

SEWER AUTHORITY OF THE CITY OF NORWICH
NOTICE OF ADOPTION OF SEWER CAPITAL CONNECTION FEE

The Sewer Authority of the City of Norwich (WPCA) has adopted a "Sewer Capital Connection Fee". The Sewer Authority will assess the Sewer Capital Connection Fee charges for the establishment of new connections and the increase of existing waste water discharge to the Sewer System; depending on varying factors payment of the fee is due no later than the issuance of a certificate of occupancy, building permit, sewer permit, or WPCA approval of a discharge permit; to or at: Norwich Department of Public Utilities, 16 S. Golden Street, Norwich, Connecticut; all as more fully set forth in the proposed "Sewer Authority of the City of Norwich Capital Connection Fee". The existing sewer connection fee of \$2500 will continue to apply until July 31, 2006, to certain single family residences which as of September 27, 2005 have a certificate of occupancy, thereafter the new Sewer Capital Connection Fee will apply. The Capital Connection Fee Regulation was filed in the offices of the City and WPCA clerks on October 5, 2005, appeals therefrom must be taken within 21 days after such filing, and the foregoing summary is qualified in its entirety by reference to the complete text of the Sewer Capital Connection Fee Regulation which is as follows:

Sewer Authority of the City of Norwich Sewer Capital Connection Fee

Section 1. Facilities and Improvements Subject to Capital Connection Fee.

- (a) The Sewer Authority shall charge and collect a Capital Connection Fee for:
- A.) Each New Connection to the sewer system; and
 - B.) Each Improvement to a Facility connected to the sewer system that has the effect of any one or more of the following: (i) increasing the estimated sewage discharge by greater than or equal to 200 gallons/day; (ii) increasing the number of Equivalent Dwelling Units ("EDU") in a multi-unit residential facility; (iii) improvements to a Facility resulting in the issuance of a certificate of occupancy for a building which 1) does not currently and for the prior two years did not possess a certificate of occupancy, or was not otherwise suitable for occupancy or use for the prior two years; and 2) which was not previously subject to a Capital Connection Fee as in effect on the Effective Date, or (iv) in the case of a commercial Laundry, or Facility for washing vehicles, manufacturing or processing facilities or other high water use processes utilizing at least 1000 gallons per day water consumption, in addition to an Improvement to the Facility, a change in the number or type of washing or other equipment resulting in an increased discharge of greater than or equal to 200 gallons/day. In the case of a Facility that falls within the scope of clause (iii) and any other clause, the Capital Connection Fee shall be based on clause (iii).
 - C.) The issuance of a DEP (general/industrial) discharge permit or modification of an existing permit.
 - D.) The Capital Connection Fee shall apply whether or not the Facility, Improvement or user is located within or outside of the geographic area of the City of Norwich.
- (b) In the case of Section 1(a)B clauses (i), (ii), and (iv), the Capital Connection Fee shall be applied to the increase in EDUs resulting from the change in the Facility, and in the case of clause B (iii), the EDUs

discharged by the Facility. In the case of Section 1(a)(C), the Capital Connection Fee shall be applied (i) in the case of a new permit, the maximum allowable discharge, and (ii) in the case of a permit modification, the increase, if any, in the maximum discharge permitted by the modification. This section 1(b) is subject to the provisions of section 2(d).

Section 2. Determination of Capital Connection Fee.

(a) New Connections and Improvements shall be assessed a Capital Connection Fee in accordance with the Connection Fee Schedule, provided the Facility or Improvement is listed thereon. Where the Facility or Improvement requires a DEP (general/industrial) discharge permit, the Capital Connection Fee will be based on the maximum allowable discharge as outlined in said permit and determined in accordance with these Regulations.

(b) Each EDU of wastewater discharge to the System shall constitute a connection charge due and payable of \$2,500; each fraction of an EDU shall constitute a connection charge due and payable of such fractional EDU multiplied by \$2,500.

(c) Each Use Unit of the Capital Connection Fee Schedule shall constitute one EDU. Each fractional Use Unit shall constitute the same fraction of one EDU.

