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**Sec. 22-229. Sewer extension; reimbursement of property owners from project connection fees.**

- (a) The city council may, by ordinance, authorize agreements allowing property owners to extend city sewers to serve their property in situations where the city would normally extend the sewers but lacks the funding to do so. Such agreements must provide that the sewer will be built in accordance with city plans and specifications. The city may agree to partially reimburse the person or persons extending a sewer from project connection fees charged to other property owners in the project drainage area.
- (b) The reimbursement shall be computed by subtracting the total pro rata contribution of all persons paying or agreeing to pay for the sewer, before construction began, from the total cost of the project. The total cost of the project shall be determined by the city based on documentation provided by the person constructing the project. The total area within the drainage basin served by the project will be calculated in square feet and identified as the project recovery area. The pro rata contribution shall be computed by multiplying the cost per square foot of the project times the number of square feet owned by the persons who have paid or agreed to pay at least their proportionate share of the project cost.
- (c) The city may agree to reimburse the person constructing the sanitary sewer when the city is paid a project connection fee, separate from and in addition to any other fees normally collected by the city, by a person in the project recovery area who has not paid a connection fee before construction of the sanitary sewer began. Whenever a project connection fee is paid to the city, the city shall pay the person constructing the sewer a sum of money equivalent to the project connection fee, plus whatever penalties are charged by the city, less the cost of collection as determined by the director of finance. Nothing contained in this subsection shall be construed, however, to create any liability on behalf of the city; nor shall the city contract with the person building the sewer to create any liability for its failure to collect such connection fees.
- (d) Agreements made under this section shall be for a period not to exceed twenty (20) years. If the person constructing the sewer is no longer in existence or cannot be located by the city, the city shall cause the reimbursement to be made available to those persons who have contributed their proportionate share of the cost of the sewers before construction began, provided such persons must file claims and prove their claims to the director within twenty (20) years from the date of the contract. If no such claims are filed, or if the city cannot locate the person constructing the sewers within twenty (20) years after the date of the contract, all such refunds shall forever be barred, and such money shall revert to the city's sewer fund.

(Ord. No. 19841, § 1, 3-17-08; Ord. No. 22578, § 4, 9-21-15 )