

**SECTION 5: SEWER PRIVILEGE FEE**

Pursuant to M.G.L. c.83 Section 17, the Board of Sewer Commissioners in the Town of Easton in which common sewers are laid may determine that a person who uses such common sewers in any manner, instead of paying an assessment, shall pay for the permanent privilege of his estate such reasonable amount as the Sewer Commissioners shall determine.

**SECTION 5A: PRIVATE SEWER EXTENSION**

If a private developer or a person other than the Town or its authorized representative applies to construct a sewer extension to the System, the Town shall assess a Sewer Privilege Fee in lieu of betterment assessment against each property connecting to the sewer extension. The Sewer Privilege Fee shall be a reasonable amount equal to or greater, as may be allowable by law, but in no case less than the betterment assessment that would have been calculated in connection with the most recent public sewer project as determined by the Sewer Commissions pursuant to M.G.L. c.83 Section 17. The Sewer Privilege Fee shall be due and payable in full upon approval to connect.

Except as herein provided, the provisions of the Massachusetts General Laws relative to the assessment, apportionment, division, re-assessment, abatement, and collection of sewer assessments, liens, and interest thereon shall apply to assessments made under these Regulations, and the Easton Tax Assessor shall have all of the powers conveyed by law.

1. Any request to connect to the Easton System through an extension as aforesaid shall be in accordance with the approved Sewer Service Areas as voted by the Sewer Commissioners and determined based on available public sewer capacity.
2. In addition, property owners constructing and/or connecting a private sewer extension shall bear the burden of all costs, including costs of construction, paving, legal services, related to the following:
  - a. Review of design plans and specifications for the private sewer extensions to be accepted as part of the System review shall be performed by the Town or its designee.
  - b. Inspection fees related to the installation of the private sewer line connecting to the System.
  - c. Application fees for any applicable Town inspection or connection permits.
3. Costs associated with the design and construction of a private sewer extension shall be considered separate from the Sewer Privilege Fee. Payments or method of payment related to these costs shall not be reflected within the Sewer Privilege Fee.

**SECTION 5B: COMPENSATORY SEWER PRIVILEGE FEE**

Where (1) a betterment has been assessed to an undeveloped property based upon the estimated number of developable Sewer Units as required by these Regulations and the property is ultimately developed to in a

manner which actually reflects a number of Sewer Units in excess of the number estimated for determining the betterment assessment, or (2) a betterment has been assessed to a developed parcel and later in time the use of that parcel is increased resulting in a number of Sewer Units in excess of the number estimated for determining the betterment assessment, the Town shall assess a Compensatory Sewer Privilege Fee to reflect the increased use pursuant to M.G.L. c.83 Section 17. This fee shall be equal to or greater than, as may be allowable by law, the additional Sewer Units based betterment calculations for the most recent sewer project. Fees shall be due and payable in full upon approval to connect.

1. COMPENSATORY SEWER PRIVILEGE FEE CHARGE

Charges shall be charged at the time of determination of the Compensatory Privilege Fee, as detailed in Section 5B, to the System. Fees shall be due and payable in full upon approval to connect.

**SECTION 5C: SUPERSEDING CONDITIONS**

These Regulations shall be incorporated into the existing “SEWER USE REGULATIONS” and, to the extent there is a conflict, shall supersede all previous Sewer Commission regulations for all future capital additions to the System.

**SECTION 5D: IN-KIND PUBLIC BENEFIT AUTHORIZATION**

The Commission, in its sole discretion, is authorized to reduce the amount of the calculated Sewer Privilege Fee as determined by Section 5A & 5B for an in-kind Public Benefit that is of equal value. Any such reduction shall be memorialized in a Commission approved Agreement between a private developer or a person and the Town.

**SECTION 5E: MISCELLANEOUS AUTHORIZATION**

The Commission is authorized to take any other action necessary or appropriate to accomplish the establishing and recovery of such betterment assessments and privilege fees.