



Amherst County Board of Supervisors  
County Ordinance No. 2021-0003

AN ORDINANCE, NO. 2021-0003

Amending §§ 15-121, 15-128, 15-129, and 15-131 of Article IV of Chapter 15 of the Amherst County Code to promote economic development in Amherst County and facilitate operations and administration of Amherst County Service Authority.

Approved as to form and legality by the Amherst County Attorney

FIRST READING: Board of Supervisors, June 1, 2021

PUBLIC HEARING: Board of Supervisors, June 15, 2021

THE COUNTY OF AMHERST HEREBY ORDAINS:

§ 1. That Sections 15-121, 15-128, 15-129, and 15-131 of Article IV of Chapter 15 of the Code of the County of Amherst be, and hereby are, amended as follows:

**Sec. 15-121. - Definitions.**

The following words, terms, and phrases, when used in this Article, shall have the meanings ascribed to them in this Section, except where the context clearly indicates a different meaning:

*Availability charge fee* means a one-time charge paid prior to connection to the water or sewer facilities of the Service Authority based on the ~~system capacity~~ estimated average daily water volume to be used by the connection.

*Executive Director of public utilities* means the administrative officer of the Amherst County Service Authority designated by its governing body, the Amherst County Service Authority Board of Directors.

*Premises* means the entirety of a property owned, leased, or rented for residential, industrial, or commercial purposes, including main structure, accessory structures, and the land upon which such structure(s) are sited.

*Priority Service Area* means the area encompassed within two hundred fifty feet (250') of any public sanitary sewer designed to flow by gravity, or public water main, owned by Amherst County Service Authority and installed within a public easement or right-of-way.

**Sec. 15-128. – Sewer Connection fees.**

~~(a) Whenever any sewer line designed to flow by gravity, owned by the Amherst County Service Authority, runs or is installed within an easement or right-of-way, but not more than two hundred fifty (250) feet from any premises, that property is within the priority service area of the Service Authority as determined by the Director of Public Utilities. Any such determination that is disputed by the property owner may be appealed, in writing, to the Service Authority Board of Directors.~~

(b) (a) Any premises developed ~~constructed~~ after the availability of a public sanitary sewer and/or public water main, or any developed premises the use of which is changed, within the ~~priority service area~~ Priority Service Area must connect to the Service Authority's public sanitary sewerage system and/or public water system, for the fee(s) specified in this Section.



(e) (b) Any premises within the ~~priority service area~~ Priority Service Area that has a malfunctioning private wastewater treatment system or private water well system may connect to the Service Authority's public sanitary sewerage system or public water system, for the fee specified in this Section.

(d) (c) All other premises within the ~~priority service area~~ Priority Service Area may connect to the Service Authority's public sanitary sewerage system or public water system for the fee(s) specified in this Section. No premises within the ~~priority service area~~ Priority Service Area and receiving public sanitary sewer service may disconnect from the Service Authority public sanitary sewerage system in favor of a septic tank, privy, or lagoon. No premises within the Priority Service Area and receiving public water service may disconnect from the Service Authority public water system in favor of a private water well or other potable water supply.

(e) (d) The sanitary sewer connection fee shall be one thousand five hundred dollars (\$1,500.00) for a four inch connection. Larger connections shall be actual cost, but not less than the four inch connection fee. Dual highway connections of any size shall be actual cost, but not less than the four inch connection fee.

(e) The water service connection fee shall be one thousand five hundred dollars (\$1,500.00) for a five-eighths inch connection. Larger connections shall be actual cost, but not less than the five-eighths inch connection fee. Dual highway connections of any size shall be actual cost, but not less than the five-eighths inch connection fee.

(f) Sewer Connection charges fee(s) and the determination of properties to be within the ~~priority service area~~ Priority Service Area of the Service Authority public sanitary sewerage system or public water system are governed by this chapter, notwithstanding any conditions, fees, or agreements made pursuant to the line extension policy maintained by the Service Authority, as that may be amended from time to time.

#### **Sec. 15-129. - Availability ~~charges~~ fees.**

(a) Any person or entity applying for connection of any existing premises or any planned premises to the Service Authority public sanitary sewer system and/or public water system shall be charged a water and/or sanitary sewer availability charge fee(s). Upon application for service, the charge fee(s) is are due and payable. No connection shall be activated unless availability ~~charges~~ fee(s) are paid in full; provided in the case of dwellings existing at the time of line availability, in cases of demonstrated hardship, as determined by the Service Authority Executive Director of Public Utilities, the applicant may be permitted to pay the availability ~~charge~~ fee(s) balance in twelve (12) bimonthly installments over a twenty-four-month period, or for such longer period as the Executive Director of Public Utilities may establish.

The addition of any building, facility, plant, or unit to an existing facility or land served by the Service Authority public water and/or sewer lines shall constitute the creation of separate premises. Water and/or sewer service(s) may be supplied to such separate premises upon the filing of an application and payment of the applicable availability fee(s).

(1) Water availability charge fee: For residential premises, the water availability ~~charge~~ fee shall be three thousand dollars (\$3,000.00) per dwelling unit, based on an assumed average water usage of two hundred seventy five gallons per day (275 gpd). For other nonresidential premises, availability ~~charges~~ fees shall be based on: Table 1, or three thousand dollars (\$3,000.00) times the quotient of the estimated flow, which calculations shall be provided on the letterhead of an engineer or architect bearing their professional seal, based on an assumed usage of two hundred seventy-five gallons per day (275 gpd). If the availability charges are determined using both Table 1 and estimated flows, the Service Authority Director of Public Utilities shall select the lower of the two (2) charges determined. In no instance shall the water availability charge be less than three thousand dollars (\$3,000.00) for each connection to the system.

