

**LIVINGSTON PARISH, LOUISIANA
SEWER DISTRICTS 1 AND 2**

Sec. 1.10. Sewerage service taps; service line fees; collection procedures.

- (a) Charges for sewer service taps and supplying of sanitary sewer service shall be as follows:
- (1) Sewer up to seven-foot depth.
 - a. Base tap fee of \$300.98 for four-inch and six-inch service lines.
 - b. For four-inch and six-inch service lines in excess of ten feet in length, the cost to be added to the base tap fee shall be \$5.79 per foot for each foot in excess of ten feet.
 - c. For a service line requiring hand excavation, the cost to be added to the base tap fee shall be \$5.79 per foot for four-inch and six-inch service lines of the hand excavation portion.
 - d. For service lines requiring road boring, the cost to be added to the base tap fee shall be the actual cost of installation, pipe and fittings. A price will be quoted upon request.
 - e. For four-inch and six-inch service lines requiring a road cut, instead of boring, the cost to be added to the base tap fee shall be \$11.58 per square foot of actual roadbed cut.
 - f. The fee for installation of tap and service line in excess of six inches shall be the actual cost of making the tap and providing installed service line. A price will be quoted upon request.
 - (2) Sewer in excess of seven-foot depth. The fee for making and installing a sanitary sewer tap and service line therefrom shall be the actual cost based on current prices. Such prices will be quoted upon request.
- (b) Application for and payment of all charges for service taps must be made at the Districts 1 and 2 office, located at 8437 Lockhart Road (LA Hwy 1026), Livingston Parish, Louisiana, a minimum of ten working days prior to need.

ARTICLE N. WASTEWATER FACILITIES IMPACT FEE

Sec. 1.11. Findings.

The sewer Districts 1 and 2 (herein after called "the Districts") find, determine and declare that:

- (a) The Districts must maintain and expand their wastewater facilities in order to maintain current standards of public health if new development is to be accommodated without decreasing current standards of public health.
- (b) The imposition of impact fees is one of the preferred methods of ensuring that development

bears a proportionate share of the cost of wastewater facilities necessary to accommodate such development. This must be done in order to promote and protect the public health, safety and welfare.

- (c) Connecting to the Districts wastewater system will create a need for the construction, equipping, or expansion of the wastewater facilities.
- (d) The fees established by section 1.17 are derived from, are based upon, and do not exceed the costs of providing additional wastewater facilities necessitated by connections to the Districts sewerage system.

Sec. 1.12. Authority and applicability.

- (a) This article shall be known and may be cited as the "Districts Wastewater Facilities Impact Fee Guidelines."
- (b) The Districts Board of Commissioners has the authority to adopt this Guideline pursuant to R.S. tit. 33, and other constitutional and statutory authority supplemental thereto.
- (c) This Guideline shall apply in all incorporated and unincorporated areas served by the Districts wastewater system.

Sec. 1.13. Intents and purposes.

The purpose of this article is to regulate the use and development of land so as to assure that new development bears a proportionate share of the cost of capital expenditures necessary to provide wastewater facilities by the Districts.

Sec. 1.14. Rules of construction.

- (a) The provisions of this article shall be liberally construed so as to effectively carry out its purpose in the interest of the public health, safety and welfare.
- (b) For the purposes of administration and enforcement, unless otherwise stated in this article, the following rules of construction shall apply:
 - (1) In the case of any difference of meaning or implication between the text of this article and any caption, illustration, summary table, or illustrative table, the text shall control.
 - (2) The word "shall" is always mandatory and not discretionary; the word "may" is permissive.
 - (3) Words used in the present tense shall include the future; and words used in the singular number shall include the plural, and the plural the singular, unless the context clearly indicates the contrary.
 - (4) The phrase "used for" includes "arranged for," "designed for," "maintained for," or "occupied for."
 - (5) The word "person" includes an individual, a corporation, a partnership, an incorporated association, or any other similar entity.
 - (6) Unless the context clearly indicates the contrary, where a regulation involves two or more items, conditions, provisions, or events connected by the conjunction "and," "or" or "either... or," the conjunction shall be interpreted as follows:
 - a. "And" indicates that all the connected items, conditions, provisions or events shall apply.
 - b. "Or" indicates that the connected items, conditions, provisions or events may apply singly or in any combination.
 - c. "Either...or" indicates that the connected items, conditions, provisions or events shall apply singly but not in combination.
- (7) The word "includes" shall not limit a term to the specific example but is intended to extend

its meaning to all other instances or circumstances of like kind or character.

- (8) "Districts" means the Sewer Districts 1 and 2.
- (9) "District engineer" means a civil engineer licensed to practice in the State of Louisiana, employed by, or contracted for, the Districts and charged with making engineering recommendations to the Commissioners.

Sec. 1.15. Definitions.

