

1 THE TOWN OF COVENTRY
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4 **ORDINANCE OF THE TOWN COUNCIL**

5
6 **IN AMENDMENT OF THE TOWN OF COVENTRY CODE OF ORDINANCES,**
7 **2008 PART II – GENERAL LEGISLATION,**
8 **CHAPTER 191, SECTION 5 – Construction of Sewers by Private Developers**
9

10 **Ordinance No. 2026-08**

11
12 *The Town Council of the Town of Coventry hereby ordains as follows:*

13
14 **Section 1.** The Town of Coventry Code of Ordinance, Part II General Legislation is hereby
15 amended by amending the following Chapter and Sections:

16
17 **Chapter 191 — Sewers**

18
19 **§ 191-5 Construction of sewers by private developers.**

20
21 A. Nonresidential developments, or residential developments consisting of more than a single
22 dwelling, shall not be approved by the Town of Coventry until the developer has executed with
23 the Town a permit agreement as hereinafter provided unless requirement is waived by the Town.
24 Any such permit agreement shall provide for installation of a sewer system as provided in § 191-
25 4 and as further provided below:
26

27 (1) The developer shall install the lateral sewer in the street and the building sewer from the lateral
28 sewer to the property line. In addition, if the developer is constructing a new dwelling on a parcel,
29 the building sewer shall be extended to connect with the building plumbing. In the case of new
30 street construction, the developer shall make such installation before surfacing of the street is
31 completed.
32

33 (2) When an owner of any parcel, or his agent, applies for a building permit, the building inspector
34 shall require, as a condition of the issuance of such permit, that said owner or agent show on the
35 plot plan the layout of the future connection from the lateral sewer to the building drain, including
36 the elevation of the building sewer at the street line, elevation of the finished first floor and/or
37 cellar floor, and elevation of the building drain to which the future building sewer would be
38 connected.
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40 (3) The developer shall cap all open ends of the sewer and shall, along with completed as-built
41 plans of the sewer, provide exact ties and elevations so that the capped ends can be readily located.
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43 (4) The Town shall approve elevations at each point where the sewers are capped, and the
44 developer shall design and build the sewer to these elevations. The Town shall provide design
45 capacities for the sewers.

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(5) Where topography prevents installation of the sewer within the street, the developer shall install the sewer within rights-of-way that shall be of adequate width as determined by the Town and deeded to the Town of Coventry.

(6) The Town, in considering the acceptance of a new development for sewer service into the established system of sewers, as hereinbefore defined, shall employ the following as guidelines in determining an acceptable means and/or particular method by which said service may be achieved.

(a) When possible, sewer service shall be achieved by gravity means. All proposals will be reviewed by the Town based on the system's capacity to handle additional sewerage and compliance with this chapter.

(b) If gravity sewer service is not feasible or economical, as determined by the Town, sewer service shall be achieved by extending service to an existing pumping facility within the established system, subject to the Town's normal review process as stated above.

(c) If an existing pumping facility is not accessible or feasible under normal engineering standards, as determined by the Town, pressure/force mains with related pumping facilities may be considered by the Town.

[1] For new dwellings and/or developments that are inaccessible for gravity sewer service, the Town may consider the acceptance of a pumping facility into the Town's sewer system on a case-by-case basis. The overall need for such a facility in lieu of other viable options must be proved by the developer to the satisfaction of the Town prior to the Town's preliminary approval. The pumping facility must be designed and installed under the supervision of an individual licensed as a registered professional engineer in the State of Rhode Island. The work shall be in accordance with the Town standards and shall include all appurtenances necessary to establish a functional and acceptable facility as determined by the Town. Upon preliminary acceptance of a facility, the Town and developer shall negotiate a permitting agreement whereby the developer shall pay to the sewer commission, prior to the new system being accepted, a sufficient sum to defray all estimated operational and maintenance costs of the facility for a period of 10 years after acceptance. The amount of this payment shall be based on estimates at the time of the proposal as determined and approved by the Town. Said payment shall be in the form of a certified check payable to the Town of Coventry.

[2] Proposed pumping facilities servicing new or proposed nonresidential developments may be considered for acceptance by the Town. If such pumping facilities are not considered acceptable by the Town, the developer may install a pumping facility, such that the ultimate ownership and operational and maintenance responsibilities of such a facility remain the responsibility of the developer/property owner.

