

## CHAPTER 101

### BENEFITED SEWER DISTRICTS

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**101.01 PURPOSE.** The City has determined the necessity of establishing a policy and a procedure to be utilized to recover the cost of design and construction of major sanitary sewer facilities in those instances in which a significant number of the properties to be benefited by such facilities are not sufficiently developed to permit the recovery of those costs through the special assessment process as provided in Chapter 384, Division IV of the Code of Iowa. The City hereby declares its intent to utilize connection fees, as herein provided, to recover the costs for design and construction of such major sanitary sewer facilities from property owners who connect to such facilities subsequent to their construction.

**101.02 INTENT.** It is the intent of this chapter to set forth the method of recovery of proportional cost shares from those property owners who connect their properties to major sanitary sewer facilities subsequent to their construction, so that in the event that all property, other than street and road right-of-way, which lies within the benefited district is connected to the major sanitary sewer facilities during their expected useful life, then those properties shall bear, in the aggregate, up to 100 percent of the cost for design and construction of such facilities, including legal, administrative, and interest expenses associated therewith.

**101.03 PROCEDURE.**

1. In the event the Council determines the necessity for construction of a major sanitary sewer facility, and determines that the utilization of a connection fee is the most equitable manner in which to recover the City's costs associated therewith, the Council shall cause a "Notice of Public Hearing on the Proposed Adoption of an Ordinance to Establish a Benefited District and a Connection Fee Schedule" to be published in a newspaper of general circulation within the City as hereinafter provided. In addition to indicating the date, time, and place of the public hearing, the notice shall:

A. Indicate the nature and extent of the major sanitary sewer facility or facilities under consideration for construction, as well as the estimated cost or costs for the design and construction of same;

B. Identify by general description the proposed benefited district to be served by the major sanitary sewer facility or facilities; and

C. Set forth the proposed schedule of connection fees to be paid by property owners within the benefited district who connect to said facilities, expressed in dollars per acre of land area served or such other method as the City shall determine to be equitable for the benefited district.

The notice shall also state that the proposed connection fee ordinance is on file, along with a plat of the area to be served, and both are available for public inspection in the office of the Clerk. The notice shall be published not more than 45 days and not less

than 20 days prior to the scheduled date of the public hearing, and shall be mailed to each property owner within the benefited district as shown by the records of the County Auditor.

2. At the public hearing, the owners of property within the proposed benefited district shall be heard and may offer comments or objections as to:

- A. The necessity for the project;
- B. The calculation of the area benefited by the proposed major sanitary sewer facilities;
- C. The estimated cost of the proposed facilities; and
- D. The proposed connection fee.

3. Upon concluding the hearing, the Council shall rule upon the objections presented during the hearing and may consider the adoption of the proposed connection fee ordinance. Upon consideration of the proposed connection fee ordinance, the Council may:

- A. Adopt the ordinance as proposed;
- B. Delete elements or portions of the proposed major sanitary sewer facilities from the proposed project and the properties served thereby from the benefited district proposed; or
- C. Amend the ordinance to revise the connection fee.

4. The connection fee ordinance may provide, at the Council's discretion, that single family residences within the benefited district, in existence or under construction upon the effective date of the ordinance, and located within the corporate limits of the City, are eligible for connection to the major sanitary sewer facility. In that event, the ordinance shall include the following provisions:

- A. That the owners of residences on parcels of less than one acre in size located within the City may connect such residences to the major sanitary sewer facility upon approval of their application for connection, payment of the connection fee for the parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the City.
- B. That the owners of residences on parcels in excess of one acre in size located within the City may connect such residences to the major sanitary sewer facility upon approval of their application for connection, division of said parcel into a residence parcel and a remainder parcel, payment of the connection fee for the residence parcel, and construction, at the owner's expense, of appropriate connection structures, as determined necessary by the City. The connection fee for the remainder parcel shall be payable at such time as the remainder parcel shall be connected to the major sanitary sewer facility. For purposes of this chapter, a parcel may be divided once. For purposes of this section, division of the property into a residence parcel and a remainder parcel may be accomplished by submitting a drawing showing a graphical depiction of the two parcels including dimensions accurate to within a distance of one foot, a legal description of the entire parcel and a legal description of the residence parcel with such accuracy as to allow the City to determine a reasonable description of the remainder parcel. For purposes of

this section, the division of property does not require a subdivision of the property or a plat of survey.

