

ORDINANCE AMENDING CHAPTER 29 AND OF THE GREENSBORO CODE OF ORDINANCES WITH RESPECT TO WATER, SEWERS, AND WASTE DISPOSAL

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF GREENSBORO:

Section 1. That Chapter 29 of the Greensboro Code of Ordinances is hereby amended to read as follows:

Chapter 29 - WATER, SEWERS AND WASTE DISPOSAL^[1]

ARTICLE III. - USER RATES AND CHARGES^[2]

Sec. 29-53. - System Development Fees; Capacity use fees; declaration of purpose.

There are hereby established system development fees and capacity use fees as hereafter set out. The purpose of the system development fee and the capacity use fee is to partially recover directly from new customers the costs of the capacity of the utility system to serve them.

The system development fee shall be applied to new development that connects to the utility system. New development shall be defined as any of the following: 1) the subdivision of land; 2) the construction, reconstruction, redevelopment, conversion, structural alteration, relocation, or enlargement of any structure which increases the number of service units; or 3) any use or extension of the use of land which increases the number of service units which began after November 29, 2017.

The capacity use fee shall be applied to existing development that connects to the utility system. Existing development shall be defined as land subdivisions, structures, and land uses in existence as of November 29, 2017.

It is hereby declared that such charges are reasonable and necessary and results in a more equitable and economically efficient method of recovery of such costs to handle new growth and to serve new customers without placing an additional financial burden on existing customers solely through inordinate enhancement of water and sewer rates. Hence the following and system development fees and capacity use fees are adopted and approved as follows:

System Development Fees:

The system development fees shall be set at the rate as outlined in North Carolina General Statute §162A-200 et.seq. (Session Law 2017-188 (HB 436)). The City of Greensboro completed the required supporting analysis in accordance with §162A-205 et.seq. A copy of the study shall be filed with the city clerk, and the study may be accessed on the City of Greensboro website under the Engineering & Inspections tab followed by the Development Services tab.

The system development fee shall be imposed for new development to fund costs necessitated by and attributable to the costs associated with new development and system growth. The fee is based on the blended value of both the existing and expanded system capacity and its calculation includes both existing assets and future capital projects required to serve growth.

The system development fee shall not exceed the allowable calculated amount as determined by the supporting analysis under §162A-205 et seq. and the supporting analysis shall be updated at least every 5 years.

<u>System Development Fees</u>		
	<u>Water Charge</u>	<u>Wastewater Charge</u>
<u>Residential Rate</u> <u>(Per Unit)</u> <u>General Service</u> <u>Meter Size</u> <u>(inches)</u>	\$ <u>980.00</u>	\$ <u>990.00</u>
<u>5/8</u>	<u>980.00</u>	<u>990.00</u>
<u>3/4</u>	<u>1,472.00</u>	<u>1,488.00</u>
<u>1</u>	<u>2,450.00</u>	<u>2,480.00</u>
<u>1½</u>	<u>4,900.00</u>	<u>4,960.00</u>
<u>2</u>	<u>7,844.00</u>	<u>7,936.00</u>
<u>3</u>	<u>15,684.00</u>	<u>15,872.00</u>
<u>4</u>	<u>24,506.00</u>	<u>24,800.00</u>
<u>6</u>	<u>49,012.00</u>	<u>49,598.00</u>
<u>8</u>	<u>78,422.00</u>	<u>79,358.00</u>
<u>10</u>	<u>112,732.00</u>	<u>114,080.00</u>

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Capacity Use Fees:

The capacity use fee is established under authority granted by North Carolina General Statute §160A-314(a) “A city may establish and revise from time to time schedules of rents, rates, fees, charges, and penalties for the use of or the services furnished or to be furnished by any public enterprise.”

The capacity use fee shall be used to partially recover from new customers the cost of existing development that connects to the utility system.

Capacity Use Fees		
	Water Charge	Wastewater Charge
<i>Residential Rate (Per Unit) General Service Meter Size (inches)</i>	\$ 980.00	\$ 990.00
5/8	980.00	990.00
¾	1,472.00	1,488.00
1	2,450.00	2,480.00
1½	4,900.00	4,960.00
2	7,844.00	7,936.00
3	15,684.00	15,872.00
4	24,506.00	24,800.00
6	49,012.00	49,598.00
8	78,422.00	79,358.00
10	112,732.00	114,080.00

Any multifamily project (including, but not limited to, apartments, condominiums, duplexes, townhomes, etc.) shall be charged a system development fee or a capacity use fee equal to fifty (50) percent of the charges set forth for a five-eighths-inch meter times the number of living units included in the dwelling(s) to be served.

With respect to the system development fee or the capacity use fee based on a five-eighths-inch water meter, any single-family dwelling unit having less than one thousand eight hundred twenty-two (1,822) heated square feet may pay the capacity use fee based on the actual heated square footage of the dwelling unit. The computation for determining the charge shall be as follows:

Water—Heated sq. ft. area × CUF Water Residential Rate ÷ 1,822 =

Sewer—Heated sq. ft. area × CUF Sewer Residential Rate ÷ 1,822 =

Total capacity use fee = Sum of above calculation

~~If a new water and/or sewer connection will serve a property that lies outside of the city limits, the capacity use fee charged shall be two (2) times the rate of the above mentioned capacity use fees. Any such fees shall be paid in advance prior to installation of water meter and/or sewer connection.~~

(Ord. No. 88-10, § 2, 1-28-88; Ord. No. 88-15, § 1, 2-15-88; Ord. No. 89-84, § 1, 6-29-89; Ord. No. 89-143, § 1, 11-2-89; Ord. No. 97-94, § 1, 6-3-97; Ord. No. 98-88, § 5, 6-2-98; Ord. No. 98-184, § 6, 12-1-98; Ord. No. 07-123, § 1, 6-26-07; Ord. No. 08-194, § 1, 6-17-08; Ord. No. 09-26, § 1, 2-3-09; Ord. No. 11-203, § 1, 12-13-11; Ord. No. 12-46, § 1, 6-5-12)

Editor's note— Ord. No. 88-15, § 2, adopted Feb. 15, 1988 added to the effective date of Ord. No. 88-10 (contained in § 3 thereof) the following:

"Provided that section 29-53 with respect to capacity use fees shall become effective on and after July 1, 1989 and shall apply in all instances in which building permits have not been issued as of said date of 1 July 1989."

