisions shall not become part of the Code of New Kent County:

1. Within those subdivisions and Planned Unit Developments for which there is an existing sewer service agreement with the County, the Connection Availability Fee will not be required to be paid for those residential lots that, on or before November 5, 2004, have an executed purchase contract with an individual purchaser(s) provided however, that the Connection Usage Fee is paid no later than December 30, 2004.

2. To establish eligibility for this pre-payment provision, the lot or unit owner must provide: (1) evidence that the lot or unit was covered under a sewer service agreement with the County; (2) that on or before November 5, 2004 the lot or unit was under an executed purchase contract; and (3) the lot or unit subject to the executed purchase contract was sold to the same individual purchaser(s) named therein, or the assignee of the individual purchaser named therein provided that the assignment (a copy of which will be provided to the County) is not effected for the purpose of avoiding payment of the Connection Availability Fee, as determined at the sole discretion of the County.

This ordinance shall take affect immediately upon adoption.

Connie C. Nalls

Connie C. Nalls  
Clerk of the Board

James H. Burrell  
James H. Burrell  
Chairman