

MEMORANDUM

Business Item B

From: Administrator/Staff

To: Clayton Sanitary District #1 Commission

Re: Sanitary District Commission review & consideration of amending the Town of Clayton Sanitary District #1 Wastewater & Sanitary Sewer Regulation language, including preserving dual service billing for future, definitions to reflect naming conventions, amendments for when a property shall be required to connect to available services, and other amendments related to when connection fees are due.

Included is a preliminary red-line copy of amendments to the regulation language. Upon Town Counsel review, there were some additional changes suggested:

- In § 3.15A, after "Connection to sewer and water required." I would add the following to begin the second sentence: "Except as provided in Subsection A(4) for existing buildings, and, if applicable, the deferral requirements of Subsection B,..."
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- In § 3.15A(4)(a), I would add the following at the end: "Notwithstanding the foregoing 360-day connection requirement, an existing building served by a functioning private potable well and/or private onsite wastewater treatment system may continue to utilize such private system(s) beyond the otherwise applicable 360-day connection period only if the property owner obtains and maintains a deferral pursuant to Subsection B. While such deferral remains in effect, connection shall be required upon the first occurrence of a mandatory connection event identified below or upon termination of the deferral pursuant to Subsection C, whichever occurs first."
 - I think this clarifies how the existing 360-day connection requirement, Subsection B deferral process, and new mandatory connection events are intended to work together. Under this language, an owner of an existing building would either connect within 360 days after service becomes available or obtain and maintain a formal deferral under Subsection B. While that deferral remains in place, connection would not be required until one of the new mandatory connection events occurs or the deferral otherwise terminates under Subsection C. Please confirm that this reflects the Town's intent, particularly with respect to a sale or transfer. If the intent is instead to require connection at or before closing, we should revise the sale/transfer provision accordingly.
- In § 3.15A(4)(a)(i)(c), addition of something such as the following to the end: "..., excluding transfers to a spouse, to a trust or entity controlled by the owner, or a transfer occurring by reason of the owner's death."
- For § 3.15C, if the intent is instead for the A(4) triggering events to also require connection within 90 days, I suggest revising A(4) to make that deadline explicit.

- § 3.02J defines "Fox West Regional Sewerage Commission," but § 3.02M and § 3.21D says "Fox West Sewerage Commission," without "Regional."
- § 3.02 Definitions "Fox West Regional Sewerage Commission" and "Utility Superintendent" are out of alphabetical order.

SUGGESTED MOTION:

*Motion **AND ROLL CALL** to approve the amendments to the Wastewater & Sanitary Sewer Regulation language as presented in the red-line & Counsel comments.*

If you have any questions about this information, please feel free to call or e-mail me.

Respectfully Submitted
Kelsey