(d) 1) The Capital Connection Fee for Improvements shall be determined based on incremental discharge. The Capital Connection Fee due for an Improvement resulting in incremental discharge of greater than or equal to one EDU shall equal (i) where a Capital Connection Fee was previously paid with respect to the Facility, the Capital Connection Fee due based on the total discharge of the Facility after taking into account the Improvement, minus the discharge applicable to the Capital Connection Fee previously received by the Authority with respect to the Facility, or (ii) where a Capital Connection Fee was not previously paid with respect to the Facility, the incremental number of EDUs resulting from the Improvement determined in accordance with this section by comparing such discharge from the Facility before and after the Improvement. Clause (d)(1)(i) discharges shall be determined by reference to the Capital Connection Fee Schedule.

2) The pre-improvement discharge of a Facility for which no Connection Fee has been paid shall be the average yearly water consumption of the Facility to be improved over the past three years determined from the date of the Sewer Authority Connection Fee Permit application. This clause shall not apply to a section 1(a)(B)(iii) Improvement.

(e) In the event the Facility or Improvement or discharge is not adequately described by the foregoing procedures, the WPCA may take into account other information in arriving at the estimated discharge and Capital Connection Fee, including design capacity, similar uses or facilities, discharge data including but not limited to that from DEP or engineering firms, or permit information.

(f) For a Mixed Use Facility the number of EDUs shall be determined by treating each use separately and applying the Capital Connection Fee separately to each use. The sum of the EDUs for each use shall constitute the number of EDUs applicable to the Facility.

(g) In the event a connection to the System serves more than one structure, building, facility, use or parcel, the Capital Connection Fee shall be the sum of each Capital Connection Fee determined separately as to each structure, building, facility, use or parcel, accessing the Sewer System through the connection. Except as provided in section 3, no connection to the Sewer System shall be permitted unless the Capital Connection Fee is paid in full prior to the connection, (or increase of discharge to an existing connection, if applicable) and in accordance with this regulation with respect to each Facility or Improvement served by the connection. No further or additional connections or use of the Sewer System other than that encompassed by the Capital Connection Fee paid pursuant to the Regulations shall be permitted without the approval of the Authority and payment of the Capital Connection Fee for such further or additional connection, use or Improvement.

(h) Where a Facility or Improvement is capable of different uses having different Capital Connection Fees, and the actual uses are not known at the time the Capital Connection Fee is payable, the Capital Connection Fee shall be the average of the Capital Connection Fees due with respect to the likely uses. Upon actual use, the Capital Connection Fee shall be recalculated based upon determination of the actual use, and any Capital Connection Fee balance owed shall immediately be paid to the Authority, and any overpayment refunded, as applicable.

(i) The owner shall be liable for payment of the Capital Connection Fee. The Authority shall pay all refunds to the owner of the property connected to the Sewer System, unless otherwise directed by the owner. In the event of disputes as to the proper recipient of the refund, the Authority may hold refunds in

escrow pending resolution by the disputing parties.

(j) Exception for relocations within City that do not cause additional Sewer System burden. No Connection Fee shall be due where the Improvement or Facility is for:

- 1) a business or purpose that vacates its location of operation within the City;
- 2) relocates its operations to another location within the City;
- 3) the owner of the relocated business or entity does not change in any respect;
- 4) constructs Improvements or a Facility to replace the same purpose (including for purposes of the Connection Fee Schedule categorization) as that vacated, and
- 5) the Improvements or Facility constructed do not result in a New Connection, or in an increase in discharge compared to the discharge from the vacated location, determined on the basis of applying the Connection Fee Schedule to the vacated Facility and the Facility at the new location, including improvements.

Examples of the application of this sub section include but are not limited to: the relocation of manufacturing facilities to a building that must be improved to accommodate it; the relocation of a business conducted in office space to rental space that was not previously used as office space; the relocation of a restaurant. Examples to which this sub section do not apply include but are not limited to: the owner of rental office space sells the building, and builds new rental office space; the owner of a condominium or apartment development sells its condominium or apartment development and builds new developments. This sub section shall not apply to any owner, its Facility or Improvement that is rental space; or to any owner, its Facility or Improvement consisting of building space or units thereof for sale or lease.

Section 3. Payment of Capital Connection Fee.

