



The Mayor and Commissioners of the Town of Elkton

Ordinance 2 - 2010

BY: **Mayor and Commissioners**

INTRODUCTION: **May 19, 2010**

ADOPTION: **June 2, 2010**

AN ORDINANCE CONCERNING

The Code of the Town of Elkton Title 13 Public Services

Chapter 13.04 Water Service System

Section 13.04.090

Major Facilities Charges; Use of Major Facilities Funds; Front-Foot Assessment Charges

FOR THE PURPOSE of amending the Code of the Town of Elkton, Title 13, Chapter 13.04, § 13.04.090, providing that all major facilities charges shall be paid at the time of the building permit's issuance; providing credit to the property owner for water and/or sewer service connection(s) under specific conditions; providing said credit in the form of prevailing major facilities charge(s); limiting the extension of credit to five (5) years.

WHEREAS, Article XI-E, Constitution of the State of Maryland; Article 23A, Annotated Code of Maryland; Charter and Code of the Town of Elkton provide the authority under which the Board of Commissioners may adopt, repeal, and/or amend the ordinances of the Town of Elkton; and

WHEREAS, the Mayor and Commissioners have determined that all major facilities charges shall be paid prior to or at the time a building permit is issued for applicable construction; and

WHEREAS, the Mayor and Commissioners have further determined that improved real property that has water and/or sewer service connection(s) to the Town's water distribution and/or sewer collection system, respectively, should not be assessed major facilities charge(s) for building replacement when utilizing the same or equivalent service connections as the building being replaced; and

WHEREAS, the Mayor and Commissioners have further determined that it is the intent of this amendment to recognize that a property owner who removes an existing residential or commercial building and constructs a new residential or commercial building on its land should be granted credit for the previously existing and equivalent water and/or sewer service connection(s) and should not be assessed major facilities charges for those equivalent connections when constructing a new residential or commercial building on the same land; and

WHEREAS, the Mayor and Commissioners have further determined that a property owner that permanently discontinues water and/or sewer service connection(s) to a residential or commercial building may be allocated credit for those water and/or sewer service connection(s) to another building lot(s) under the same ownership; and

WHEREAS, the Mayor and Commissioners have further determined that it is the intent of this amendment to limit the extension of credit for water and/or sewer service connections for a period of time not to exceed five (5) years; five (5) years being a reasonable period of time for a property owner to utilize the credit for new residential or commercial construction on the property owner's land; and

WHEREAS, the Mayor and Commissioners have further determined that credit for water and/or sewer service connections shall be granted in the form of the prevailing major facilities charge(s) and shall be applied at the time that a building permit is issued.

NOW, THEREFORE, the Board of Commissioners of the Town of Elkton hereby ordains that:

Section 1. The Code of the Town of Elkton, Title 13, Chapter 13.04, § 13.04.090, is repealed; and

Section 2. The Code of the Town of Elkton, Title 13, Chapter 13.04, § 13.04.090, is reenacted to read as follows:

The Code of the Town of Elkton

Title 13

Chapter 13.04

13.04.090 Major facilities charges; use of major facilities funds; front-foot assessment charges.

A. Major facilities charges. There shall be a major facilities charge of Fifteen Thousand Dollars (\$15,000.00) per major facilities equivalent unit for a person to connect to the Town's water distribution system and wastewater collection system, **unless as otherwise provided under subsection B of this section.** This charge shall be calculated and paid in the following method:

1. ~~Fifteen Thousand Dollars (\$15,000.00)~~ **All major facilities charges** shall be paid at the time the building permit is issued by the Town's building official for all construction within the corporate limits.
2. Any approved connections outside the corporate limits shall pay Fifteen Thousand Dollars (\$15,000.00) per major facilities equivalent unit at the time the application is received by the Town. A major facilities charge of Five Thousand Dollars (\$5,000.00) shall apply for connections to the Town's water distribution system and a charge of Ten Thousand Dollars (\$10,000.00) shall apply for connections to the Town's wastewater collection system.
3. Major facilities charges for commercial, industrial, and other non-residential building applicants shall be computed on a per-fixture basis, with each fixture having a value placed on it as provided in the standard adopted by a resolution of the Mayor and Commissioners. The estimated water consumption may also be used in computing commercial, industrial, and other non-residential building costs. A minimum of twenty (20) fixture units shall be assessed on all commercial, industrial and other non-residential building applications, unless otherwise provided under the adopted standard.
4. A major facilities charge of Five Thousand Dollars (\$5,000.00) shall be charged for connection to the Town's water distribution system and Ten Thousand Dollars (\$10,000.00) shall be charged for connection to the Town's wastewater collection system for individual connections.