(d) If a pumping facility is deemed necessary by the developer and approved by the Town to serve a new development, the Town shall require either that the developer install said pumping facility and appurtenant equipment or that the developer pay to the Town of Coventry a sum sufficient to defray the cost of engineering (design, review and inspection), constructing, equipping, and

92 installing said pumping facility. The amount of this payment shall be based on estimates developed
93 by a certified professional engineer registered in the State of Rhode Island and approved by the
94 Town. The payment may be in the form of a certified check payable to the Town of Coventry and
95 such funds shall be used only for the engineering (design, review and inspection), construction,
96 equipping and installation of the pumping facility. This amount is in addition to that designated in
97 Subsection A(6)(c)[1] above.

98
99 (e) Upon installation and acceptance by the Town of the pumping facility and appurtenant
100 equipment, the developer shall deed the site, the facility and equipment to the Town and assign its
101 rights in all warranties and guarantees to the Town. The deed and assignment shall be in a form
102 approved by legal counsel to the Town.

103
104 (7) If the developer retains ownership of the pump station and/or collection system, the developer
105 must comply with § 191-19.

106
107 (8) The developer shall be required to include as a part of the capped sewer construction any pipes,
108 pumping stations or other appurtenances which would be required for or would serve areas outside
109 of the development in question, without remediation from the Town.

110 B. A new development for which a permit agreement is required, as described under Subsection
111 A hereof, shall not be approved by the Town until the developer has submitted a design of the
112 sewers serving said development or has waived the requirement therefor pursuant to Subsection C
113 below. Said design shall be prepared by the developer at his expense, shall conform to accepted
114 engineering practices and existing installation requirements, and shall provide for an economical
115 and effective future installation of the sewers. Any rights-of-way called for by such design as
116 approved by the Commission shall be deeded to the Town of Coventry.

117
118 C. The Town may grant relief from any of the requirements imposed by Subsection A above if it
119 determines that the need for the construction or design of sewers is impractical or remote taking
120 into consideration: 1) the date upon which the sewers might be connected to the Town wastewater
121 collection system; 2) the estimated cost of construction; and 3) the anticipated need for sewers
122 within the development. Such need shall be determined after consideration of all available
123 information, including any report or evidence submitted by the developer of such proposed
124 development.

125
126 D. For any development or a portion thereof, with a common sanitary sewer system that is privately
127 owned by an ownership, community or condominium type association or entity and discharges to
128 the Town's POTW, the association or entity of record shall be fully responsible and accountable
129 for the ownership, operation and maintenance of said sanitary sewer system in its entirety,
130 including all regulatory compliance issues related thereto and must comply with § 191-19.

131
132 E. If a developer subdivides lots fronting on an existing Town road, the Commission may waive
133 the requirement installation of capped sewers serving such lots if it finds such installation to be
134 impracticable, provided that any easements necessary for future sewer installations are dedicated
135 to the Town of Coventry. The Town may by agreement with the developer provide for immediate
136 or future construction of the capped sewers by the developer as provided herein at his/her expense.
137 The Town Council is authorized to enter into agreements on behalf of the Town of Coventry with

138 developers or other owners of land for the engineering (design, review and inspection) and
139 construction of sewers by and at the expense of such developers or owners which sewers may
140 become part of the public sewer system under the conditions hereinafter stipulated. The Town
141 Council is empowered to make, from time to time, any necessary regulations stipulating the terms
142 and conditions of said agreement consistent with the provisions of this chapter. The conditions
143 under which a permit agreement may be executed are as follows:
144

145 (1) The president of the Town Council is authorized to sign on behalf of the Town of Coventry all
146 such agreements when the same have been authorized by said Town Council.
147

148 (2) The terms and text of an agreement for any particular project under § 191-5 of this chapter
149 shall be as approved by the Town's legal counsel.
150

151 (3) The Town shall specify in the terms of such agreements, or on plans which are made a part
152 thereof, the limits, sizes and grades of the sewers to be built and the nature of and limitations on
153 the waste or liquids to be conveyed. All the terms of and all subsequent amendments to this chapter
154 shall be applicable to work done under such agreements.
155

156 (4) Such agreements shall provide that the full cost of engineering (design, review and inspection),
157 and construction of the sewer and all expenses incidental thereto shall be borne by the developer
158 or owner who shall, before commencing any work, deposit with the Finance Director of the Town
159 of Coventry a sum deemed by the Town or such engineers as the Town may employ, to be
160 sufficient to defray the cost of preliminary surveys, of the preparation of designs and plans, of
161 other expenses of preliminary engineering, of inspection, supervisory engineering, grade staking,
162 measuring, testing and all other expenses of the Town of Coventry incurred prior to or during
163 construction, or during any maintenance period stipulated, including allowances for pension,
164 insurance and similar costs related to payroll. Such agreements shall also provide that, in case said
165 deposit proves to be insufficient at any time during the progress of the work, further deposit shall
166 be made upon notification by the Finance Director of said Town and that, upon acceptance of the
167 sewer, any unspent portion of said deposit shall be returned to the developer or owner.
168

