

**STATE OF RHODE ISLAND AND PROVIDENCE PLANTATIONS
TOWN OF NORTH SMITHFIELD**

**AN ORDINANCE OF THE TOWN COUNCIL
AMENDING THE TOWN SEWER ORDINANCE**

It is ordained by the Town Council of the Town of North Smithfield as follows:

That the code of Ordinances, Chapter 8, entitled, "Health and Sanitation" be amended to add new Section 8-35.8, entitled "2009 Sewer District" to read as follows:

- (a) Established, there is hereby created the 2009 Sewer District which shall encompass all or portions of St. Paul Street, Chapel Street, Colerick Street, Fountain Street, Elizabeth Avenue, Great Road, Mendon Road, Stanley Street, Keough Street, Middle Street, Park Drive, Warren Avenue, West Street, Victory Highway, Country Way, Ridge Road, Greene Street and Pacheco Drive. The Commission shall assess all or such portion of the Town's share of the capital cost of the wastewater collection system against the estates located in said district as is determined by the Commission to provide special rather than general benefit to such estates, including those structures known as townhouses, condominiums or commercial properties.
- (b) The assessment program for the 2009 Sewer District will be structured so that each assessment, including principal and interest, shall be due through the twenty-year term of the program. A participant can choose to pay the entire remaining principal balance during that period without any interest. In addition, a participant may make other periodic principal payments throughout the term of the bond with no prepayment penalty.
- (c) The sewer district assessment cost is calculated by establishing the actual total of the project cost (design, construction, construction administration, police details and cost of borrowing) which is divided by the actual number of affected properties contained in the district.
- (d) The construction cost shall correspond to work performed under contract (Phase 1A: Sanitary Sewer System – Warren Avenue/Park Drive Area and Waterford Area and Phase 1B: Sanitary Sewer System – Greene St. Area and Victory Highway/Dawley Brook Area).
- (e) Notwithstanding the foregoing, the Commission shall have discretion to defer sewer assessments against parcels of land if the owner of such parcel, within five (5) years of the date before the sewer assessment, has installed a new septic system, provided that such parcel shall remain subject to assessment and shall begin paying such assessment at least five (5) years from the date of initial assessment. If the property is sold during the five (5) year period, the assessment will begin upon the sale of the property. To obtain this approval, the property owner will be required to submit evidence that the septic system has been installed within the five (5) year period. This information shall include, but not be limited to, RIDEM approval and invoice from a certified installer. This request must take place within one (1) year from the notice to connect. If the request is not submitted within that time period, the owner will be subject to assessments as stated with this section.

(f) The assessment for the residential, commercial and industrial users shall be as follows:

Single Family	1 EDU charge
Two Family to Four Family	1.5 EDU charges
Multi-Family (greater than 4 – up to 10 units)	2 EDU charges
Apartments greater than 10 units	3 EDU charges
Condominiums	1 EDU charge per condominium unit

Commercial Buildings

Up to 5,000 s.f.	1 EDU charge
5,001 s.f. to 15,000 s.f.	2 EDU charges
15,001 s.f. to 30,000 s.f.	3 EDU charges
30,001 s.f. to 100,000 s.f.	4 EDU charges
Greater than 100,000 s.f.	5 EDU charges

Restaurants

0 to 100 seats	1 EDU charge
101 to 150 seats	2 EDU charges
Greater than 150 seats	3 EDU charges

Industrial

Based upon actual or projected flow and the Equivalent Dwelling Units

(g) The EDU charge shall be set at \$18,292.47, to be paid over a period of 20 years at 1.99 percent per annum.

(h) Vacant residential or commercial land shall be assessed as one single family residential user (1 EDU). If, at the time the vacant land is developed and those improvements result in greater than a single family residence, the Town will re-assess that property. The additional assessment shall be imposed for a twenty (20) year period.

(i) As part of the project cost, the Town will 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 after the project acceptance. The operation of the grinder pump system shall be the responsibility of the dwelling owner. The owner shall provide emergency power to the grinder pump system during power outages. The Town is not responsible to provide emergency power to the grinder pump system(s).

For those parcels electing to connect during the first year, they will receive an extended warranty of three (3) additional years (total of five years) for the grinder pumps. The Town will also pay all costs associated with the normal maintenance for a period of ten (10) years. Maintenance cost associated with abuse shall not be covered. The Superintendent shall determine if the maintenance is due to normal wear and tear or abuse.

For those parcels electing to tie in after the one (1) year period, the Town will provide a credit of \$2,793 toward their assessment at the time the parcel is connected. This credit will reflect the Town's cost to purchase the grinder pump as part of this project. This cost is not reflective of any cost the owner may incur in the direct purchase of the grinder pump. The owner will be responsible to purchase the

specified grinder pump directly from the manufacturer at the cost in effect at that time. These costs shall include, but are not limited to: pump, pump controls, delivery cost and all applicable taxes. Those units purchased directly by the owner shall come with a standard two (2) year warranty and no extended warranty or extended maintenance coverage will be provided after the first year's tie-in time period has expired. Regardless, when the property owner connects to the sewers, their assessment shall begin the next fiscal year after the notice to connect has been issued.

- (i) To provide incentive to connect within the first year, the parcel owner (connecting within the first year) shall have all costs associated with permit and inspection fees waived. For those who have paid, they will receive a reimbursement within 60 (sixty) days of adoption.
- (j) Property owners within the project area may petition the Sewer Commission for an extension of the one year tie-in requirements as required in Section 8-27 (Use of Public Sewers Required, Generally), paragraph b, up to four (4) additional years based on the following:
 1. This request must take place within the one year period from the notice to connect;
 2. The parcels must have a properly functioning onsite wastewater treatment system (cesspools shall be considered substandard and inadequate and will not be granted an extension of time to connect into the sewers);
 3. The homeowner shall provide evidence that the on-site wastewater treatment system is operating effectively (this shall be in the form of an inspection conducted by a certified inspector of the Rhode Island Department of Environmental Management); and
 4. The inspections shall be in accordance with RIDEM publication entitled "Septic System Checkup - The Rhode Island Handbook for Inspection"

The first inspection shall accompany the owner's request for an extension of time. The inspection form shall be Form 1 in Exhibit B. The purpose of this inspection shall determine the need for pumping and identify any deficiencies in the system. This shall be followed within three (3) years from the original request for extension by Inspection Form 2 in Exhibit B. If the owner fails to submit the second form within the time period, or the second inspection finds deficiencies in the system, the homeowner will have sixty (60) days to connect or be subject to a fine of \$100 per day.

This ordinance shall take effect on the date of passage (October 17, 2009) and in accordance with the Town Charter.