B. Credit for Water and/or Sewer Service Connections

1. **The owner of improved real property that is connected to the Town's water distribution and/or sewer collection system may be granted a major facilities connection credit equivalent to the existing connection(s) when: (a) the existing building is removed and a new building is constructed on the same building lot; or (b) the size, use, type, or function of the existing building is materially altered.**

2. The owner of improved real property that is connected to the Town's water distribution and/or sewer collection system who permanently disconnects or otherwise discontinues water and/or sewer services to that building lot may be granted credit(s) equivalent to the disconnected or discontinued service connection(s) for allocation to another property: (a) that is under the same ownership as the building lot for which water and/or sewer services are being permanently disconnected or discontinued; and (b) for which a permit authorizing new residential or commercial construction has been issued.
3. Credit granted pursuant to this subsection B shall be provided in an amount not to exceed the prevailing major facilities charge(s) for water and/or sewer, as set forth under subsection A of this Section 13.04.090, and extended for a period not to exceed five (5) years from the date water and/or sewer service is disconnected from the owner's property.

~~B.~~ C. Use of major facilities funds.

1. Unless as otherwise provided by law or by accounting procedures implemented by the Town, money collected as major facilities charges shall be accounted for in a special revenue fund and subsequently shall be used to pay for: 1) capital improvements to the water and/or wastewater system(s); 2) capital equipment used to operate and/or to maintain the water and/or wastewater system(s); 3) the acquisition of land and/or easements relating to capital improvements to the water and/or wastewater system(s); and/or 4) debt service resulting from the aforesaid. The term "*capital equipment*" shall be construed under this section to mean fixed or mobile equipment, the cost of which meets or exceeds Ten Thousand Dollars (\$10,000.00).
 2. Notwithstanding the provisions of Paragraph B., 1., of this section, the Town shall require the owner of a property connecting to the Town's water distribution and/or wastewater collection system(s) to pay for all costs relating to the study, design, construction, construction management, acquisition of land and/or easements, and implementation of capital improvements to the water and/or wastewater system(s) necessary to service the owner's property.
- C. Front-foot assessment charges. A person connecting to the Town's water distribution system and/or wastewater collection system shall pay front-foot assessment charges at a minimum rate of one hundred dollars (\$100.00) per front foot. Individual connections shall be charged at a minimum rate of fifty dollars (\$50.00) per front foot for water and a minimum rate of fifty dollars (\$50.00) per front foot for wastewater. Notwithstanding the provisions of this section, the Town may charge a person connecting to the Town's water

distribution and/or wastewater collection system an amount equivalent to the proportional cost of constructing the water distribution system and/or the wastewater collection system to which a person is connecting. This charge shall be calculated and paid in the following manner:

1. The building official shall determine the front-foot assessment charge for a parcel by multiplying the length of parcel frontage on the Town's right-of-way, or upon other property or right-of-way, where a water distribution main and/or wastewater collection main is located by the front-foot assessment rate or the actual cost per foot to install the water distribution main and/or wastewater collection main.
2. A person who has applied for connection to the Town's water distribution system and/or wastewater collection system shall pay the applicable front-foot assessment charges at the time a building permit is issued by the Town's building official.
3. Money collected as front-foot assessment charges shall be accounted for in the Major Facilities (Special Revenue) Fund.

** END OF SECTION **

DATE OF EFFECT

THIS ORDINANCE shall be effective on the 22nd day of June, 2010.

AFFIRMING

Mayor Joseph L. Fisona
Commissioner Charles H. Givens, Sr.
Commissioner Mary Jo Jablonski
Commissioner Earl M. Piner, Sr.

