

Chapter 204

WATER

[HISTORY: Adopted by the Town of Somers as follows: Art. I, 2-20-1990 by the Special Town Meeting, effective 4-1-1990. Amendments noted where applicable.]

GENERAL REFERENCES

Sewers -- See Ch. 155.

ARTICLE I

Water Main Extensions

[Adopted 2-20-1990 by the Special Town Meeting, effective 4-1-1990]

~ 204-1. Reimbursement of costs.

In accordance with provisions of Section 7-137c of the Connecticut General Statutes, as amended, whenever the Town of Somers appropriates funds to extend or cause to have extended water mains, each owner of real property which abuts or is connected to such mains shall reimburse the town his proportionate share of the cost to the town of the extension of the water mains and expenses incidental thereto, including but not limited to materials, installation, pumping stations, tanks, service connections, curb, sidewalk and highway repairs, gate valves or shutoffs, interest charges and engineering and legal costs, so that the town shall be left free of any of the costs of the extension of the water main and expenses incidental thereto, except that if any portion of the water extension service is to be used for a municipal purpose, the town shall contribute a fair proportion of the expense representing such proportionate municipal share.

~ 204-2. Definitions.

As used in this Article, the following terms shall be so defined and abbreviated:

BASE RATE -- The basic unit charge for one (1) equivalent dwelling unit (EDU) or one (1) fire protection unit (FPU), as the case may be.

EQUIVALENT DWELLING UNIT (EDU) -- The average daily water consumption by a single-family dwelling unit: three hundred (300) gallons per day.

FARMLAND, FOREST LAND or OPEN SPACE LAND -- Shall have the definitions set out in Section 12-107b of the Connecticut General Statutes.

FIRE PROTECTION UNIT (FPU) -- The fire flow of water needed to protect most single- and two-family homes not exceeding two (2) stories in height: seven hundred fifty (750) gallons per minute.

WATER POLLUTION CONTROL AUTHORITY (WPCA) -- The Water Pollution Control Authority of the Town of Somers.

~ 204-3. Equivalent dwelling unit cost allocation system.

A. The assessment charge for the extension of water mains for each owner or owners of property, as provided for in ~ 204-1, shall be based upon an equivalent dwelling unit cost allocation system to be calculated upon the average water consumption represented by a single-family dwelling unit, which is defined as three hundred (300) gallons per day. The Water Pollution Control Authority shall determine for each owner or owners of any property so assessed under the provisions of this Article the number of EDU's to be assigned to each property. Each single-family home, each unit of multifamily homes and each unit of apartment houses or condominiums shall be assigned one (1) EDU. All other properties shall be assigned EDU's based upon the following Table of Estimated Water Consumption, but each property shall be assigned a minimum of one (1) EDU.

Table of Estimated Water Consumption
at Various Types of Establishments

Type of Establishment	Flow in Gallons Per Person or Unit Per Day
Residential dwelling unit	
Single-family home	300
Each unit of multifamily home	300
Each unit of apartment house	300
Each unit of condominium	300
Dwelling unit, transient	
Boardinghouse, per unit	50
Hotels or motels, per unit	100
Lodging or tourist homes, per unit	40
Restaurant	
Average type, per seat	35
Average type, 24-hour, per seat	50
Tavern, per seat	20
Short order, per seat	4
Short order, paper service, per seat	2
Bar and cocktail lounge, per seat	2
Drive-in, parking only, per car space	109
Drive-in, seating and parking,	41

per seat	
School	
Day, without cafeteria, per students and employees	6
Day, with cafeteria, per students and employees	15
Day, with cafeteria and showers, per students and employees [Amended 4-29-1996 by the Board of Selectmen, effective 5-23-1996]	20
Boarding school, per student	75
Automobile service station, garage or repair station	
Per square foot of office and garage space	0.251
Store	
Per square foot of floor space	0.216
Beauty salon or barbershop	
Per number of stations, beauty salon type	269
Per chair, barbershop type	55
Church or other house of worship	
Per maximum occupancy allowed by law	2
Shopping center	
Per square foot of floor space	0.16
Assembly hall	
Per maximum occupancy allowed by law	2
Medical, dental or veterinarian office	
Per square foot	0.618
Offices in general	
Per square foot	0.142
Nursing home or rest home	
Per bed	133
Theater	
Indoor, per seat, 2 showings per day	3
Drive-in, per car stall	5

Factory	
Without showers, per sq. ft. floor space	0.142
With showers, per sq. ft. floor space	0.18
Plus daily consumption of process water on EDU basis	
Bowling alley	
Per number of alleys	200
Club	
Lockers and showers	20
Snack bar or lunchroom, per seat	10
Dining room, per seat	10
Without lockers or showers	10

B. The number of EDU's for properties not identified in the table shall be established by the WPCA based upon an estimate of water use consumption divided by three hundred (300) gallons per day per EDU, but each property shall be assigned a minimum of one (1) EDU.