169 (5) All such agreements shall provide that the developer or owner shall assume all risks and hold
170 the Town of Coventry or their agencies harmless from any and all claims for damage arising from
171 the work or its conduct. To secure such risks, adequate liability, property damage and
172 compensation insurance in amounts fixed by the Town shall be required of the developer or owner
173 who shall furnish proper and acceptable certificates of insurance before starting work.
174

175 (6) The Town, whenever in its opinion there is possibility of loss by the Town of Coventry by
176 reason of failure of the owner or developer to complete the work contemplated in the agreement,
177 or any part thereof, or to comply with any maintenance requirements, may require as a part of said
178 agreement that adequate ~~Financial Security bond or other surety acceptable to the Town of~~
179 ~~Coventry~~ be submitted to insure completion and maintenance of the work. The acceptable forms
180 of "Financial Security" are authorized and defined in the Town of Coventry Code of Ordinances,
181 Part II General Legislation, Chapter 123.
182

183 (7) Such agreements shall require, whenever the work is not in a duly accepted public road, that
184 adequate easements or rights-of-way be conveyed to the Town of Coventry prior to the acceptance
185 of the sewer, the terms of conveyance being subject to the approval of the Town's legal counsel.
186

187 (8) After certification by the Town or such engineers as the Town may employ, that any sewer
188 constructed under the terms of this section has been completed in accordance with the plans,
189 specifications, and standards of the Town of Coventry and that the maintenance period fixed in the
190 agreement has expired, and that all roadways, curbs, walks and other surfaces and appurtenances
191 disturbed by the work have been properly restored, or that adequate Financial Security ~~by bond or~~
192 ~~otherwise~~ has been furnished to assure such restoration, the Town may, by resolution, incorporate
193 said sewer into the Town's wastewater collection system, to become effective as specified in such
194 resolution.

195
196 **§ 191-14 Assessment**
197

198 The following procedures have been established in order to recover the cost of sewage works,
199 including but not limited to treatment facilities, planning, design, constructing, managing,
200 operating, and maintaining the wastewater treatment and collection systems. These costs shall be
201 recovered by the collection of assessments. Assessments are subject to change as the associated
202 costs change.
203

204 A. Setting sewer assessment.
205

206 (1) The Town Council shall, by ordinance amendment, adopt a sewer assessment for real property
207 (improved and unimproved) from time to time. The sewer assessment shall be used for the purpose
208 of recovering capital cost of the Town's sewage works, including but not limited to all or such
209 portion of the Town's share of the capital cost of the WWRWTF against residential and
210 nonresidential properties. The sewer assessment rates shall be established by the Town Council
211 and shall be available to the public prior to the commencement of any sewer project. Sewer
212 assessments may be paid in up to 30 annual installments, pursuant to R.I.G.L. § 45-14-9.
213

214 (a) Residential sewer assessment. The sewer assessment will be fixed not to exceed \$15,000 per
215 residential property.
216

217 (b) Nonresidential sewer assessment per project.
218

219 [1] Nonresidential sewer assessment for Contract No. 8 is (\$)81.60 per gallon per day (GPD).
220

221 B. Notwithstanding the foregoing, all owners of properties in the Town will have their sewer
222 assessments deferred if the owner of such parcel, within 10 years of the date of the sewer
223 assessment, has installed a new septic system, provided that such parcel shall remain subject to
224 assessment and shall begin paying such assessment when their septic system fails (per RIDEM
225 guidelines) and cannot be repaired.
226

227 C. Parcels of real property (improved and unimproved) which are not included in a specific
228 sewer district not yet connected to the POTW, but which, in the future, may connect into the

229 POTW will be charged a sewer assessment, upon connection to said POTW, as outlined in this
230 section.

231

232 D. Residential and nonresidential sewer assessments.

233

234 (1) The sewer assessments are as follows:

235

236 (a) Residential assessments: not to exceed \$15,000.

237

238 (b) Nonresidential assessments:

239

240 [1] Minimum assessment: 200 GPD x nonresidential rate/GPD.

241

242 [2] All nonresidential properties with design flows between zero to 6,000 GPD: daily design flow
243 (GPD) x nonresidential rate/GPD.

244

245 [3] All other nonresidential properties with design flows greater than 6,000 GPD: 6,000 (GPD) x
246 nonresidential rate/GPD + (each gallon over 6,000 GPD x 0.70 x nonresidential rate/GPD).