- Section 15-124, Table 1; or
- Estimated average daily water usage submitted by the project engineer or architect under his/her seal and signature and on his/her letterhead, in gallons per day, divided by 275 gpd and



multiplied by \$3,000.00. The estimated average daily water usage should be based on the following: (1) engineering calculations, and/or (2) plumbing fixture counts, and/or (3) documented water usage at a similar site, as acceptable by the Executive Director.

The Executive Director will determine the possible availability fees based on all information submitted and assess the lowest calculated availability fee that meets this Section; however, in no instance shall the water availability fee be less than \$3,000.00.

- (2) Sanitary sewer availability charge fee: For residential premises, the sewer availability charge fee shall be four thousand five hundred dollars (\$4,500.00) per dwelling unit. For other non-residential premises, availability charges fees shall be based on: Table 2 or four thousand five hundred (\$4,500.00) times the quotient of the estimated flow, which calculations shall be provided on the letterhead of an engineer or architect bearing their professional seal, based on an assumed usage of two hundred seventy-five gallons per day (275 gpd). If the availability charges are determined using both Table 2 and estimated flows, the Service Authority Director of Public Utilities shall select the lower of the two (2) charges determined. In no instance shall the water availability charge be less than four thousand five hundred dollars (\$4,500.00) for each connection to the system

- Section 15-124, Table 2; or
- Estimated average daily water usage submitted by the project engineer or architect under his/her seal and signature and on his/her letterhead, in gallons per day, divided by 275 gpd and multiplied by \$4,500.00. The estimated average daily water usage should be based on the following: (1) engineering calculations, and/or (2) plumbing fixture counts, and/or (3) documented water usage at a similar site, as acceptable by the Executive Director.

The Executive Director will determine the possible availability fees based on all information submitted and assess the lowest calculated availability fee that meets this Section; however, in no instance shall the water availability fee be less than \$4,500.00.

- ~~(b) For any nonresidential premises having a utilized private sewage treatment system, the sewer availability charge shall be based on Table 2 or be the fee specified in Section 15-129(a)(2) times the quotient of the flow estimate, which calculations shall be provided on the letterhead of an engineer or architect, bearing their professional seal, and two hundred seventy-five gallons per day (275 gpd), but in no instance shall the sewer availability charge be less than the fee specified in Section 15-129(a)(2); provided connection into the Service Authority's sewer system is made within the first twelve (12) months following availability of the public sewer line. If the availability charges are determined using both Table 2 and estimated flow, the Service Authority Director of Public Utilities shall select the lower of the two (2) charges determined.~~
- (b) For nonresidential premises already connected to the Service Authority sanitary sewer and/or water system(s), with availability fee(s) for the property having been previously paid, that experience a site expansion, change in site use, or other change resulting in increased sewage discharge or water use, additional availability fee(s) may be assessed, at the discretion of the Service Authority Executive Director. In such cases, availability fee(s) will be determined in accordance with Section 15-129(a), previously paid availability fees will be deducted, and the result assessed for payment.
- (c) For any residential premises having a utilized private sewage treatment system that is disconnected from the private system and connected to the Service Authority sanitary sewer system, the sanitary sewer availability charge fee shall be forty (40) percent of the amount specified in this Section per dwelling unit, provided connection into the Service Authority sewer system is made within the first twelve (12) months following availability of the public sanitary sewer line. After the first twelve (12) months following line availability, the charge fee shall be four thousand five hundred dollars (\$4,500.00) per unit, for all premises having a utilized private sewage treatment system.
- (d) For multiple-unit residential premises connecting to a of fewer than four (4) units, constructed after the availability of the public sanitary sewer and/or public water line, the sewer availability charge shall be

four thousand five hundred dollars (\$4,500.00) per dwelling unit refer to Section 15-124, Tables 1 and 2, for availability fee(s) reductions for more than three (3) units.

- (e) ~~For other premises constructed after the availability of the public sewer line, the sewer availability charge shall be based on Table 2 or four thousand five hundred dollars (\$4,500.00) times the quotient of the flow estimated, which calculations shall be provided on the letterhead of an engineer or architect, bearing their professional seal, based on an assumed usage of two hundred seventy five gallons per day (275 gpd), but in not instance shall the sewer availability charge be less than four thousand five hundred dollars (\$4,500.00).~~

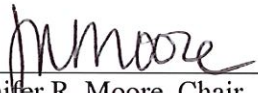
**Sec. 15-131. - Miscellaneous charges.**

The following charges shall be made as specified in this Section:

- (1) Residential customer deposit: ~~\$45.00~~ A refundable security fee of ~~forty-five~~ one hundred dollars (~~\$45.00~~ \$100.00) per service is payable upon application for either water and/or sewer service and refunded or credited to the customer upon closing the account. This deposit constitutes payment in advance. It may be withheld in part or in its entirety if the account is not paid in full when closed.

**§ 2. That this ordinance shall be in force and effect upon adoption.**


Adopted this 15<sup>th</sup> day of June 2021.

  
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Jennifer R. Moore, Chair  
Amherst County Board of Supervisors

**Member**

Jennifer R. Moore, Chair.....	<u>Vote</u> <u>AYE</u>
David W. Pugh, Jr., Vice-Chair.....	<u>AYE</u>
Tom Martin. ....	<u>ABSENT</u>
L. J. "Jimmy" Ayers, III .....	<u>AYE</u>
Claudia D. Tucker .....	<u>AYE</u>

**ATTEST:**

  
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Dean C. Rodgers, Clerk  
Amherst County Board of Supervisors