C. The number of EDU's assigned to each property shall be rounded to the nearest one-tenth (1/10) of an EDU.

D. It shall be the authority of the WPCA to establish the base rate to be charged per EDU.

E. Determination of base rate and assessments for equivalent dwelling unit cost allocation system.

(1) The base rate for the equivalent dwelling unit cost allocation system shall be calculated by dividing the cost to the town of the extension of the water mains and expenses incidental thereto as set out in ~ 204-1 (except the costs included in the fire protection unit cost allocation system, if any) minus any funds received from any agency of the State of Connecticut, any agency of the United States government or any private individual, company or corporation as reimbursement for said costs, by a number representing the total number of EDU's assigned to the assessed properties, the number of lots on new roads constructed during the water main extension project which will be connected to the mains extended by the town, and the estimated number of new lots which will be created by subdivision and connected to the water mains extended by the town during a twenty-year period commencing with the starting date of the water main extension project. [Amended 4-29-1996 by the Board of Selectmen, effective 5-23-1996]

(2) The assessment for each property shall be determined by multiplying the base rate by the number of EDU's assigned to the property.

~ 204-4. Fire protection unit cost allocation system.

A. If the water mains referred to in ~ 204-5 are larger than would otherwise be necessary to provide adequate water for consumption and provide necessary fire flows to adequately protect single- and two-family homes, so that necessary fire flows will be provided to adequately protect structures larger than single- or two-family homes, the assessment for each owner of real property which abuts or is connected to such mains and which contains one (1) or

more structures shall also be based upon a fire protection unit cost allocation system as set out in this section.

B. The costs to be allocated by the fire protection cost allocation system shall include all costs associated with providing adequate fire flows for larger structures, including but not limited to engineering costs to determine the size of the water mains to provide adequate fire flows, the extra cost of the larger mains, fire hydrants and fire pumps.

C. The assessment charge under the fire protection unit cost allocation system shall be based upon the fire flow of water needed to protect most single- and two-family homes not exceeding two (2) stories in height, which is defined as seven hundred fifty (750) gallons per minute. The Water Pollution Control Authority shall determine for each owner or owners of any property so assessed the number of FPU's to be assigned to each property according to the following:

(1) All single- and two-family dwellings not exceeding two (2) stories in height shall be assessed one (1) FPU.

(2) All three- to six-family dwellings shall be assessed two (2) FPU's.

(3) [Amended 4-29-1996 by the Board of Selectmen, effective 5-23-1996] All other structures shall be assessed FPU's based upon the following formula which is derived from the Fire Suppression Rating Schedule published by the Insurance Services Office, June 1980 Edition:

$$\text{NFF} = \text{C} \times \text{O} (\text{X} + \text{P})$$

$$\text{FPU} = \text{NFF} / 750 \text{ (rounded to nearest 0.5)}$$

Abbreviations:

NFF = Needed Fire Flow (in gallons)

C = Construction Factor

O = Occupancy Factor

X+P = Exposure and Communication Factors

FPU = Fire Protection Unit

(4) No structure shall be assessed more than four and five-tenths (4.5) FPU's, which reflects the maximum fire flow that potentially can be supplied.

D. Determination of base rate and assessments for fire protection unit cost allocation system.

(1) The base rate for the fire protection unit cost allocation system shall be calculated by dividing the cost to the town of the items included in ~ 204-4B minus any funds received from any agency of the State of Connecticut, any agency of the United States government or any private individual, company or corporation as reimbursement for said costs, by a number representing the total number of FPU's assigned to the assessed properties, the number of lots on new roads constructed during the water main extension project which will be connected to the mains extended by the town and the estimated number of new lots which will be

created by subdivision and connected to the water mains extended by the town during a twenty-year period commencing with the starting date of the water main extension project.

(2) The assessment for each property shall be determined by multiplying the base rate by the number of FPU's assigned to the property.

~ 204-5. Well sealing.

If, as part of a water main extension project, the town appropriates funds for the sealing of any water wells, the owner of each such well which is sealed shall also be assessed the cost to the town of the sealing of the well, minus any funds received from any agency of the State of Connecticut or any agency of the United States government as reimbursement to the town of part of the cost of sealing the well.

~ 204-6. Service connections.

Each owner of real property which abuts or is connected to such water mains who has a service connection installed by the town or its agents shall also be assessed the cost to the town of the service connection, minus any funds received from any agency of the State of Connecticut or any agency of the United States government as reimbursement to the town of part of the cost of the service connection installation.

~ 204-7. Assessment procedure; notices; hearings.

