

Board of Public Works/Sewer Commissioners Regulations, Chapter 200, Article II
- Sewer User Fees

200-26.1 Capacity Utilization Fee

By virtue of the authority granted to the Board of Sewer Commissioners of the Town of Nantucket pursuant to the Nantucket Sewer Act, chapter 396 of the Acts of 2008, there is hereby established a Capacity Utilization Fee, for the use of any part of the Nantucket Sewer System, including any sewer line or related equipment, fixtures, improvements, appurtenances and facilities used to collect, transmit, receive or process sewage or wastewater, is established in addition to the Sewer Service Connection Fees and other fees and charges, as follows:

(a) Such fee applies to parcels of land outside the Sewer Districts created pursuant to Article 31 of the 2010 Annual Town Meeting and outside needs areas defined in the town's DEP-approved Comprehensive Waste Water Management Plan approved by the Secretary of Environmental Affairs, as such Districts or Plan as the case may be, may be amended from time to time.

(b) Such Fee shall be paid by the applicant who applies for permission to connect such parcel or parcels of land to the collection system for the Surfside Waste Water Treatment Plant after the applicant has complied with the requirements of District expansion as set forth in the Nantucket Sewer Act and after the applicant has applied for and been granted permission for such connection. Such payment shall be in full before such connection is physically established unless an agreement satisfactory to the town to pay such amount over time is recorded in the registry of deeds or Registry District of the Land Court, as applicable.

(c) Upon payment, such Fee shall be credited to and become a receipt of the Sewer Enterprise Fund established pursuant to section 6 of the Nantucket Sewer Act.

(d) The applicant shall pay all costs incurred by the Town related to review of the application, public hearings, District expansion, and engineering which costs shall be added to and become part of such Fee.

(e) Such Fee shall be non-refundable in the event that the applicant decides not to connect or not to stay connected.

(f) The amount of the Capacity Utilization Fee of \$20.32 per gallon of sewage flow based upon the type of establishment, number of units and flow estimates contained in Title V of the State Sanitary Code (currently 310 C.M.R. § 15.203), which is incorporated herein for reference.

(g) In the event that additional capacity is utilized by the subject property because of changes in the establishment, number of units or flow estimates for the subject parcel over time an additional Capacity Utilization Fee may be charged for such additional capacity utilization.

(h) This section 200-26.1 and Capacity Utilization Fee shall take effect on May 1, 2010


SIGNATURE PAGE TO FOLLOW

Dated this 24th day of March, 2010.


Town of Nantucket
By its Board of Selectmen:



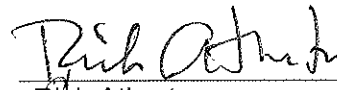
Michael Kopko, Chairman



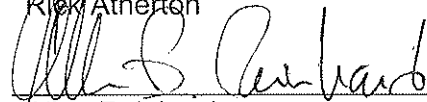
Patricia Roggeveen



Brian Chadwick



Rick Atherton



Allen Reinhard