C. The connection fee ordinance may also provide, at the Council's discretion, that sanitary sewer service can be provided to recreational and park facilities and to commercial and industrial parcels and facilities, in the same manner and under the same procedures set forth in this section for single family residences within the benefited district.

All other property located within the corporate limits of the City and within a benefited district shall be eligible for connection to the major sanitary sewer facility upon approval of an application for connection by the owner thereof, as hereafter provided, and payment of the connection fee for such property, provided such property has been appropriately subdivided for development, and, where applicable, all sanitary sewer improvements necessary to serve said property have been constructed, at the owner's expense, and accepted by the City.

5. After adoption, publication and recording by the Clerk of a connection fee ordinance for a benefited district, all owners of those properties within the benefited district whose properties are eligible for connection, and who propose to connect such properties directly or indirectly to the major sanitary sewer facility, shall make application to the City for such connection. The submittal of construction plans to the City for sanitary sewer improvements on property being subdivided for development shall constitute an application to the City for purposes of this chapter. The sewer connection fee shall be due and payable at the time application is made to the City for connection to the major sanitary sewer facility. No connection shall be made to a major sanitary sewer facility until such application has been approved and until the required connection fee has been paid. The sewer connection fee shall be paid before the City will approve the final plat of property subject to the connection fee.

6. The sewer connection fee shall be in an amount equal to the maximum acre area of contiguous property, or fraction thereof, within the benefited district under common ownership which can be lawfully served through such proposed connection, multiplied by the per acre connection fee or such other fee basis as determined for the benefited district established in the connection fee ordinance for that benefited district. The connection fee ordinance may provide for a graduated connection fee, with annual interest adjustments, such that property owners who connect in later years pay interest on the connection fee for their property. The rate of interest applicable to the connection fee established in each benefited district shall not exceed the rate of interest applicable to special assessments pursuant to Chapter 74A and Section 384.60(3) of the Iowa Code in effect on the date that the connection fee was established for that district by enactment of a connection fee ordinance.

7. The sewer connection fee required by this chapter shall be due and payable to the City and is in addition to, and not in lieu of, any other fees for connection required under the plumbing code or other provisions of this Code of Ordinances.

8. In the event any property owner connects his or her property within a benefited district to a major sanitary sewer facility without having made application therefor or without having received approval thereof or without having paid the required connection fee established by a connection fee ordinance, the City shall be entitled to disconnect such private sewer connection until such time as the property owner has made and received approval of his or her application, and/or has paid the required connection fee.

**101.04 BEAVER CREEK TRUNK BENEFITED DISTRICT.**

1. Connection Fee and District. No person shall connect a sanitary sewer of any size and for any purpose to the Beaver Creek Trunk Sewer without paying to the City a connection fee of \$909.70 per acre within the following legally described district:

*The Southwest Quarter (SW ¼) of Section 2, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian located in the City of Johnston, Polk County, Iowa.*

*The Southeast Quarter (SE ¼) of Section 3, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian located in the City of Johnston, Polk County, Iowa, except the east 1,088.24 feet of the Southeast Quarter (SE ¼) of the Southeast Quarter (SE ¼) of said Section 3.*

*The Northeast Quarter (NE ¼) of Section 10, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian located in the City of Johnston, Polk County, Iowa, except the Northeast Quarter (NE ¼) of the Northeast Quarter (NE ¼) of said Section 10.*

*The Southeast Quarter (SE ¼) of Section 10, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian located in the City of Johnston, Polk County, Iowa.*