247

248 (2) The nonresidential assessment shall be based upon a unit rate (\$)/daily design flow (GPD) for
249 flows below 6,000 GPD. Where the daily design flow (GPD) exceeds 6,000 GPD, a reduced rate
250 (\$)/GPD will apply to each additional gallon of daily design flow over 6,000 GPD. All daily design
251 flows are established by RIDEM regulations. All assessments will be in accordance with § 191-
252 14.

253

254 (3) For example, using a nonresidential rate of \$80/GPD:

255

256 (a) A nonresidential facility using 6,000 GPD will translate to: 6,000 GPD x \$80/GPD = \$480,000.

257

258 (b) A nonresidential facility using 7,000 GPD will translate to: 6,000 GPD x \$80/GPD + (1,000
259 GPD x 0.70 x \$80/GPD) = \$536,000.

260

261 (c) Vacant land shall be assessed and subject to the minimum assessments indicated in this section.
262 The Town Council may defer assessment charges for vacant land that is restricted and considered
263 undevelopable if supporting documentation is submitted proving such restriction, and that
264 assessment charges be paid when such property is available for development, and provided a
265 municipal lien be placed upon the property at the time of initial assessment for the initial
266 assessment amount.

267

268 E. Assessments for real property located outside of the Town's boundaries requesting connection
269 to the POTW shall be subject to assessments indicated in Subsections D and G. The parcel owner
270 applying to connect to the POTW shall furnish a Financial Security bond, at the owner's expense,
271 with surety to the Town of Coventry, on the form furnished by said Town, with the application to
272 connect to Town's sewer system. Assessment charges shall be paid in full prior to connecting to
273 the POTW. The acceptable forms of "Financial Security" are authorized and defined in the Town
274 of Coventry Code of Ordinances, Part II General Legislation, Chapter 123.

275
276 F. Assessments for privately built sewers on private property. Notwithstanding any other
277 provisions of this chapter, it is hereby determined that sanitary sewer lines built on private property
278 by, and at the expense of, a private party shall be subject to assessments indicated in Subsection
279 D.

280
281 G. Betterment assessments shall apply to assessments for properties serviced by public sewers,
282 which are privately built, on public property and to all properties that propose a change in use, or
283 an increase in daily flow (GPD), after the initial assessment date. Properties that propose a change
284 in use, or an increase in daily flow (GPD) after the initial assessment date, are subject to both initial
285 assessment and betterment assessments.

286
287 (1) Assessments for privately built sewers on public property. Notwithstanding any other
288 provisions of this chapter, it is hereby determined that a public sanitary sewer line built by and at
289 the expense of a private party within an existing or proposed public highway or public right-of-
290 way, in which sanitary sewer is to become the property of the Town, and connected to the POTW,
291 the following betterment assessments shall apply.

292
293 (a) Residential betterment assessments: 50% of the cost of the betterment will be assessed in the
294 following manner for residential properties:

295
296 [1] Minimum assessment: $2 \text{ (BR)} \times 115 \text{ GPD/BR} \times 0.25 \text{ Residential Rate/GPD}$.

297
298 [2] Residential dwellings: $\# \text{Bedrooms (BR)} \times 115 \text{ GPD/BR} \times 0.25 \text{ Residential Rate/GPD}$.

299
300 [3] Mobile homes: $\# \text{Bedrooms (BR)} \times 115 \text{ GPD/BR} \times 0.25 \text{ Residential Rate/GPD}$.

301
302 (b) Nonresidential betterment assessments: 75% of the cost of the betterment will be assessed in
303 the following manner for nonresidential properties:

304
305 [1] Minimum assessment: $200 \text{ GPD} \times 0.25 \text{ nonresidential rate/GPD}$.

306
307 [2] All nonresidential properties with design flows between zero to 6,000 GPD (gallons per day):
308 $\text{daily design flow (GPD)} \times 0.25 \text{ nonresidential rate/GPD}$.

309
310 [3] All other nonresidential properties with design flows greater than 6,000 GPD (gallons per day):
311 $6,000 \text{ (GPD)} \times 0.25 \text{ nonresidential rate/GPD} + (\text{each gallon over } 6,000 \text{ GPD} \times 0.175 \times$
312 $\text{nonresidential rate/GPD})$.

313
314 (2) All properties that propose a change in use, or an increase in daily flow, after the initial
315 assessment date shall be subject to a betterment assessment as specified in Subsection G.

316
317 (3) Betterment assessments for all properties that propose a change in use, or an increase in daily
318 flow, after the initial assessment date will be billed as a secondary assessment, in addition to the
319 initial assessment, and shall be based upon the increased flow volume (GPD) only.