A. The Water Pollution Control Authority shall prepare a proposed assignment of EDU's and FPU's in accordance with the provisions of this Article for each property which abuts or is connected to the water mains. Notice of such proposed assessments shall be given by publication in a newspaper with a general circulation within the Town of Somers and by regular mail to the owner of each such property. The notices shall state that the owner of each such property may request a hearing by the WPCA to contest the proposed assignment of EDU's or FPU's on the property. The notices shall state a date by which a hearing must be requested. The date by which a hearing must be requested shall be not less than ten (10) days from the date of publication and mailing of the proposed assignments.

B. The Water Pollution Control Authority shall hold a hearing regarding each property for which a hearing is timely requested. At the hearing the owner of the property may present evidence concerning the request for a change in the assignment of EDU's or FPU's. Following the hearing the WPCA shall make a final determination of the number of EDU's or FPU's to be assigned to the property.

C. After all hearings have been held the Water Pollution Control Authority shall assess each property which abuts or is connected to the water mains in accordance with the provisions of this Article. Notice of such assessment shall be given by publication in a newspaper with a general circulation within the Town of Somers, by recording a copy of the assessment on the land records of the Town of Somers and by regular mail to the owner of such property.

D. The notice of assessment shall state a date by which the assessment shall be paid in full. If the assessment is not paid in full by that date interest shall begin to accrue on the amount of the assessment and a certificate of lien shall be placed on the land records of the Town of Somers in accordance with Section 7-137d of the Connecticut General Statutes. The certificate of lien shall describe the property upon which the lien is claimed and state the amount of the lien. [Amended 4-29-1996 by the Board of Selectmen, effective 5-23-1996]

E. If the funds appropriated by the town for the extension of the water mains were derived by bonding or any other type of borrowing the WPCA shall set the interest rate to be paid on unpaid assessments at a rate as close as reasonably possible to the borrowing rate paid by the town for the funds so appropriated. The WPCA shall have the power to round the rate up to the nearest 1/2 of one percent (1/2 of 1%). The WPCA shall also set the number of years over which the assessments shall be amortized, which shall be as close as reasonably possible to the number of years of the bonding or borrowing of the town referred to above.

F. If the funds appropriated by the town were not derived by bonding or any other type of borrowing the interest rate and period of amortization shall be set by the Board of Selectmen.

G. Upon full payment by the owner of any property so assessed the assessment and certificate of lien, if any, shall be released by the WPCA and a certificate of release shall be recorded on the land records of the Town of Somers.

~ 204-8. Town property.

In accordance with Section 7-137c of the Connecticut General Statutes, if any property abutting or connected to such mains is owned by the Town of Somers, the town shall contribute the amount of any assessment which would have been made upon the property had it not been owned by the town.

~ 204-9. Administration and enforcement.

The provisions of this Article, except as otherwise expressly stated, shall be administered and enforced by the Water Pollution Control Authority, which is hereby authorized to take all necessary legal action on behalf of the Town of Somers to enforce the provisions of this Article.

~ 204-10. Farmland, forest land and open space land.

In the case of land zoned for other than commercial purposes or classified as farmland, forest land or open space land on the last completed grand list in which such land is located, and which exceeds by more than one hundred percent (100%) the size of the smallest lot permitted in the lowest density residential zone allowed under zoning regulations, assessment of such excess land shall be deferred until such excess land shall be built upon or a building permit issued or until approval of a subdivision plan of such excess property by the Planning Commission having jurisdiction, whichever occurs first. In each instance where an assessment is deferred, the town shall place a caveat on the land records.

204-11. Subdivision or newly created lots.

Each new lot, whether created by subdivision or otherwise, and whether located on newly constructed or existing town roads, shall be assessed a one-time fee of Two Thousand six Hundred (\$2,600.00) Dollars per EDU as determined pursuant to Section 204-3 of these regulations. All mains installed by any developer shall become property of the Town of Somers when the mains are accepted by the town.

204-12. Connection Fee

In the case of all new service connections, a one time system connection fee of two hundred dollars (\$200.00) per EDU, as determined by Section 204-3. of these regulations, will be charged.

204-13. Building Conversions/Change of Use

When any structural, mechanical or physical change is made or proposed to be made to a building which allows the occupancy to increase; or the activities within the building to expand or alter such that, when the building is fully utilized, the water usage will increase, the owner shall make an application for such change to the Somers Water Pollution Control Authority, which will assign a new EDU rate.

a. All Properties which are approved for a Building Conversion/Change of Use, Shall be charged a one-time Change of Use, fee equal to two thousand six hundred dollars (\$2,600.00) times the net change in the EDU rate established for the property.

204-14. Collection of Revenues

The Somers Water Pollution Control Authority may designate the Town Tax Collector or any bonded person as its agent for the collection of fees or charges levied under this chapter.