*That portion of the Southwest Quarter (SW ¼) of Section 11, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian located in the City of Johnston, Polk County, Iowa, lying southerly and westerly of the following described line: Commencing at the south quarter corner of said Section 11; thence north along the east line of the Southwest Quarter (SW ¼) of said Section 11 to the northeast corner of the South Half (S ½) of the Southwest Quarter (SW ¼) of said Section 11; thence westerly along the north line of the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 11 to a point on the north line of the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 11, said point being a distance of 1,933.3 feet east of the west line of Section 11; thence south a distance of 264.9 feet; thence west a distance of 460 feet; thence south a distance of 738 feet, more or less, to a point 300 feet north of the south line of the Southwest Quarter (SW ¼) of Section 11; thence westerly along a line parallel to and 300 feet north of the south line of the Southwest Quarter (SW ¼) of Section 11 to the west line of Glendale Oaks Plat 1; thence north along the east line of Glendale Oaks Plat 1 to the north line of the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 11; thence west along the north line of the South Half (S ½) of the Southwest Quarter (SW ¼) of Section 11 to the west line of Section 11; thence north along the west line of the Southwest Quarter (SW ¼) of Section 11 to the northwest corner of the south 330 feet of the North Half (N ½) of the Southwest Quarter (SW ¼) of Section 11; thence east along the north line of the south 330 feet of the North Half (N ½) of the Southwest Quarter (SW ¼) of Section 11 to a point a distance 2,008 feet west of the east line of the Southwest Quarter (SW ¼) of Section 11; thence northeasterly a distance of 318.4 feet; thence west a distance of 653.2 feet to a point on the west line of the Southwest Quarter (SW ¼) of Section 11 to the West Quarter (W ¼) corner of Section 11.*

*The East Half (E ½) of the Southeast Quarter (SE ¼) of Section 11, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian located in the City of Johnston, Polk County, Iowa, except that portion of the East Half (E ½) of the Southeast Quarter (SE ¼) of said Section 11 lying northerly and easterly of Beaver Creek.*

*That portion of the West Half (W ½) of the Southeast Quarter (SE ¼) of Section 11, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian lying southerly and westerly of the following described line: Commencing at the south quarter corner of said Section 11; thence easterly along the south line of the Southeast Quarter (SE ¼) of said Section 11 to a point 669 feet east of the south quarter corner of said Section 11; thence north a distance of 183 feet; thence east a distance of 85 feet; thence north a distance of 375 feet; thence west a distance of 405 feet; thence northwesterly a distance of 583.6 feet to a point on the west line of the Southeast Quarter (SE ¼) of said Section 11, said point being a distance of 1,203.6 feet north of the south quarter corner of said Section 11; thence south along the west line of the Southeast Quarter (SE ¼) of said Section 11 to the south quarter corner of said Section 11, said point being the point of beginning.*

2. Adjustment and Division. If a parcel as described in subsection 1 of this section is divided by platting or otherwise into a smaller parcel and the connection fee can be equitably divided between the smaller parcels, the person desiring a division shall make application to the City for a division of the connection fee. The application shall legally describe the affected property, the connection fee to be assigned to each, and the purpose of the division. If the City incurs any expense in reviewing and approving the application, it shall be paid by the applicant before approval. If the Council approves the division, the division shall be incorporated into subsection 1 by amendment of this section.
3. Construction and Dedication. Any sanitary sewer connection to this trunk line sewer shall conform to the specifications of the City, be constructed at the expense of the applicant and, if required by the City, dedicated to it with a conveyance of a perpetual easement of a parcel of ground as determined by the City for the maintenance, repair, construction and reconstruction of the dedicated sanitary sewer.
4. Future Connection Plan. Any property or properties that connect directly or indirectly to the thirty-inch sanitary sewer beyond the legally described properties above shall also be subject to the connection fee specified in subsection 1. This requirement shall also apply to properties annexed into the corporate limits of the City in the future.
5. Recordation. The Clerk shall certify a copy of the ordinance codified in this section and any amendments to the County Recorder for recording.

#### **101.05 NW BEAVER DRIVE TRUNK BENEFITED DISTRICT.**

1. Sanitary Sewer Connection Fee District. The NW Beaver Drive Trunk Sewer Connection Fee District is hereby established consisting of a tract of land located along the easterly side of NW Beaver Drive in the City of Johnston, Polk County, Iowa, more particularly described as follows:

*Commencing at a point on the east right-of-way line of NW Beaver Drive, said point being the southwest corner of Lot 7, B.L. Peters Plat 1; thence east along the south line of Lot 7, B.L. Peters Plat 1 to a point, said point being located a distance of 100 feet east of the east right-of-way line of NW Beaver Drive; thence northerly along a line parallel and 100 feet easterly of the easterly right-of-way line of NW Beaver Drive to a point; said point being located on the southerly right-of-way line of NW 66<sup>th</sup> Avenue; thence westerly along the southerly right-of-way line of NW 66<sup>th</sup> Avenue to the easterly right-of-way line of NW Beaver Drive; thence southerly along the easterly right-of-way line of NW Beaver Drive to the point of beginning.*

