

ORDINANCE**GILFORD, NEW HAMPSHIRE****AN ORDINANCE RELATIVE TO THE ASSESSMENT OF CAPITAL CHARGES
FOR THE MUNICIPAL SEWER SYSTEM**

- I. **PURPOSE** – The Board of Selectmen of the Town of Gilford hereby adopts an ordinance relative to the assessment of capital charges for the municipal sewer system. Charges collected pursuant to this ordinance shall be utilized to defray the cost of sewer construction, payment of the interest on any sewer debt incurred, and the repair, improvement and/or enlargement of sewer lines, sewer or waste treatment and disposal works.
- II. **AUTHORITY** – Pursuant to the provisions of RSA 149-I, the Board of Selectmen is hereby empowered to assess upon persons whose drains enter such main drains, common sewers or treatment facilities, or whose lands receive special benefit therefrom in any way, their just share of the expense of constructing or maintaining the same or paying off any capital debt or interest incurred in constructing and/or maintaining the same.
- III. **ASSESSMENT FORMULA AND REGULATIONS** – In order to provide for the equitable assessment of charges upon the persons whose drains enter such sewers, or whose lands receive special benefit, the following formula and regulations are hereby enacted:
 - A) **Rate** – The Assessment of individual properties will be computed on a basis of lot frontage (feet) on the sewer line and lot area (square feet) within 250 feet of the sewer line. Said rates are hereby established to be \$4.89 per foot of frontage and \$0.0317 per square foot of lot area.
 - B) **Surcharges** – In addition to the basic charges listed in Section III. A, a surcharge equal to 35 frontage feet per unit shall be applied to all lots which contain multiple residential structures, apartment buildings, mobile home parks and condominium developments. A surcharge equal to 14 frontage feet per unit shall be in addition to the charges listed in Section III. A for each additional unit in motels.
 - C) **Maximum Allowable Frontage in Area** – All rates assessed in accordance with Section III. A. shall be limited to the actual square footage and linear frontage of each lot, or the following maximum allowable frontage in area, which ever is less:

Land Use	Maximum Frontage (Feet)	Maximum Area (Square Feet)
Residential Year Round or Seasonal	150	37,500
Residential Multiple Structures	200	50,000
Apartment Buildings	300	75,000
Motels	500	125,000
Commercial Industrial Development	500	125,000
Mobile Home Park	No Max.	No Max.
Condominium Development	No Max.	No Max.
Recreational Use	300	75,000
Undeveloped Land	50	12,500
Marina	No Max.	No Max.

- D) Corner Lots – Corner lots which may be sewered from either street will be assessed upon frontage on the longest side.
- E) Undeveloped Land – Undeveloped land shall be assessed as vacant land. If the land is developed at some future time, a new assessment is computed based upon the new user type. That assessment is reduced by the principle amount previously paid.
- F) Assessments will be calculated using the entire frontage for lots where sewer terminates at a point along the frontage to the allowable maximum.
- G) Land-locked lots shall be assessed for frontage along the property line parallel to the street in which the sewer lies to the allowable maximum.
- H) Lots which have access frontage of 25 feet or less leading to a larger area will have assessments for frontage and area computed by using the average frontage in area as determined by Appraisal Department. The maximum frontage in area will be as established in this report for the particular land usage.