Sec. 29-53.1. - Exemptions and refunds of the system development fee and capacity use fee for housing units located within the corporate limits of the city and defined as serving affordable to low income households with incomes below 80% of the area median income as calculated annually by the U.S. Department of Housing and Urban Development. ~~located within the corporate limits of the city.~~

There shall be no exemptions and refunds of the capacity use fee fees for housing units affordable to low-income households which are located outside of the corporate limits of the city at the time the individual applies for a water meter or sewer connection. Exemptions and refunds of the capacity use fee fees for housing units affordable to low income households located within the corporate limits of the city at the time the individual applies for a water meter or a sewer connection shall be as follows:

- (a) Units not for rental. Any single-family, not for rent, ~~detached~~ residential unit containing ~~one thousand two hundred (1,200)~~ one thousand five hundred (1,500) square feet, or less, ~~and any such attached unit containing one thousand (1,000) square feet, or less shall be exempt from the capacity use fee~~ may be exempt from the fees based on building permit data, or builder participation in a low income housing production program as verified by the Greensboro Neighborhood Development Department.
- (b) Rental units ~~(single-family)~~.
 - (1) All rental residential units shall be subject to the capacity use fee fees based on meter size and the same will be paid at the time of application for water or sewer connection;

- (2) Provided that low income rental residential housing units renting for a monthly rental rate equal to, or less than, the ~~fair market rental rate~~ Fair Market Rental rates currently adopted by the ~~secretary of housing and urban development~~ U.S. Department of Housing and Urban Development for the Greensboro, North Carolina, area, and in effect at the time of application, shall be eligible for refund of the ~~capacity use fee fees~~ in accordance with subsection (3) below;
- (3) The ~~capacity use fee fees~~ will be refunded to the owner of a rental unit upon presentation of proof, on forms available from the city, to the ~~housing and community development department~~ Neighborhood Development Department that sixty (60) percent of the units in the rental development are rented for an amount equal to, or less than, the ~~fair market rate~~ Fair Market Rental rate currently adopted by the ~~Secretary of Housing and Urban Development~~ U.S. Department of Housing and Urban Development for the Greensboro, North Carolina, area, and in effect at the time of application. The rental amount shall not include utilities in the calculation.
- (4) A property owner intending to request a fee refund for particular rental residential units must file written notice with the Neighborhood Development Department when the fees are paid and provide rent documentation once the property has reached sixty (60) percent occupancy.
- ~~(4) (5) Provided further that any residential rental units, the owner of which has contracted with the City of Greensboro in advance of construction guaranteeing that sixty (60) percent of the unit rentals will be equal to or less than the U.S. Department of Housing and Urban Development fair market rental rates~~ Fair Market Rental rates, shall be entitled to an exemption from the ~~capacity use fee fees~~.
- ~~(5) A property owner intending to request capacity use fee reimbursement for particular rental residential units must file written notice with the housing and community development department once the property has reached sixty (60) percent occupancy.~~
- (c) The ~~housing and community development department~~ Neighborhood Development Department shall have the duty of determining appropriate exemptions from and refunds of the ~~capacity use fee fees~~. ~~Capacity use exemptions~~ Exemptions shall be administered by the water resources department. ~~Capacity use refunds~~ Refunds shall be administered by the ~~housing and community development department~~ Neighborhood Development Department.
- (d) All refunds of the ~~capacity use fee fees~~ shall be from appropriations duly made and authorized by council.

(Ord. No. 89-143, § 2, 11-2-89; Ord. No. 93-59, § 1, 6-7-93; Ord. No. 96-64, §§ 4—8, 6-4-96; Ord. No. 98-184, §§ 7, 8, 12-1-98; Ord. No. 99-22, § 1, 2-16-99)

~~Sec. 29-53.2. Qualifications for refund of a portion of the capacity use fees for certain properties under construction and contiguous to the corporate limits.~~

~~If the owner of any property located outside the corporate limits applies for a water meter to be set to serve property under current construction and/or when such owner applies for a sewer connection or tap-on to serve property that lies outside the corporate limits such triple fee shall be paid and two thirds thereof, without interest, shall be refunded to the applicant under the following conditions:~~

- ~~(a) Prior to July 1, 1997, the applicant held an approved building permit for the structure, or structures, under current construction that the utility is to serve and an approved site plan for the tract to be served;~~
- ~~(b) The petitioner has signed, prior to the water or sewer utility connections being made, a current water and sewer annexation agreement with the City of Greensboro;~~
- ~~(c) The tract to be served must have been contiguous to the corporate limits of the city as of July 1, 1997; and~~

~~(d) The annexation ordinance for the tract being served must be adopted by city council on, or before, December 31, 1997.~~

~~(e) Any refund shall be made after final approval of the annexation by the U.S. Justice Department.~~

(Ord. No. 97-153, § 1, 9-16-97)

Section 2. That all sections not amended herein shall remain in full force and effect.

Section 3. That this ordinance shall become effective upon adoption.