320

321 H. Assessments outlined in Subsection G shall be payable by the parcel owner annually over not
322 more than 30 years, commencing the year following sewer installation, unless otherwise specified,
323 interest on the unpaid balance shall be 0.5% greater than the rate at which the Town obtained the
324 funds for each specific sewer project, to be computed by the Town Finance Director, for the project
325 which brought the sewer line to the parcel, such same rate to apply to all outstanding payments
326 until the assessment is paid in full, except that this amendment shall not apply to any payments in
327 arrears as of the date of passage (July 8, 2019) of this amendment. Any assessment may be paid in
328 full at any time; provided, however, that upon division of any parcel subject to an initial twenty-
329 year sewer assessment, whether by subdivision, condominium, or any other division of the parcel
330 subject to the twenty-year assessment, creates a new lot or unit which would otherwise be subject
331 to a sewer assessment as provided in this chapter, or whenever a betterment assessment shall
332 become due on any portion of or interest in such parcel, the entire outstanding balance of the
333 twenty-year assessment shall become due immediately upon the transfer of any portion of or
334 interest in such parcel. Unpaid assessments shall be liened and foreclosed upon in accordance with
335 the general statutes governing the collection of taxes. Assessments for parcels outside of the
336 Town's boundaries shall be paid in full by the parcel owner prior to connecting to the POTW.

337
338 I. Sewer pumps. If it is necessary for the property owner to install a grinder pump for an existing
339 property, that is located along the Town's low pressure sewer (LPS), the Town will credit the
340 residential property assessment charge in the amount of \$5,000, and the nonresidential property
341 assessment charge in the amount of \$9,000. If it is necessary to install a grinder pump for an
342 existing residential dwelling that is located in a low lying area along the Town's gravity sewer
343 system, the Town will credit the residential assessment charge for that property by the amount of
344 \$5,000. The property owner or agent shall submit a plan proving to the Town that the property is
345 too low to connect to the Town's gravity system by conventional gravity means. The plan shall
346 identify, at a minimum, the future connection from the lateral sewer to the building, including the
347 elevation of the building sewer at the street line, elevation of the finished first floor, elevation of
348 the top of foundation, elevation of the basement floor, and elevation of the building drain to which
349 the building sewer would be connected. The owner of any parcel requiring a pump will be
350 responsible for the cost of furnishing, installing, operating, maintaining, and servicing any pump
351 that may be required. Any pump proposed for use is required to be approved by the Town. The
352 Town will not provide a pump for any parcel of property.

353
354 J. Future sewer users shall be notified by certified mail two years in advance that the users' property
355 will have access to the public sewer use and that such property will be subject to assessment. Future
356 sewer users shall also be notified by certified mail six months in advance of when project
357 construction is scheduled to begin and when the public sewer is available to the user for
358 connection.

359
360 K. Assessments collected in excess of the Financial Security bond indebtedness shall be retained
361 in the Town's Sewer Fund to be used for capital improvements projects. The funds within the
362 Sewer Fund shall be retained in an account for renewal and replacement of capital equipment
363 and/or the reduction of existing and future debt repayment. All assessed funds shall be held in a
364 special revenue account (Town of Coventry Sewer Fund) under the custody of the Finance
365 Director, Town of Coventry. This fund shall be designated for use by the Town of Coventry for
366 sewer-related purposes.

367
368 **§ 191-17 Construction by licensed drain layer only**
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370 Construction of all sewer connections within the Town shall be performed only by drain layers
371 who are licensed in the Town of Coventry and who shall furnish a Financial Security ~~bond with~~
372 ~~surety to the Town of Coventry on the form furnished by said Town.~~ The acceptable forms of
373 “Financial Security” are authorized and defined in the Town of Coventry Code of Ordinances, Part
374 II General Legislation, Chapter 123.

375
376 **Section 2.** This ordinance shall take effect upon its passage and final adoption.
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413 Approved as to Form:

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416 _____
Town Solicitor Date

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418

419

420 Introduced by/Pursuant to: Council John Paul Verducci

421

422 Referred to/for: First Reading of the Ordinance on _____, 2026

423

424 Planning Commission for recommendation on _____, 2026

425

426 Public Hearing before the Town Council on _____, 2026

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428

429 Passed or Denied on a vote of _____

430

431

432 _____
John-Paul A. Verducci – Town Council President

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434

435 Approved:

436

437

438 _____
Daniel O. Parrillo – Town Manager

439

440

441 Certification Actions by Town Clerk:

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