2. District Connection Fees. Connection fees are hereby established and shall be imposed upon owners of properties within the NW Beaver Drive Trunk Sewer District at the time of application to connect their properties to said sanitary sewer facilities as follows:

A. From the effective date of the ordinance codified herein to June 30, 2002, a connection fee of \$210 per acre of property served by the sanitary sewer facility shall be imposed plus \$28 per linear foot of frontage for all property adjoining and fronting on NW Beaver Drive. Thereafter the per-acre connection fee shall be adjusted annually as of July 1 of each year according to the following schedule:

<u>Effective Date</u>	<u>Connection Fee (\$/acre)</u>	<u>Frontage (\$/foot)</u>
July 1, 2003 .....	\$ 202.00.....	\$ 29.00
July 1, 2004 .....	\$ 230.00.....	\$ 30.00
July 1, 2005 .....	\$ 240.00.....	\$ 31.00
July 1, 2006 .....	\$ 250.00.....	\$ 32.00
July 1, 2007 .....	\$ 260.00.....	\$ 33.00
July 1, 2008 .....	\$ 270.00.....	\$ 34.00
July 1, 2009 .....	\$ 280.00.....	\$ 35.00
July 1, 2010 .....	\$ 290.00.....	\$ 36.00
July 1, 2011 .....	\$ 300.00.....	\$ 37.00
July 1, 2012 .....	\$ 310.00.....	\$ 38.00
July 1, 2013 and thereafter.....	\$ 320.00.....	\$ 39.00

B. The above established connection fee shall include payment of both the area based connection fee and the frontage based connection fee.

C. The above established connection fees shall also apply to any properties outside the NW Beaver Drive Trunk Sewer District which use any of the sanitary sewer facilities constructed for the NW Beaver Drive Trunk Sewer District. The appropriate fee shall be imposed at the time of determination that a benefit is derived by the property.

D. The above established connection fees shall not apply to any properties within the NW Beaver Drive Trunk Sewer District which do not use any sanitary sewer facilities constructed for the NW Beaver Drive Trunk Sewer District.

E. The determination that a property is to be connected to the sanitary sewer facilities shall occur and the appropriate connection fee shall be paid prior to the time of the release of a final plat for recordation, the issuance of a building permit, or the issuance of a plumbing permit, whichever occurs first.

F. Any single family residence existing or under construction upon the effective date of the ordinance codified herein located upon a parcel in excess of one acre may apply for connection upon division of said parcel into a single family residence parcel and an outlot in the payment of a single acre connection fee. Any development of said parcel shall necessitate a revised application for connection and payment of the appropriate connection. For purpose of this section, subdivision of the property into a single family residence parcel and an outlot shall only require a reasonably accurate graphical division of the property and shall not be construed to require a legal division of property.

**101.06 NW 66<sup>TH</sup> AVENUE BENEFITED DISTRICT.**

1. Special Sanitary Sewer District with Access Fee Established. There is hereby established a special sanitary sewer service district within the following described property:

*Commencing at the northeast corner of Lot 1, Hyperion Point Plat 1; thence west along the north line of Hyperion Point Plat 1 to a point on the north line of Lot 4 Hyperion Point Plat 1, said point being a distance of 33.00 feet east of the northwest corner of said Lot 4; thence south along a line parallel to and 33.00 feet east of the west line of said Lot 4 to the north right-of-way line of NW 66<sup>th</sup> Avenue; thence south to a point on the south right-of-way line of NW 66<sup>th</sup> Avenue; thence west along the north line of Lot 56, Hyperion Heights Plat 1 to a point on the north line of Lot 56, said point being a distance of 45.00 feet east of the northwest corner of said Lot 56; thence south along a line parallel to and 45.00 feet east of the west line of said Lot 56, to a point on the south line of said Lot 56; thence east along the south line of Hyperion Heights Plat 1 to the southeast corner of Lot 61, Hyperion Heights Plat 1; thence north along the east line of Hyperion Heights Plat 1 to the point of beginning.*

Within this district the cost to extend sanitary sewer service to properties is based upon a policy to assess properties for sanitary sewer extension at \$28.00 per linear foot of frontage.