(a) The Capital Connection Fee shall be due and payable in full prior to and as a condition to the issuance of a Sewer Authority Permit to Connect, for the Facility or Improvement, provided that where the connection occurs within one month of the completion of the extension of the Sewer System authorized to be financed by City debt, the first \$2,500 of the Capital Connection Fee may be payable over a twenty year period plus interest at the rate charged to the City to finance the project. If the connection charge is paid in installments the Sewer Authority shall record a lien evidencing the charge on the land records and proceed with its collection in accordance with law. In no event shall a certificate of occupancy for a Facility or Improvement be issued unless the Capital Connection Fee has been paid in full, and a Sewer Authority Permit to Connect has been issued.

(b) (i) The Capital Connection Fee shall be due and payable for the entire Facility or Improvement as a condition of the issuance of a Sewer Authority Permit to Connect and certificate of occupancy. A Sewer Authority Permit to Connect shall be required for any Facility or Improvement for which a building permit is requested. The Improvement or Facility to which the Capital Connection Fee applies shall take in account the scope of the building permit. For example, the issuance of a certificate of occupancy for any floor or portion of an office building, or any portion or store of a shopping center requires payment of the Capital Connection Fee due for the entire office building or shopping center. For the issuance of a certificate of occupancy for any one condominium or apartment unit in a condominium or apartment development, the Capital Connection Fee owed shall be for the number of condominiums or apartment units for which a building permit has been issued.

(ii) If a building permit has been issued for a Facility or Improvement prior to the Effective Date, the Connection Fee shall be due and payable in full upon the earlier of 1) physical connection to the Sewer System or 2) issuance of a certificate of occupancy.

(c) Where the connection to the Sewer System will or is capable of serving Facilities outside of the City of Norwich, notwithstanding section 3(b), the Capital Connection Fee shall be collected in full – for the complete Facility or Improvement whether or not a building permit is issued for only a part - prior to the issuance of a Sewer Authority Permit to Connect. However, the party seeking the New Connection or to increase discharge to the Sewer System may pay the Capital Connection Fee in the manner described in section 3(b) provided a Sewer Authority Permit to Connect is obtained, and the applicant agrees to and does simultaneously file with the Authority, duplicate originals of building permits (and other permits deemed relevant by the Authority) filed with the municipality within which the improvement is located; or the Authority, the party seeking the Connection, its owner or the municipality in which the Facility or Improvement is located reach an agreement as to monitoring the Facility Improvement and discharge and ensuring Connection Fee payment.

(d) This Regulation and the Capital Connection Fee shall take effect and be applicable to all Facilities

and Improvements on the Effective Date. The Connection Fee shall be phased-in based upon the date of issuance of a certificate of occupancy. The Applicant shall pay the Connection Fee in full as provided in Section 3 for all Sewer Permits or Building Permits issued on or after the Effective Date, and the phase-in will be accomplished by refunding to the Applicant a portion of the Connection Fee where the provisions of this section are complied with.

(i) No Connection Fee shall be due or payable for any Facility or Improvement that has received a certificate of occupancy on or before January 1, 2006.

(ii) If a Facility or Improvement receives a certificate of occupancy on or before July 31, 2006, the Capital Connection Fee shall be 50% of the Section 2(b) amount.

(iii) If a Facility or Improvement receives a certificate of occupancy after July 31, 2006, the Capital Connection Fee shall be 100% of the Section 2(b) amount.

(iv) In applying the provisions of clauses (i) and (ii), with respect to Condominiums, Apartments and other Facilities or Improvements containing discreet uses, units or structures for which a certificate of occupancy has been issued for a portion of the uses, units or structures, the remaining uses, units, or structures or Improvements for which a certificate of occupancy has not been issued by the applicable time frame (whether or not they are constructed or under construction pursuant to the same building permit or permits as those that received the certificate of occupancy within the applicable phase-in time frame), shall not receive the benefit of the phase-in provided by such clause.

(v) In addition to the phase-in of the amount of the Connection Fee set forth in this section, the timing of payments shall be phased-in with respect to apartment or condominium developments which received a building permit prior to the Effective Date, and notwithstanding section 3(b)(i) and (ii), the Connection Fee for such apartment and condominium developments shall be due and payable as certificates of occupancy are issued for individual units, and payment shall be a precondition of issuance of a certificate of occupancy for each such unit.

(vi) The Connection Fee imposed by this Regulation shall take effect on August 1, 2006 with respect to single family residences which as of September 27, 2005 possessed a certificate of occupancy and which are not condominiums or apartments; prior to August 1, 2006, the connection fee in effect prior to the Effective Date shall continue to apply to such single family residences.

