

ORDINANCE NO. 24-01-01

AN ORDINANCE TO AMEND TITLE 13 TO DEFINE CAPITAL IMPROVEMENT AND EXPOUND THE CAPITAL IMPROVEMENT FEE PAYORS AND PAYOR OBLIGATIONS.

SECTION I. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 13, Chapter 12.010 of the Middletown Municipal Code be, and hereby is amended as shown below. A new section is added as “Chapter 12.015 – Definitions.” New language is designated by being in **BOLD CAPITAL LETTERS**.

Chapter 13.12 - WATER AND SEWER FEES AND CHARGES

CHAPTER 12.12.015 – DEFINITIONS

AS USED IN THIS CHAPTER:

“CAPITAL IMPROVEMENT” MEANS PROJECTS AND PROGRAMS REQUIRING FUNDING FOR ACQUISITION, ENGINEERING, CONSTRUCTION, RECONSTRUCTION, IMPROVEMENT, PLANNING, REPAIR, AND EQUIPPING OF WASTEWATER COLLECTIONS AND TREATMENT FACILITIES, WATER DISTRIBUTION AND TREATMENT FACILITIES, STORMWATER COLLECTIONS AND TREATMENT FACILITIES, ROADS AND BRIDGES, APPURTENANCES TO ROADS AND BRIDGES THAT ENHANCE PUBLIC SAFETY, INCLUDING REAL PROPERTY, INTERESTS IN REAL PROPERTY, AND THE TOWN’S FACILITIES AND EQUIPMENT INCIDENTAL THERETO.

SECTION II. BE IT ORDAINED AND ENACTED by the Burgess and Commissioners of Middletown that Title 13, Chapter 12.060 of the Middletown Municipal Code be, and hereby is amended as shown below. Language being deleted is designated by being ~~[in brackets and stricken through]~~. New language is designated by being in **BOLD CAPITAL LETTERS**.

Title 13 – PUBLIC SERVICES

Chapter 13.12 - WATER AND SEWER FEES AND CHARGES

13.12.060 – Rate and fee schedules – Residential and nonresidential users.

A. *{Unchanged}*

B. *{Unchanged}*

C. ~~Unless otherwise exempted as hereinafter provided, each residential and non-residential user of water and sewer services shall pay a capital improvement fee of fifty dollars (\$50.00) per quarter the capital improvement fee shall be in addition to the fees charged pursuant to subsections A. and B. of this section, and shall be billed and included in the quarter annual bills for each user. Each user, customer or account which is subject to and is obligated to pay the debt service charge required by Section 13.20.010 of the Middletown Municipal Code is and shall be exempt from the obligation to pay the capital improvement fee until January 1, 2020.~~

THE CAPITAL IMPROVEMENT FEE SHALL BE COLLECTED QUARTER-ANNUALLY AND SET ASIDE BY THE TOWN, IN A FUND TO BE USED SOLELY FOR THE PURPOSE OF IMPLEMENTING CAPITAL IMPROVEMENTS.

EACH HOUSEHOLD, BUSINESS, OR RELIGIOUS ORGANIZATION RESIDING OR LOCATED IN THE TOWN'S CORPORATE LIMITS AND UTILIZING THE TOWN'S UTILITIES AND ROAD INFRASTRUCTURE, SHALL CONTRIBUTE TO THE CAPITAL EQUIPPING AND IMPROVEMENT OF THE TOWN'S PUBLIC INFRASTRUCTURE AND SHALL PAY A QUARTER-ANNUAL CAPITAL IMPROVEMENT FEE, IN ADDITION TO THE FEES CHARGED PURSUANT TO SUBSECTIONS A. AND B. OF THIS SECTION, AND SHALL BE BILLED AND INCLUDED IN THE QUARTER-ANNUAL UTILITY BILLS OF THE SERVICE LOCATION AND UTILITY ACCOUNT.

HOUSEHOLDS ARE IDENTIFIED AS A "DWELLING UNIT"; A DWELLING OR PORTION THEREOF PROVIDING COMPLETE LIVING FACILITIES FOR ONE FAMILY/HOUSEHOLD; PROVIDED, HOWEVER, THAT THIS TERM SHALL NOT BE DEEMED TO INCLUDE ROOMING, BOARDING OR LODGING HOUSES OR HOTELS, MOTELS, TOURIST HOMES OR OTHER SIMILAR PLACES OFFERING OVERNIGHT ACCOMMODATIONS FOR TRANSIENTS. FOR MULTIHOUSEHOLD RESIDENTIAL PROPERTIES SHARING A SINGLE WATER METER, A CAPITAL IMPROVEMENT FEE WILL BE APPLIED TO EACH HOUSEHOLD RESIDING AT THE SERVICE LOCATION. MULTIHOUSEHOLD PROPERTIES CONTAIN MULTIPLE UNITS OR HOUSEHOLDS WITHIN A SINGLE RESIDENTIAL STRUCTURE AND/OR MULTIPLE RESIDENTIAL STRUCTURES SERVICED BY ONE WATER METER.

A BUSINESS IS DEFINED AS AN ORGANIZATION OR ENTERPRISING ENTITY ENGAGED IN COMMERCIAL, INDUSTRIAL, OR PROFESSIONAL ACTIVITIES THAT ARE EITHER FOR-PROFIT OR NON-PROFIT. FOR COMMERCIAL PROPERTIES WITH MULTIPLE BUSINESSES SHARING ONE WATER METER, A CAPITAL IMPROVEMENT FEE WILL BE APPLIED TO EACH DISTINCT BUSINESS ENTITY LOCATED AT THE SERVICE LOCATION, REGARDLESS OF SHARED AFFILIATIONS OR OWNERSHIP.

FOR MIXED-USE PROPERTIES, WHERE MULTIPLE BUSINESSES AND/OR HOUSEHOLDS ARE SHARING A WATER METER, A CAPITAL IMPROVEMENT FEE WILL BE APPLIED TO EACH HOUSEHOLD AND BUSINESS ENTITY RESIDING OR LOCATED AT THE SERVICE LOCATION.

A RELIGIOUS ORGANIZATION IS A CHURCH, ECCLESIASTICAL CORPORATION, OR GROUP, NOT ORGANIZED FOR FINANCIAL PROFIT, THAT GATHERS FOR MUTUAL SUPPORT AN EDIFICATION IN PIETY OR WORSHIP OF A DEITY.

(Ord. No. 22-12-01, § I, 12-12-22; Ord. No. 19-07-01, § I, 7-8-2019; Ord. No. 10-06, § I, 6-14-2010; Ord. No. 10-01-01, § I, 1-11-2010; Res. 09-03, § I, 5-11-2009; Res. 08-02 § 1, 2008; Res. 06-04 § 1, 2007; Res. 05-01 § 1, 2005; Res. 02-08, 2002; Res. 01-07 § 1, 2001)

SECTION II. BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect twenty (20) calendar days following its approval by the Burgess and Commissioners.

INTRODUCED ON THE 8th DAY OF JANUARY, 2024.
PASSED ON THE 12th DAY OF FEBRUARY, 2024.
EFFECTIVE DATE: MARCH 3rd, 2024.



ATTEST:

**BURGESS AND COMMISSIONERS
OF MIDDLETOWN**

Paul D.J. Mantello, Town Administrator

BY: _____

John D. Miller, Burgess