2. Connection of Sanitary Sewer Service. Any parcel of ground or lot of record may be connected to the sanitary sewer service upon payment of the connection fee and other required fees subject to subsection 1 of this section. If the connection is not made within sixty days of completion of the sanitary sewer the City may charge interest based upon the time difference between the completion of construction of the utility and the payment of the connection fee pursuant to Section 384.38(3), Code of Iowa. The properties that make a connection to this utility shall also be charged the usual fees for connection, and any other fees established by ordinance.

3. Optional Petition and Waiver. Any owner of any parcel of ground or lot of record within the NW 66<sup>th</sup> Avenue Sanitary Sewer Extension District may, as an alternative to the connection fee payment required in subsection 2, sign a petition and

waiver as provided for in Chapter 384 of the Code of Iowa. If a petition and waiver is signed by such an owner and approved by the Council, the assessment for said owner's parcel of ground or lot of record shall be based on \$28.00 per linear foot of frontage. In addition, any owner signing a petition and waiver which is approved by the Council shall be allowed to make payments towards the total assessment, as allowed under Chapter 384 of the Code of Iowa. However, any owner desiring to sign a petition and waiver must do so prior to October 4, 1999.

4. Mandatory Connection Required. The provisions of Section 95.05 of this Code of Ordinances, regarding mandatory sewer connection, shall apply to the NW 66<sup>th</sup> Avenue Sanitary Sewer Extension District. Any houses or buildings not connected to the sanitary sewer by May 1, 2001, shall be notified by the City, in writing, to make such connection. All connections shall be made no later than November 1, 2001.

#### **101.07 NORTHWEST AREA SANITARY SEWER CONNECTION DISTRICT.**

1. Northwest Area Sanitary Sewer Connection District Established. The Northwest Sanitary Sewer Connection Fee District is hereby established consisting of a tract of land in Sections 3, 4 and 9 of Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian, Polk County, Iowa, and Sections 33 and 34 of Township 80 North, Range 25 West of the 5<sup>th</sup> Principal Meridian, Polk County, Iowa, more particularly described as follows, and as graphically depicted on Exhibit A attached to Ordinance No. 702 on file in the office of the Clerk and made a part hereof:

*Commencing at the northeast corner of Section 9, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian; thence south along the east line of said S Section 9 to the East Quarter corner of said Section 9; thence west along the south line of the Northeast Quarter of said Section 9 to the center of said Section 9; thence north along the west line of the Northeast Quarter of said Section 9 to the North Quarter corner of said Section 9; thence north along the west line of the Southeast Quarter of Section 4, Township 79 North, Range 25 West of the 5<sup>th</sup> Principal Meridian to the center of said Section 4; thence north along the west line of the Northeast Quarter of said Section 4 to the North Quarter corner of said Section 4; thence east along the south line of Section 33, Township 80 North, Range 25 West of the 5<sup>th</sup> Principal Meridian to the point of intersection with the centerline of 107<sup>th</sup> Street; thence northwesterly along the centerline of the right-of-way of 107<sup>th</sup> Street to a point on the north line of the South Half of the Southeast Quarter of said Section 33; thence east along the north line of the South Half of the Southeast Quarter of Section 33 to the centerline of the right-of-way of NW 100<sup>th</sup> Street; thence southerly along the centerline of the right-of-way of NW 100<sup>th</sup> Street to a point on the south line of the Southeast Quarter of said Section 33; thence east along the south line of said Section 33 to the southeast corner of said Section 33; thence east along the south line of Section 34, Township 80 North, Range 25 west to the South Quarter corner of said Section 34; thence north along the west line of the Southeast Quarter of said Section 34 to the northwest corner of the South Half of the Southeast Quarter of said Section 34; thence east along the north line of the South Half of the Southeast Quarter of said Section 34 to the*