(e) In no event shall work or construction physically connecting a Facility or Improvement to the Sewer System or making, improving or repairing an existing connection, or adding users, Facilities, or Improvements thereto, commence or be permitted unless the Capital Connection Fee has been paid and a Sewer Authority Connection Permit issued to the Applicant.

(f) The Authority shall discontinue sewer service, including making the Sewer System unavailable to receive discharge, and not connect to the Sewer System any Facility, including any Facility or Improvement that does not pay the Capital Connection Fee in accordance with these regulations.

(g) In the case of a DEP (general/industrial) discharge permit or modification thereof, the Capital Connection Fee shall be due and paid as a condition to the Authority's approval of the proposed permit or permit modification.

Section 4. Sewer Authority Connection Fee Permit

(a) Any person or entity who (1) proposes to make a New Connection to the System, or (2) construct an Improvement to a Facility connected to the System, shall obtain a sewer permit thereunto, whether or not the new Connection or Improvement will result in an increased waste water discharge.

(b) The Applicant shall submit an application on forms prescribed by the Authority. The Authority shall issue a Sewer Authority Connection Fee Permit upon a determination that the proposed discharge 1) is adequately described, 2) is suitable for the purposed physical connection to the system, and 3) commencing January 1, 2006, the Capital Connection Fee, if any, has been paid, unless the provisions of section 3(a) apply, and 4) such other considerations necessary or proper to ensure the safe, efficient and proper operation of the Sewer System.

(c) The Consent of the Owner of the property against which a lien may be recorded to secure payment of the Capital Connection Fee shall appear on the Sewer Authority Connection Fee Permit Application.

Section 5. The Authority shall possess all powers conferred by law to levy, lien, foreclose and collect the Capital Connection Fee on and from property, Facilities, Improvements, persons and entities subject to or liable for the Connection Fee, whether located within the City of Norwich or outside of its geographic boundaries.

Section 6. The invalidity of any provision or section shall not affect the validity of other provisions of this Regulation.

Section 7. Definitions.

“Applicant” means the person or entity that has filed an application for a Sewer Authority Connection Permit, or is otherwise subject to pay the Connection Fee.

“Authority” means the Sewer Authority of the City of Norwich.

“Building Permit” means the first permit issued pursuant to Section 29-263 of the Connecticut General Statutes.

“Capital Connection Fee” means the fee payable to the Water Pollution Control Authority pursuant to this regulation, as result of connecting and discharging wastewater to the Sewer System, or increasing such discharge, or obtaining a permit authorizing the increase of such discharge.

“Capital Connection Fee Schedule” means the “Schedule of Sewer Use Charges” as approved and amended by the WPCA from time to time.

“EDU” means each 200 gallon/day of discharge from a Facility as determined from the Capital Connection Fee Schedule shall constitute one EDU.

“Effective Date” means the date this Regulation and the Capital Connection Fee take effect, and shall be September 28, 2005, except as provided in section 3(d)(iv) with respect to certain single family residences.

“Facility” means a building, structure, or property, or improvement thereto.

“Improvement” means, the renovation, repair, refurbishment, replacement, expansion or addition to, or reuse of a Facility connected to the Sewer System, or the issuance of a DEP (general/industrial) discharge permit, or modification of such permit authorizing an increase in the maximum discharge.

“Mixed Use Facility” means a Facility which combines one or more use types (e.g. commercial lease and residential).

“Multi-unit Residential Facility” means a residential facility with two or more separate units for rent, lease, use, or occupancy as a residence including a two or more family home, rental apartments, condominiums (including both attached and detached units), or boarding house.

“New Connection” means a) a connection to the system of a Facility not currently connected to the system or for which the connection must be replaced.

“Regulation” means this Sewer Capital Connection Fee.

“Sewer Authority Connection Fee Permit” means the required permit described in section 4 prior to constructing a Facility or Improvement as more fully set forth in this Regulation.

“Sewer System” means all of the facilities, services and operations of the City of Norwich sewage treatment facilities, including connections, lateral sewers, force mains, pump stations, wastewater treatment plant, operated to collect, treat and discharge wastewater.

Dated this 5th day of October, 2005.

