

ORDINANCE NO. 12

AN ORDINANCE ESTABLISHING A WATER AREA
CONNECTION CHARGE AND A WATER AREA IMPACT
CHARGE FOR THE TOWN OF FRANKFORD

BE IT ORDAINED by the Town Council of The Town of Frankford,
in Council met, in the manner following, to wit:

Section 1. Purpose.

The purpose of this Ordinance is to establish appropriate provisions for the construction and expansion of the water distribution system of the Town and to be assured that the cost of such construction and expansion is borne by those who receive the benefit thereof.

Section 2. Definitions.

(a) Area connection charge shall be that one-time fee, rate, charge or assessment imposed by the Town Council on an owner or owners of a new, remodeled or restored residential, commercial, institutional or industrial structure or structures, or any combination thereof, to which water service is provided or is to be provided by The Town of Frankford to defray the cost of reviewing, planning, designing, expansion or enlargement, or any combination thereof, of existing water distribution facilities or the cost of planning, designing and construction of new facilities, or any combination thereof, including new wells, said charge to be imposed and paid by the owner at a time or times prescribed by the Town Council.

(b) Area Impact Charge shall be that one-time fee, rate, charge or assessment imposed by the Town Council on an owner of a new, remodeled, restored or enlarged residential, commercial, institutional or industrial structure or structures,

ORDINANCE NO. 12

or any combination thereof, to which water service is provided or to be provided by The Town of Frankford which had not previously been served by The Town of Frankford and which, while not requiring the expansion of the water distribution system or the construction of new facilities, contributes to the decreasing of an adequate reserve for furnishing water service within the area served by The Town of Frankford and shall be a pro rata share of the use of the capacity of the water distribution system determined by the Town Council based upon the size of the property, the use to which the property is to be put, and the amount determined by the Town Council to be sufficient to compensate The Town of Frankford for any capital expansion costs required to plan, design, acquire and construct facilities with adequate capacity to serve new users of the water distribution system. The Area Impact Charge shall be payable at a time or times determined by the Town Council.

(c) Water Capital reserve account shall mean and include an account established in a bank or trust company into which shall be deposited all funds received from the payment of the area connection charge and area impact charge and from which funds shall be expended only for the purpose of paying the principal of and interest on any bonds issued for the construction, installation, repair, maintenance or replacement of water line, the making of emergency repairs, major renovations, or extensions or expansion, or any combination thereof, to the water distribution system, including repairs and renovations to

ORDINANCE NO. 12

the wells, as determined by the Town Council.

Section 3. Computation of Area Connection Charge.

When it is necessary that new water facilities, except for water distribution lines and service lines, be reviewed, planned, designed, constructed, or any combination thereof, or that existing water facilities be revised, enlarged or expanded because of new, remodeled or restored residential, commercial, institutional or industrial structure or structures, or any combination thereof, the Area Connection Charge shall be eighty percent (80%) of the total cost of such review, planning, design or new construction or eighty percent (80%) of the cost of such review, planning, design enlargement or expansion, it having been determined that the benefit generally to the residents and property owners of the Town of Frankford of such new, enlarged, or expanded facilities is twenty percent (20%).

When it is necessary that new water distribution pipelines or mains be constructed or installed because of new, remodeled or restored residential, commercial, institutional or industrial structure or structures, or any combination thereof, the Area Connection Charge shall be eighty percent (80%) of the cost of the engineering construction, installation, or extension of such water distribution pipeline or mains, it having been determined that the benefit generally to the residents and property owners of The Town of Frankford of such new or extended water pipelines or mains is twenty percent (20%). The total cost of all service lines from the water distribution line to the

ORDINANCE NO. 12

building to be served shall be entirely that of the owner.

Section 4. Computation of Area Impact Charge.

When a new, remodeled, restored or enlarged residential, commercial, institutional or industrial structure or structures, or any combination thereof, is connected or is to be connected to the water distribution system decreasing the reserve for furnishing water service to the residents and property owners of The Town of Frankford although not requiring the construction of new facilities or the expansion or enlargement of existing facilities, the Area Impact Charge shall be the cost of constructing new facilities to serve the number of units of the type and use to be connected to the water distribution system at the time the charge is imposed. The cost of all service line from the water distribution main to the building to be served shall be entirely that of the owner.

ADOPTED by the Council of the Town of Frankford on the ^{4th}
day of September, A.D. 1991.