*northeast corner of the South Half of the Southeast Quarter of said Section 34; thence south along the east line of the South Half of the Southeast Quarter of said Section 34 to the southeast corner of said Section 34; thence south along the east line of the Northeast Quarter of Section 3, Township 79 North, Range 25 West to the southeast corner of the North Half of the Northeast Quarter of said Section 3; thence west along the south line of the North Half of the Northeast Quarter of said Section 3 to the southwest corner of the North Half of the Northeast Quarter of said Section 3; thence west along the south line of the North Half of the Northwest Quarter of said Section 3 to the southwest corner of the North Half of the Northwest Quarter of said Section 3; thence south along the west line of the Northwest Quarter of said Section 3 to the West Quarter corner of said Section 3; thence south along the east line of Section 4, Township 80 North, Range 25 West to a point on the east line of the Southeast Quarter of said Section 4, said point being located a distance of 989.77 feet north of the southeast corner of said Section 4; thence west a distance of 882.27 feet; thence south a distance of 989.1 feet to a point on the south line of the Southeast Quarter of said Section 4; thence east along the south line of the Southeast Quarter of said Section 4 to the southeast corner of said Section 4, said point being the point of beginning*

and

*The West Half of the Northeast Quarter of Section 33, Township 80 North, Range 25 West of the 5<sup>th</sup> Principal Meridian.*

Connection fees are hereby established and shall be imposed upon owners of properties within the Northwest Area Sanitary Sewer Connection Fee District at the time of application to connect their property to said sewer facilities.

2. Fee Schedule. Connection fees shall be imposed as follows:

A. Area Connection Fee. A connection fee per acre of property served by the sanitary sewer facilities shall be imposed according to the following schedule:

<u>Effective Date</u>	<u>Connection Fee (\$/acre)</u>
December 20, 2004.....	\$ 2,200.00
July 1, 2006.....	\$ 2,300.00
July 1, 2007.....	\$ 2,400.00
July 1, 2008.....	\$ 2,500.00
July 1, 2009.....	\$ 2,600.00
July 1, 2010.....	\$ 2,700.00
July 1, 2011.....	\$ 2,800.00
July 1, 2012.....	\$ 2,900.00
July 1, 2013.....	\$ 3,000.00
July 1, 2014.....	\$ 3,100.00
July 1, 2015.....	\$ 3,200.00

B. Frontage Connection Fee. A frontage fee connection is established for all property directly adjoining and abutting the sanitary sewer facilities constructed under this section according to the following schedule:

<u>Effective Date</u>	<u>Connection Fee (\$/foot)*</u>
December 20, 2004 .....	\$ 30.00
July 1, 2006.....	\$ 31.50
July 1, 2007.....	\$ 33.00
July 1, 2008.....	\$ 34.50
July 1, 2009.....	\$ 36.00
July 1, 2010.....	\$ 37.50
July 1, 2011.....	\$ 39.00
July 1, 2012.....	\$ 40.50
July 1, 2013.....	\$ 42.00
July 1, 2014.....	\$ 43.50
July 1, 2015.....	\$ 45.00

\*Connection fee is per side of sewer.

3. Applicability of Frontage Fee. The frontage fee established under this section shall be applicable in those instances where the property owner utilizes the major sanitary sewer facility constructed by the City under this section in lieu of constructing a sanitary sewer to serve the property. The frontage fee shall not be applicable in those instances where a major sanitary sewer facility adjoins the boundary of the property that requires the development of internal sewers to provide sewer service to the property.

4. Fee Outside District. The established connection fee shall apply to any property outside of the Northwest Area Sanitary Sewer Connection Fee District that uses or derives benefit from any of the sewer facilities constructed for the Northwest Area Sanitary Sewer Connection Fee District. The appropriate fee shall be imposed at the time of determination that a benefit is derived from the property.

5. Exception within District. The established connection fee shall not apply to any properties within the Northwest Area Sanitary Sewer Connection Fee District area that do not use any sanitary sewer facilities constructed for the Northwest Area Sanitary Sewer Connection Fee District.

6. Payment. The determination that a property is to be connected to the sewer facilities shall occur and the appropriate connection fee shall be paid prior to the time of release of a final plat for recordation or the issuance of a building or plumbing permit, whichever occurs first.

7. Existing Single Family Residence. Any single family residence existing or under construction upon the effective date of the ordinance codified in this section located upon a parcel in excess of one acre may apply for connection upon division of said parcel into a single family residence parcel and an outlot in the payment of a single acre connection fee. Any development of said parcel shall necessitate a revised application for connection and payment of the appropriate connection. For purposes of this section, subdivision of the property into a single family residence parcel and an outlot shall only require a reasonably accurate graphical division of the property and shall not be construed to require a legal division of the property.

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