Wastewater facilities means those facilities within the wastewater collection, transmission and treatment system already in place that may need to be improved to provide capacity for proposed land developments and shall include trunk sewer lines, pumping stations, and major wastewater treatment facilities that are part of the Districts wastewater system.

Site-related facility means an improvement or facility which is for the primary use and benefit of a new development and/or which is for the primary purpose of safe and adequate provisions of wastewater facilities to serve the new development and for which the developer or property owner is solely responsible under subdivision guidelines and other applicable regulations.

Connection to wastewater system means the physical connection of a building, structure, or developed land or lots to the Districts' wastewater lines, no matter if such connection is made through or by intermediate lines.

Capital equipment means equipment with an expected use life of three years or more.

Fee payer means one who is required to pay a wastewater facility impact fee by this article.

Residential includes single-family or multifamily housing units as defined in the Districts Guidelines.

Commercial includes any unit or structure as defined in the Districts Guidelines.

Sec. 1.16. Imposition of wastewater facilities impact fee.

- (a) After the effective date of this guideline any person in either the incorporated or unincorporated areas served by the Districts' wastewater system who:
 - (1) Has subdivision improvements which are to be connected to the wastewater system and are accepted for maintenance by the Districts;
 - (2) Connects to the wastewater system; or
 - (3) Changes, modifies or expands the use of an existing connection to the wastewater system

is hereby required to pay a wastewater facilities impact fee in the manner and amount set forth in this article.

Sec. 1.17. Computation of the wastewater facilities impact fee.

(a) The amount of the wastewater facilities impact fee shall be determined by the following fee schedule:

<i>Water Meter Size (Inches)</i>	<i>Estimated Water Flow GPD/ Cust.</i>	<i>Impact Fee 2008</i>	<i>Impact Fee 2009</i>	<i>Impact Fee 2010</i>	<i>Impact Fee 2011</i>	<i>Impact Fee 2012</i>
¾	1,162	\$ 1,547	1,702	1,872	2,059	2,265
1	1,237	1,602	1,762	1,938	2,132	2,345
1 1/2	3,688	4,776	5,253	5,778	6,356	6,996
2	15,378	19,923	21,915	24,107	26,518	29,170
3	16,441	21,299	23,429	25,772	28,349	31,184
4	39,869	51,653	56,818	62,500	68,750	75,625
6	84,849	109,926	120,919	133,011	146,312	160,944
8	243,000	314,819	346,301	380,931	419,024	460,927

(b) In the case of change, modification or expansion of use of an existing connection to the wastewater system, the impact fee shall be based upon the net increase in the size of the meter for the new connection over the size of the meter for the previous connection.

(c) If a fee payer opts not to have the impact fee determined according to paragraph (a) of this section, then the fee payer shall prepare and submit to the Districts an independent fee calculation study for the land development activity for which a connection to the water and/or sewer system is sought. The independent fee calculation study shall follow the prescribed methodologies and formats for the study established by the guidelines and procedures of standard engineering and sanitation calculations and practices in compliance with federal and state law. The documentation submitted shall show the basis upon which the independent fee calculation was made. The Districts shall consider the documentation submitted by the fee payer but are not required to accept such documentation if the Districts' engineer reasonably deems it to be inaccurate or unreliable and may, in the alternative, require the fee payer to submit additional or different documentation for consideration. If an acceptable independent fee calculation study is not presented, the fee payer shall pay wastewater facilities impact fees based upon the schedule shown in paragraph (a) of this section. If an acceptable independent fee calculation study is presented, the Districts may adjust the fee to that appropriate to the particular development.

Sec. 1.18. Payment of fee.

- (a) The fee payer shall pay the wastewater facilities impact fee required by this article to the Districts as follows:
- (1) The wastewater facilities impact fee for each residential lot or commercial unit shall be paid by the developer of any new subdivision or commercial development prior to the approval of the final plat and /or the issuance of a certificate of occupancy, whichever comes first.
 - (2) All wastewater facilities impact fees as determined by the fee schedules shall be paid by the property owner prior to the issuance of an occupancy permit or certificate of occupancy, or prior to connection to the Districts' wastewater system, whichever occurs first.

(b) All funds collected shall be properly identified by and promptly transferred for deposit in the wastewater facilities impact fee fund to be held separately as determined in Section 1.20 and used solely for the purposes specified in this article.

Sec. 1.19. Wastewater facilities impact fee fund established.

- (a) There is hereby established the wastewater facilities impact fee fund.
- (b) Funds withdrawn from the wastewater facilities impact fee fund shall be used in accordance with the provisions of Section 1.20 of this article.

Sec. 1.20. Use of funds.