Ralph L. Holloway
Ralph H. Holloway, President
of the Town Council of
The Town of Frankford

Bernard P. Lynch
Bernard P. Lynch,
Secretary/Treasurer of the
Town Council of
The Town of Frankford.

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**AMENDMENT TO ORDINANCE NO. 12
TO PROVIDE FOR THE COMPUTATION OF WATER SYSTEM AREA IMPACT
CHARGES AND WATER SYSTEM AREA CONNECTION CHARGES.**

WHEREAS, it is deemed desirable and in the best interest of the property owners and residents of the Town of Frankford to implement the water area connection charge and water area impact charges provided pursuant to Ordinance No. 12; and

WHEREAS, the Town Council of the Town of Frankford has reviewed the impact fee study provided to the Town of Frankford Cabe Associates, Inc.

NOW THEREFORE, BE IT ORDAINED by the Town Council of the Town of Frankford, in Council met, in the manner following to wit:

1. The determination of the area impact charge shall be by the incremental cost method as set out in the report of Cabe Associates, Inc., dated February 3, 1992, and illustrated on Exhibit 3 of said report.

2. The area impact charge shall be \$650.00 per Equivalent Dwelling Unit (EDU). Equivalent Dwelling Units (EDU's) shall be determinated and enumerated below:

TYPE OF USE	NUMBER OF EDU's
ASSEMBLY HALL, AUDITORIUM, INDOOR THEATRE	0.01 EDU/SEAT
BANK	1.37 EDU/1000 SQ. FT.
BANQUET HALL	0.07 EDU/SEAT
BARBER SHOP	0.23 EDU/CHAIR
BATH HOUSE	0.05 EDU/PERSON
BEAUTY SHOP	0.57/CHAIR
BOWLING ALLEY	0.46 EDU/LANE
CAR DEALERSHIP: SHOWROOM	1.37 EDU/1000 SQ. FT.
SERVICE BAYS	0.91 EDU EACH
CAR WASH	1.60 EDU/WASH BAY
CHURCH	0.02 EDU/SEAT
DWELLING: SINGLE FAM., MOBILE HOME, TOWNHOUSE	1.00 EDU/EACH
DWELLING: MULTI-FAMILY	1.00 EDU/UNIT
DWELLING: APARTMENT	1.00 EDU/UNIT

AMENDMENT TO ORDINANCE NO 12

TYPE OF USE	NUMBER OF EDU's (cont.)
DWELLING: EFFICIENCY APT. WITH KITCHEN, BEDROOM, AND LIVING SPACE IN ONE ROOM AND ONE BATHROOM	0.46 EDU/UNIT
FACTORY (SANITARY FLOW ONLY)	0.11 EDU/PERSON/SHIFT
FIRE STATION	1.00 EDU EACH
GASOLINE/SERVICE STATION	1.00 EDU (MINIMUM)
SERVICE BAYS	0.91 EACH
GROCERY STORE/SUPERMARKET	0.91 EDU/1000 SQ. FT.
HOSPITAL	1.03 EDU/BED
HOTEL	0.55 EDU/ROOM
LAUNDROMAT	2.28 EDU/WASH MACHINE
MARINAS:	
WITHOUT BATHROOMS	0.05 EDU/BOAT SLIP
WITH BATHROOMS	0.14 EDU/BOAT SLIP
MOTEL:	
ROOM WITHOUT KITCHEN	0.46 EDU/ROOM
ROOM WITH KITCHEN	0.68 EDU/ROOM
NURSING HOME	0.57 EDU/BED
OFFICE	1.37 EDU/1000 SQ. FT.
RESTAURANT	0.16 EDU/SEAT
RETIREMENT HOME	0.46 EDU/PERSON
RETAIL SALES ESTABLISHMENT, SHOPPING CENTER	0.46 EDU/1000 SQ. FT.
SCHOOL:	
WITH CAFETERIA	0.07 EDU/STUDENT

3. The calculations for the area impact charge shall be:

Number of EDU's x Impact Fee Rate per EDU
(\$650.00 per EDU) = Total Area Impact Charge.

4. A minimum of one (1) EDU shall be assigned, except if an establishment does not have any physical facilities which have load producing effect on the water system then its number of EDU's assigned shall be zero.