Stanley Israelite,
Chairman, Sewer Authority (WPCA) of the City of Norwich

Capital Connection Fee Schedule

	USE	UNIT OF MEASURE	NUMBER OF GALLONS (Per Unit of Measure Per Day)**	NUMBER OF EDUs (Per Unit of Measure Per Day)**
	RESIDENTIAL			
1	Single Family Homes (up to 4 bedrooms)	per home	200	1.00
2	Multi - Family House	per single family housing unit	200	1.00
3	Apartments and Multi - Family Condominiums:			
	a. Apartments attached to a single family house or single bedroom apts or condos or one - bedroom cottages on same lot as a single family house.	housing unit	150	0.75
	b. Cottages with more than one bedroom on the same lot as a single family house, one bedroom or den or two bedroom or larger apartments or condominium units.	housing unit	200	1.00
4	Rooming house			
	With up to two rentable rooms	2 rooms	350	1.75
	With up to six rentable rooms	6 rooms	400	2.00
5	Mobile Homes (per roadable unit)	trailer	200	1.00
	COMMERCIAL			
1	Professional Offices (Other than Doctors/Dentists)	1,000sf	100	0.50
2	Doctors & Dentists Offices (1.0 unit of also residence)	1,000sf	200	1.00
3	Restaurants, Major Inns with Dining Rooms, Fountains, Bars, Luncheonettes, coffee shops, Buffets	100sf of public seating	200	1.00
4	Gas Stations	set of 4 pumps	400	2.00
5	Car washing facilities	wash stall	400	2.00
6	Beauty Parlors	sink or plumbed hook up	100	0.50
7	Personal Cleaners (exclusive of laundries and dry cleaners)	per facility	600	3.00
8	Supermarkets & Grocers	5,000sf	200	1.00
9	Motels (Add 1.0 unit for Managers Residence)	sleeping unit	100	0.50
10	Stores (including retail without fountains, not listed elsewhere)	7,500 sf	100	0.50
11	Laundries - Self - service	washing machine or plumbed hook-up	200	1.00
12	Photo Shops (Developing on Premises)	per facility	400	2.00
13	Auto Showroom	per facility	300	1.50
14	Body Shop or Auto Garage	per facility	400	2.00
15	Swimming Pools and Bath Houses	pool or bathhouse	200	1.00
16	Bakery	per facility	600	3.00
17	Bowling Alleys	bowling lane	100	0.50

18	Sports Stadium	40 seats	200	1.00
19	Parks (Picnic with bathhouse, showers, and flush toilets)	35 picnic areas	200	1.00
20	Fitness Center	4,000sf	200	1.00
21	Dry Cleaners	25 pieces processed	200	1.00
22	School (Boarding)	student	100	0.50
23	School, High	student	200	1.00
24	School, Elementary	student	200	1.00
25	Theater	40 seats*	200	1.00
26	Cafeteria	35 seats*	200	1.00
27	Gathering Hall	25 seats*	200	1.00
28	Golf Courses and Country Clubs	3 seats*	200	1.00
29	Fairground (based on daily attendance)	Per Person	200	1.00
30	Hotels	3 rooms	200	1.00
31	Prison	prisoner	450	2.25
32	Churches	40 seats	200	1.00
33	General dairy	1,000 lbs of raw milk	350	1.75
34	Creamery	1,000 lbs of raw milk	110	0.55
35	Resort	4 people*	200	1.00
36	Industrial Laundry	100lbs of cloths processed	300	1.50
37	Visitor Center	40 people*	200	1.00
INDUSTRIAL				
1	Large Professional Building	1,000sf	300	1.50
2	Hospitals & Nursing Homes & Emergency Medical Centers	bed	150	0.75
	Additional for non - bedroom areas	1,000sf	300	1.50
3	Warehouses / storage (excluding office space) per 10,000 sq ft or fraction there of	10,000sf	100	0.50
	Additional per 1,000 sq ft office space		200	1.00
4	Office Building without an assembly or lab facilities	1,000sf	200	1.00
	Users having manufacturing assembly or lab facilities	1,000sf	150	1.50
5	Municipal Buildings will be individual assessed using estimated flow rates			

* Denotes that the units are based on of the maximum capacity allowed by the Fire Marshall

** Any facility that requires a DEP (Industrial/General) Discharge Permit is charged based on the maximum allowable discharge capacity of the permit