- I) Lots through which cross country sewers are constructed and which utilize the sewer will have assessments calculated on frontage measured along the sewer easements and area within a 250 foot parallel line from easement line on the side which yields the largest area. Assessments will be as calculated but shall not exceed the maximum values contained in this ordinance.
 - J) Easements – Property owners who granted easements to the Town which allowed for the construction of the municipal sewer and contains the following language: “The grantor, in consideration of the grant of easements, shall be allowed to connect to the sewer line free of any connection charges normally assessed excluding permit and meter fees...”, shall be eligible for a credit towards the Capital Cost Fee for that property in the amount of \$750.00 per unit. If the total credit exceeds the total amount due on that property, then the property owner shall be absolved of all capital cost fee obligations.
 - K) Private Line Extensions – Property owners and/or developers who extend the municipal sewer system shall be eligible for a credit equal to 1/3 of the capital cost fee for that property as set forth in Section VII of this Ordinance.
- IV. BILLING PROCEDURE – Upon adoption of this ordinance by the Board of Selectmen, a bill will be generated and forwarded to each property owner whose drains enter such main drains, common sewers or treatment facilities, or whose lands receive special benefit therefrom in any way. This bill shall be due and payable within 120 days of the date of billing. The property owner shall have the option of paying either of the two totals on the bill. The larger amount will reflect the entire fee due to satisfy any further capital cost obligations on the parcel assessed. (In the case of undeveloped land, as set forth in Section III. E, an additional assessment may be due if the land is developed at some future point.) The smaller of the two amounts as stipulated on the invoice reflects the first of fifteen annual payments to retire that property’s proportionate share of the fee. If the installment option is chosen, then the remaining balance shall be financed at an annual percentage rate of 7.9078%, which is the composite interest rate on the current sewer debt outstanding.
- Annual installments shall be warranted through the Selectmen’s Office and collected by the Tax Collector in accordance with RSA 149-I:11. Delinquent accounts will be subject to the real estate tax lien procedure in accordance with RSA 38:22.
- V. SEWER CAPITAL COST FUND – Pursuant to RSA 149-I:10, the Board of Selectmen shall hereby establish a Sewer Capital Cost Recovery Fund. All assessments and interest collected shall be deposited into this fund.
- a) On or before December 31 of each year, the Town Treasurer shall cause the funds designated in Appendix A to be transferred from the Sewer Capital Cost Recovery Fund to the General Fund. This amount is equal to 1/5 of the Town’s total debt service obligations for sewer purposes for that fiscal year.

- b) Deficits – In the event that the total balance in the Capital Cost Recovery Fund is less than the amount to be transferred into the General Fund, then the Treasurer shall transfer those funds available into the General Fund. The amount of funds which were not available but due to the General Fund in any fiscal year shall be forwarded to the next fiscal year as funds still due to the General Fund.
- VI. ABATEMENTS – The Board of Selectmen with good cause shown, may abate any Capital Cost Fee assessed by them or by their predecessors. Any person aggrieved by the assessment of this fee may within 4 months after notice of the tax, and not afterwards, apply in writing to the Selectmen for an abatement of the fee.
- VII. PRIVATE EXTENSIONS TO THE MUNICIPAL SEWER SYSTEM – Any person or persons whose drains enter such main drains, common sewers or treatment facilities whose lands receive special benefit therefrom in any way, and are connected to the municipal sewer via a private extension shall be eligible for a 1/3 credit of the Capital Cost Fee due on their respective properties. A private extension of the Municipal Sewer System is hereby defined as an extension to the Municipal Sewer System which is privately constructed and financed, and may be deeded to the Town for operation and maintenance purposes. For persons residing or benefiting from the use of the Municipal Sewer via said private extensions up until the date of enactment of this ordinance, the 1/3 credit shall be credited to the current property owners.

After adoption of this ordinance, the 1/3 credit shall be reimbursed to the person or persons who have constructed and financed said future extensions. The Town shall assess the total Capital Cost Charge to those properties benefiting from said new private extensions, and then shall remit 1/3 of all principle funds collected to said contractor or developer.

This ordinance shall take effect on its adoption this 3rd day of August, 1989.

Gordon H. Weymouth, Chairman
 Russell R. Dumais
 Philip D. LaBonte

Board of Selectmen
 Town of Gilford



TOWN OF GILFORD

TOWN POLICY

EFFECTIVE DATE: 3/14/07	NUMBER 07-02
SUBJECT: Sewer Capital Cost Recovery Policy for the 2003 Village Extension of Sewer System	
DISTRIBUTION:	NO. PAGES 1
AMENDS/SUPERCEDES:	APPROVED: 3/14/07

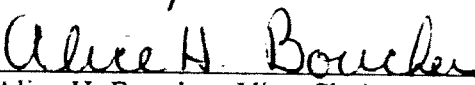
This policy is intended to address the particular situation created when sewer users (approximately 130) connected to the "Village Extension" of the sewer system since 2003, and have not yet been assessed any capital cost recovery charges.

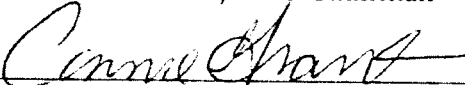
Each dwelling unit (as defined in the Gilford Zoning Ordinance) shall be assessed a \$1500 capital cost recovery fee. This fee may be paid in full within 60 days of the notification or it may be incorporated into the quarterly sewer bills as a \$25 special assessment. This will be levied each quarter of each year for 15 years.

If payment is not received within 60 days from the date of notification, we will implement the \$25 special assessment in the next quarterly sewer billing.

By
Gilford Board of Selectmen


Dennis J. Doten, Chairman


Alice H. Boucher, Vice-Chairman


Connie Grant, Clerk