5. The number of EDU's assigned and established may be changed if there is a change in any of the considerations, such as size, use of facilities, from use and assignments originally.

6. New users whose proposed activity is not included in this ordinance shall provide sufficient information on expected water use to the Town of Frankford in order for the Town of Frankford to assign an appropriate EDU figure for the computation of the area impact charge.

AMENDMENT TO ORDINANCE NO. 12

7. A property owner may appeal an assignment of Equivalent Dwelling Units to the Town Council. Town Council shall hear the appeal from any potential user who alleges that his property has been incorrectly assigned Equivalent Dwelling Units for the purpose of the area impact charge. The potential user must demonstrate that the proposed water use will differ from that indicated by the table. The potential user shall provide such information to demonstrate water use will differ from that indicated by the table may include documentation and records of water use by similar operations or assignation of EDU's for similar water use by other localities or regulatory agencies.

8. Town Council shall review and adjust the area impact charge on an annual basis to reflect increases in construction cost due to inflation. The adjustment of the area impact charge shall be completed annually and shall be based on the increase in the construction cost price index published in the Engineering News Record magazine or its equivalent. Adjustments shall be calculated by the following formula:

$$1993 \text{ Area Impact Charge} = 1992 \text{ Charge} \times \frac{1993 \text{ Eng. News Record Index}}{1992 \text{ Eng. News Record Index}}$$

9. EDU's shall be assigned to establishments not covered in paragraph 2 above to assure that each establishment is given a reasonable assignment compatible with its responsibility in water facilities providing service to each establishment.

10. The area impact charge provided for herein shall be in addition to all other charges and assessments made in connection with the furnishing by the Town of water service and shall be billed and payable in a manner determined by the Town, except that the total amount due and owing the Town shall be payable on or before the date a lot or parcel of property having a building or dwelling located thereon is physically connected to a water main or on or before the date a vacant lot or parcel of property can connect to a water main or on or before the occupation and use of the new, remodeled, restored or enlarged structure.

11. The area impact charge shall be charged to any person contracting for direct or indirect connections with or the use or services of the respective water system. Such water area impact charge shall be charged to and collected from any person contracting for such connection or use of service or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the respective water system, and owner or occupant, or both of them, of any such real property shall be liable for and shall pay such respective water area impact charges to the Town.

12. In the event that the area impact charge with regard to any parcel of real property is not paid as and when due, interest

AMENDMENT TO ORDINANCE NO. 10

shall accrue and be due to the Town on the unpaid balance at the rate of one percent (1.00%) simple interest per month or any fraction thereof until the area impact charge and interest thereon shall be fully paid to the Town.

13. The water area connection charge provided for herein shall be in addition to all other charges and assessments made in connection with the furnishing by the Town of water service and shall be billed and payable in a manner determined by the Town, except that the total amount due and owing the Town shall be payable on or before the date a lot or parcel of property having a building or dwelling located thereon is physically connected to a water main or on or before the date a vacant lot or parcel of property can connect to a water main or on or before the occupation and use of the new, remodeled, restored or enlarged structure.

14. The water area connection charge shall be charged to any person contracting for direct or indirect connections with or the use or services of the respective water system. Such water area connection charge shall be charged to and collected from any person contracting for such connection or use of service or from the owner or occupant, or both of them, of any real property which directly or indirectly is or has been connected with the respective water system, and owner or occupant, or both of them, of any such real property shall be liable for and shall pay such respective water area impact charges to the Town.

15. In the event that the water area connection charge with regard to any parcel of real property is not paid as and when due, interest shall accrue and be due to the Town on the unpaid balance at the rate of one percent (1.00%) simple interest per month or any fraction thereof until the area impact charge and interest thereon shall be fully paid to the Town.

16. In the event that said area impact charge and/or the water area connection charge with respect to any parcel of real property is not paid as and when due, the Town government may, in its discretion, enter upon such parcel and cause the connection thereof leading directly or indirectly to the water system to be cut and shut off until the area impact charge and/or the water area connection charge and any subsequent charges with regard to such lot or parcel and all interest accrued thereon are fully paid.

AMENDMENT TO ORDINANCE NO. 12

PASSED, adopted and approved by the Frankford Town Council
this 1st day of June, 1992.

TOWN OF FRANKFORD, DELAWARE

Steven Brought
President

ATTEST:

Mary Brittingham
Town Clerk

a:impctfee.ord