- (a) Funds collected from wastewater facility impact fees shall be used solely for the purpose of expanding, acquiring, equipping, increasing the efficiency of and/or making improvements or replacements to capital equipment for wastewater facilities and wastewater treatment facilities under the jurisdiction of the Districts and shall not be used for ordinary maintenance or operations.
- (b) In the event that bonds or similar debt instruments are issued for advanced provision of capital equipment for which wastewater facilities impact fees may be expended, impact fees may be used to pay debt service on such bonds or similar debt instruments to the extent that the facilities provided are of the type described in subsection (a) above.

Sec. 1.21. Exemptions and credits.

- (a) Wastewater facilities impact fees shall not be required on the following:
 - (1) Alterations or expansion of an existing building where a larger meter is not installed.
 - (2) The replacement of a destroyed, condemned or removed building or structure within three years of its destruction, condemnation or removal with a new building or structure where a larger meter is not installed.
 - (3) The installation of a replacement mobile home on a lot or other such site when a wastewater facilities impact fee for such mobile home site has previously been paid pursuant to this article or where a mobile home connected to the wastewater system legally existed on such site on or prior to the effective date of this guideline.
 - (4) Structure on lots in subdivisions which have been connected to the wastewater facilities prior to the adoption of this guideline.
- (b) Credits:
 - (1) Wastewater facilities improvements may be offered by the fee payer as total or partial payment of the required impact fee. The offeror must request a wastewater facilities impact fee credit. If the Districts accept such an offer, whether the acceptance is before or after the effective date of this guideline, the credit shall be determined in the following manner:
 - a. Credit for the dedication of land shall be valued at:
 - 1. 1000 percent of the most recent assessed value by the Livingston Parish Assessor's Office;

2. By such other appropriate methods as the Districts may have accepted prior to the effective date of this guideline for particular wastewater facilities improvements; or
 3. By fair market value established by private appraisers acceptable to the Districts. Credit for the dedication of wastewater facilities land shall be provided when the property has been conveyed at no charge to, and accepted by, the Districts in a manner satisfactory to the Districts.
- b. Applicants for credit for construction of wastewater facilities improvements shall submit acceptable engineering drawings and specifications, and construction cost estimates to the Districts' engineer. The Districts' engineer shall determine credit for construction based upon either these cost estimates or upon alternative engineering criteria and construction cost estimates if the Districts' engineer determines that such estimates submitted by the applicant are either unreliable or inaccurate. The Districts' engineer shall provide the applicant with a letter or certificate setting forth the dollar amount of the credit, and the legal description or other adequate description of the project or development to which the credit may be applied. The applicant must sign and date a duplicate copy of such letter or certificate indicating his agreement to the terms of the letter or certificate and return such signed document to the Districts' engineer before credit will be given. The failure of the applicant to sign, date, and return such document within 60 days shall nullify the credit.
 - c. Except as provided in subsection d. below, credit against impact fees otherwise due will not be provided until:
 1. The construction is completed and accepted by the Districts; and
 2. A suitable maintenance and warranty bond is received and approved in accordance with the subdivision ordinance for the Districts when applicable.
 - d. Credit may be provided before completion of specified wastewater facilities improvements if adequate assurances are given by the applicant that the standards set out in subsection c. will be met and if the fee payer posts security as provided below for the costs of such construction. Security in the form of a performance bond or escrow agreement shall be posted with, and approved by, the Districts in an amount determined by the Districts' engineer. If the wastewater facilities construction project will not be constructed within one year of the acceptance of the offer by the Districts' engineer, the amount of the security shall be increased by ten percent, compounded for each year of the life of the security. The security shall be reviewed and approved by the Districts' attorney's office prior to acceptance of the security by the Districts' engineer. If the wastewater facilities construction project is not to be completed within five years of the date of the fee payer's offer, the Districts must approve the wastewater facilities construction project and its scheduled completion date prior to the acceptance of the offer by the Districts' engineer.
- (2) Any claim for credit must be made no later than the time of application for connection. Any claim not so made shall be deemed waived.
 - (3) Credits shall be transferable from one project or development to another.
 - (4) Determinations made by the Districts' engineer pursuant to the credit provisions of this Section may be appealed to the Districts by filing a written request with the Districts'

engineer within ten days of the Districts' engineer's determination.

Sec. 1.22. Review.

The fees contained in Section 1.17 shall be reviewed by the Districts at least once every five years.

Sec. 1.23. Penalty provision.

A violation of this article shall be prosecuted in the same manner as misdemeanors are prosecuted and, upon conviction, the violator shall be punishable according to law; however, in addition to or in lieu of any criminal prosecution, the Districts shall have the power to sue in civil court to enforce the provisions of this article.

Sec. 1.24. Appeals.

After determination of the applicability of the impact fee, a fee payer may appeal the amount of the impact fee due to the 21st Judicial District Court. The applicant must file a Petition for Appeal within 30 days following the determination of the applicability of the impact fee. The filing of an appeal shall not stay the collection of the impact fee due unless a bond or other sufficient security has been filed.