

BOARD OF COUNTY COMMISSIONERS SARPY COUNTY, NEBRASKA

RESOLUTION REVISING SEWER CONNECTION FEE REGULATIONS AND SEWER CONNECTION FEE SCHEDULE

WHEREAS, pursuant to Neb. Rev. Stat. § 23-104 (Reissue 2012), the County has the power to do all acts in relation to the concerns of the County necessary to the exercise of its corporate powers; and,

WHEREAS, pursuant to Neb. Rev. Stat. § 23-103 (Reissue 2012), the powers of the County as a body are exercised by the County Board; and,

WHEREAS, Sarpy County owns and operates sanitary sewers located within the County and charges and collects certain connection fees for construction, acquisition, retirement of debt, and other costs related to said sanitary sewers; and,

WHEREAS, a Resolution establishing the Sewer Connection Fee Regulations and the Sewer Connection Fees was previously approved by the County Board via Resolution 2004-296; and,

WHEREAS, said Sewer Connection Fee Regulations and Sewer Connection Fees require modification from time to time to ensure that policies are clear and updated; and,

WHEREAS, the Sarpy County Planning and Building Department has proposed that Sarpy County amend the Sewer Connection Fee Regulations and the Sewer Connection Fees as specifically outlined in the Planning Department report, which is attached hereto and includes a red-line version in legislative format to specifically show the proposed changes, said Planning Department report and all attachments to same are attached hereto and known as Exhibit "A".

NOW, THEREFORE, BE IT RESOLVED BY THE SARPY COUNTY BOARD OF COMMISSIONERS that this Board after due deliberation and consideration, adopts the proposed amendments to the Sarpy County Sewer Connection Fee Regulations and the Sarpy County Sewer Connection Fees and directs the Planning Department to amend the same, which amended documents are attached hereto as Exhibit "B" and that the same have full force and effect of law, the effective date of the aforementioned Sewer Connection Regulations and the Sewer Connection Fees shall be the 6th day of August, 2013.

FURTHER BE IT RESOLVED THAT the regulations enacted by this Resolution are intended to be a complete revision of the existing Sarpy County Sewer Connection Fee Regulations and the Sarpy County Sewer Connection Fees, and all previous Resolutions or parts of Resolutions of the Sarpy County Board of Commissioners on said subjects or in conflict with the provisions of this Resolution are hereby repealed.

The above Resolution was approved by a vote of the Sarpy County Board of Commissioners at a public meeting duly held in accordance with applicable law on the 6th day of August 2013.


Sarpy County Board Chairman



Attest
SEAL

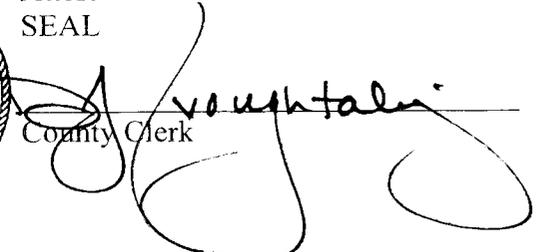

County Clerk

EXHIBIT B

SARPY COUNTY BUILDING AND PLANNING DEPARTMENT

SEWER CONNECTION FEE REGULATIONS

AUGUST 6, 2013

The attached fee schedule shall apply for the issuance of a permit to connect to the Sarpy County Interceptor Sewer, subject to the following rules of interpretations.

1. A structure or parcel of property acquires the right to connect to the Sarpy County Interceptor Sewer upon payment of the applicable fee, and the signing and approval of applicable agreements with the appropriate governmental entities. This right is subject to any specific conditions of the permit for such connection. The right to connect runs with the realty and/or the structure for which the permit is issued and fee paid. Fees may be due prior to the filing of the final plat, prior to issuance of the building permit, prior to physically connecting to the sewer, or any combination of these three events, as detailed in the attached schedules.
2. An additional fee shall be required for the expansion of existing facilities requiring a building permit for commercial, industrial and institutional properties if the expansion will take place outside the area that the original building permit connection fees were paid for, even if additional sewer connection is not required.
3. For existing development with existing structures, fees are payable only for actual connection with the Sarpy County Interceptor Sewer.
4. All payments shall be made through the Planning and Building Department of Sarpy County. The fees shall then be remitted either to Sarpy County or the appropriate governmental entity pursuant to any applicable interlocal agreements.
5. Commercial, industrial and institutional fees are paid on a per acre basis for the entire parcel. If applicant does not desire to pay a sewer fee on the entire parcel, said area may be replatted into smaller parcels, if done in a manner which complies with the then existing and applicable zoning and subdivision regulations. For parcels that are not platted, the entire sewer connection fee shall be due at the time of issuance of the permit.
6. Physical connection to the Sarpy County Interceptor Sewer, or to any sewer line that drains into the Sarpy County Interceptor Sewer, will not be allowed until: 1) the payment of any fees due to Sarpy County and/or any other governmental entity have been paid, and; 2) any and all required connection agreements have been signed by all parties. The required connection agreements may include waste water sewer agreements with Sarpy County, the

City of Omaha, and other applicable governmental entities. Any connection that violates this provision shall be subject to a penalty of 10% of the applicable fee, and will be disconnected until brought into compliance.

