

**CITY OF HARRINGTON
ORDINANCE NO. 13-02**

**AN ORDINANCE AMENDING CHAPTER 425, WATER, OF THE CODE OF
THE CITY OF HARRINGTON RELATING TO WATER IMPACT FEES**

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF
HARRINGTON IN COUNCIL MET:

Section 1. That § 425-9 D shall be amended by deleting the existing subsection and substituting in lieu thereof the following:

- D. Establishment of equivalent dwelling units (EDUs). The rate per equivalent dwelling unit (EDU) shall be established in Chapter 180, Municipal Fees.
- (1) Determination for residential dwellings. Whenever by ordinance or by contract the City imposes or assesses water charges or fees on the basis of EDUs, and EDU shall be determined in the same manner as wastewater collection charges or fees and as defined in the most recent impact fee ordinance adopted by the Kent County Levy Court. An EDU for a residential dwelling shall be determined as follows:
- a. Houses, dwellings, mobile homes and apartments with one kitchen and one or more baths and bedrooms separate from the kitchen... 1.0 EDU.
 - b. Efficiency unit or cottage having a living space in one room and having one bath... 1.0 EDU.
 - c. Dwelling with one kitchen and one or more baths and bedrooms separate from the kitchen and attached to other dwellings or structures... 1.0 EDU.
- (2) Determination for nonresidential establishments. Whenever the City imposes or assess water charges or fees on the basis of EDUs, the number of EDUs to be charged shall be determined in the same manner as wastewater collection charges or fees and using the appropriate specific assessment as defined in the most recent impact fee ordinance adopted by the Kent County Levy Court. When users propose water usage under circumstances other than the specific assessments defined by the County, the City's impact fee shall be calculated by the City Engineer based on flow in gallons per day (GPD). In such cases where the impact fee is calculated by flow, each EDU shall be equal to 250 GPD.

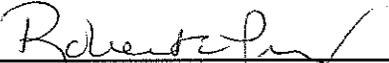
- (3) Minimum assignment. A minimum of one EDU will be assigned to each establishment connecting to the system. For the purposes of calculating the impact fees, fractional EDUs shall be rounded up to the nearest tenth.
- (4) No assignment. If an establishment does not have any physical facilities which result in a water demand on the City's water system, then the number of EDUs assigned to it shall be zero.
- (5) Maximum assignment. The City shall in no case charge an impact fee based on more than 100 EDUs per certificate of occupancy.
- (6) EDU credit. Any connection to the City's water system will be credited with any EDUs existing on the property. As an example, if a house with an EDU is demolished and a structure with 50 EDUs is put in its place, the owner shall pay a water impact fee based on 49 EDUs. No EDUs shall be transferred from one property to another property, whether or not such properties are owned by the same person.
- (7) Deferred charge. All applicants for service, which have been served by private water sources, shall be subject to a deferred impact fee charge. Payment of the deferred impact fee charge shall not be required until such time as connection is made directly to the City's water system. The amount of the charge shall be based on the prevailing impact fee at the time of connection. This fee shall be in addition to any assessment, tapping fee, or other costs associated with providing service.

Section 2. That Chapter 330 Attachment 1 shall be deleted.

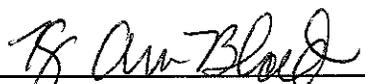
Repealer. All ordinances and parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed.

Effective Date. The Clerk of Council shall certify to the adoption of this Ordinance and cause the same to be published as required by law; and this Ordinance shall take effect and be in force from and after its approval by Council.

SO ORDAINED by the majority of Council Members present at a regular session of Harrington City Council, to be effective upon signing.



Robert E. Price, Jr., Mayor

Attest: 

Kelly Blanchies, Clerk of Council

Date of Adoption: February 19, 2013

SYNOPSIS

This Ordinance refers to the most recent Kent County ordinance for the method of calculating water impact fees.

First Reading: January 22, 2013

Public Hearing: February 19, 2013

Second Reading: February 19, 2013