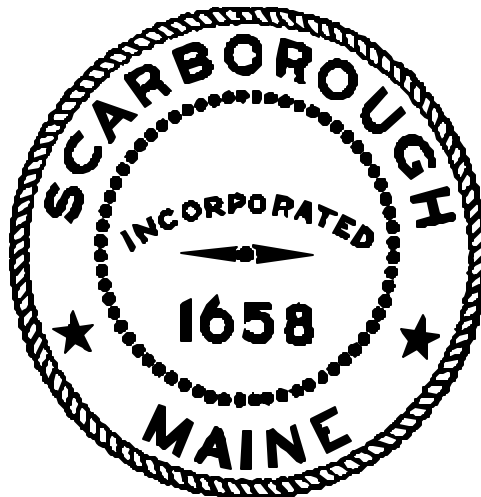


CHAPTER 409

TOWN OF SCARBOROUGH

SEWER ASSESSMENT ORDINANCE

(Town Center & Eight Corners Development Districts)



**ADOPTED FEBRUARY 1, 1989
RATIFIED MARCH 8, 1989
AMENDED NOVEMBER 7, 1990**

**CHAPTER 409
TOWN OF SCARBOROUGH
SEWER ASSESSMENT ORDINANCE
(TOWN CENTER & EIGHT CORNERS DEVELOPMENT DISTRICTS)**

WHEREAS, The Town of Scarborough has created two municipal development districts, the Town Center Development District and the Eight Corners Development District; and,

WHEREAS, Consistent with the Development Programs for said Development Districts, the Town, in cooperation with the Scarborough Sanitary District, has constructed and completed a public sewer system to serve properties located within the Development Districts; and,

WHEREAS, To fund a portion of the costs of said public sewer system, an assessment is to be made upon the land benefitted by said public sewer system.

NOW THEREFORE, be it ordained by the Town of Scarborough, Maine as follows:

1. Assessment.

There is hereby assessed upon the lots and against the owner thereof of person in possession or against whom the taxes thereon are assessed, the sums set forth on Exhibit A attached hereto and made a part hereof, which sums are hereby determined to be the present benefit deemed just and equitable towards deferring the expenses of constructing and completing said public sewer system.

2. Filing.

The location and profile description of said sewer system, as set forth on the Profile Plan attached hereto as Exhibit B and made a part hereof, shall be filed with the Town Clerk together with a true copy of Exhibit A.

3. Notice and Hearing.

The Town Clerk shall notify all owners of this assessment, as set forth in Exhibit A, in the manner provided by law and shall provide notice to each owner of a hearing on these assessments to be conducted by the Municipal Officers of the Town on Wednesday, March 8, 1989 at 7:30 P.M. at the Wentworth School Gym, Scarborough, Maine. At said hearing, the Municipal Officers shall have the power to revise, increase or diminish any of the assessment.

4. Payment.

The Tax Collector and the Assessor, with the approval of the Treasurer, shall have the authority to assess and collect the assessments and charges made hereunder over a time period of not to exceed ten (10) years. Provided, however, that the Tax Collector and the Assessor may exercise said authority only where the person assessed has agreed to that method of assessment and collection in writing and notice of that fact has been properly recorded in the Cumberland County Registry of Deeds.

5. Sewer Development Charge.

Following the effective date of this sewer assessment ordinance and any amendments hereto, a sewer development charge, based upon the anticipated burden on the public sewer system to serve the additional users, shall be levied upon any additional users of the public sewer system described herein and located within the Sewer Service Area Map attached hereto as Exhibit C and made a part hereof. For the purposes of this ordinance, the term "additional user" shall include both new connections to the public sewer system and increased usage of the public sewer system resulting from a change in use of property when the change in use will result in an increase in the usage of the public sewer as determined by the Rules and Regulations of the Scarborough Sanitary District. For the calendar year 1989, the sewer development charge on additional users shall be imposed at the base rate of three thousand dollars (\$3,000) per equivalent dwelling unit as calculated pursuant to the Rules and Regulations of the Scarborough Sanitary District. For each succeeding calendar year, the sewer development charge base amount shall be increased by five percent (5%) per year. All sewer development charges shall be payable to the Treasurer of the Town of Scarborough at the earlier of the date of subdivision approval, site plan review approval, or municipal building permit approval, unless the Town Manager for good cause shown determines that the sewer development charge may be paid at the municipal building permit stage, even if subdivision and/or site plan approval is required and occurs earlier than the building permit stage. In no event may a building permit be issued prior to payment of the sewer development charge.

(amended November 7, 1990)

6. Effective Date.

This ordinance shall become effective immediately upon the completion of the hearing described in paragraph 3 hereof.