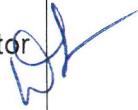
7. Connection to the Sarpy County Interceptor Sewer obligates the connecting party to pay ongoing flow charges for the treatment of the sewage entering the sewer, and for the ongoing maintenance of the Sarpy County Interceptor Sewer. Failure to pay flow charges on a timely basis shall subject the offending party to disconnection, as well as any other lawful remedies necessary to recover past due charges.

**SARPY COUNTY BUILDING AND PLANNING DEPARTMENT
SEWER CONNECTION FEES
AUGUST 6, 2013**

	Plat Fee	Building Permit Fee
A. Residential: Single, Duplex* , Mobile Home	\$800	\$800 if platted and plat fee has been paid \$1,600 if property has not been platted
B. All other residential (per living unit)	\$540	\$540 if platted and plat fee has been paid \$1,800 if property has not been platted
C. Commercial, Industrial, Institutional (per acre)	\$5,500	\$5,500 if platted and plat fee has been paid \$11,000 if property has not been platted

*Fee is for each living unit

EXHIBIT A
Planning Department Report
County Board Date: August 6, 2013

Subject	Type	By
Text Amendments to Sarpy County Building and Planning Department Sewer Connection Fee Regulations for clarification and assurance that all fees are paid prior to development of lot	Resolution	Donna Lynam, Zoning Administrator Planning & Building Dept. 

➤ **Background and Analysis:**

Staff is recommending text amendments to the Sarpy County Building and Planning Department Sewer Connection Fee Regulations for clarity and assurance that all sewer fees are collected in full prior to the issuance of a building permit for any development.

Redlined copies of the regulations are attached to proposed resolution.

➤ **Staff Recommendation:**

Staff believes that the proposed text amendments are necessary for clarity and assurance that all sewer fees are collected in full prior to the issuance of a building permit for any development.

Therefore, staff recommends **APPROVAL** of the text amendments to the Sarpy County Building and Planning Department Sewer Connection Fee Regulations as proposed.

~~EXHIBIT A-1~~

**SARPY COUNTY PLANNING AND BUILDING AND PLANNING
DEPARTMENT
SEWER CONNECTION FEE REGULATIONS
AUGUST 6, 2013~~SEPTEMBER 7, 2004~~**

The attached fee schedule shall apply for the issuance of a permit to connect to the Sarpy County Interceptor Sewer, subject to the following rules of interpretations.

1. A structure or parcel of property acquires the right to connect to the Sarpy County Interceptor Sewer upon payment of the applicable fee, and the signing and approval of applicable agreements with the appropriate governmental entities. This right is subject to any specific conditions of the permit for such connection. The right to connect runs with the realty and/or the structure for which the permit is issued and fee paid. Fees may be due prior to the filing of the final plat, prior to issuance of the building permit, prior to physically connecting to the sewer, or any combination of these three events, as detailed in the attached schedules. ~~Only the fee listed for the applicable category is due (i.e. property owners seeking a building permit will only pay that fee, unless they are also seeking a final plat).~~
2. An additional fee shall be required for the expansion of existing facilities requiring a building permit for commercial, industrial and institutional properties if the expansion will take place outside the area that the original building permit connection fees were paid for, even if additional sewer connection is not required.
3. For existing development with existing structures, fees are payable only for actual connection with the Sarpy County Interceptor Sewer.
4. All payments shall be made through the ~~office of the building inspector~~ Planning and Building Department of Sarpy County. ~~The fees shall then be remitted either to Sarpy County or the appropriate governmental entity pursuant to any applicable interlocal agreements.~~
5. Commercial, industrial and institutional fees are paid on a per acre basis for the entire parcel. If applicant does not desire to pay a sewer fee on the entire parcel, said area may be replatted into smaller parcels, if done in a manner which complies with the then existing and applicable zoning ~~codes or ordinances~~ and subdivision regulations. For parcels that are not platted, the entire sewer connection fee shall be due at the time of issuance of the permit.
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provision shall be subject to a penalty of 10% of the applicable fee, and will be disconnected until brought into compliance.

7. Connection to the Sarpy County Interceptor Sewer obligates the connecting party to pay ongoing flow charges for the treatment of the sewage entering the sewer, and for the ongoing maintenance of the Sarpy County Interceptor Sewer. Failure to pay flow charges on a timely basis shall subject the offending party to disconnection, as well as any other lawful remedies necessary to recover past due charges.

~~EXHIBIT A-2~~

**SARPY COUNTY BUILDING AND PLANNING DEPARTMENT
SEWER CONNECTION FEES**

~~SEPTEMBER 7, 2004~~ AUGUST 6, 2013

	Plat Fee	Building Permit Fee
A. Residential: Single, Duplex* , Mobile Home	\$800	\$800 <u>if platted and plat fee has been paid</u> <u>\$1,600 if property has not been platted</u>
B. All other residential (per living unit)	\$540	\$540 <u>if platted and plat fee has been paid</u> <u>\$1,080 if property has not been platted</u>
C. Commercial, Industrial, Institutional (per acre)	\$5,500	\$5,500 <u>if platted and plat fee has been paid</u> <u>\$11,000 if property has not been platted</u>

*Fee is for each living unit