

## Ordinance 3-2003

BY: Board of Commissioners

INTRODUCTION: March 19, 2003

ADOPTION: May 7, 2003

### AN ORDINANCE CONCERNING

Code of the Town of Elkton  
Title 13  
Chapter 13.04, § 13.04.090  
MAJOR FACILITIES CHARGES

**FOR THE PURPOSE** of amending the Code of the Town of Elkton, Chapter 13.04, § 13.04.090, B., expanding the use of major facilities funds for water and wastewater system improvements, including treatment processes and equipment, and capital equipment used for operating and maintaining the system(s).

**WHEREAS**, the Constitution of the State of Maryland, Article XI-E; 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 Board of Commissioners has determined that major facilities charges are to be collected from any person connecting to the Town's water distribution system and/or wastewater collection systems, and that major facilities funds shall be used for, in addition to any other purposes expressed therein, the purchase of capital equipment used for the operations and/or maintenance of those systems; and

**WHEREAS**, the Board of Commissioners has further determined that the collection of major facilities charges and the use of major facilities funds for capital improvements to the water and wastewater systems shall not be construed to mean that any person connecting to the Town's water and/or wastewater system(s) shall not be responsible for any and all costs associated with the engineering design, construction, acquisition of real property and easements, and/or other capital improvements associated with both on-site and/or off-site capital improvements necessary to provide water and/or wastewater service to the person's property and/or development.

**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 The Code of the Town of Elkton, Title 13, Chapter 13.04, § 13.04.090, Paragraph B., shall be repealed; and

Section 2. The Code of the Town of Elkton, Title 13, Chapter 13.04, § 13.04.090, Paragraph B., shall be re-enacted and read as follows:

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. No change in text.

B. 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 easement(s), and implementation of capital improvements to the water and/or wastewater system(s) necessary to service the owner's property.

C. No change in text.

\*\* END OF SECTION \*\*

**DATE OF EFFECT**

THIS ORDINANCE shall be effective on **27th** day of **May**, 2003.

**CERTIFICATION OF LEGAL REVIEW**

**THIS ORDINANCE** reviewed by the Town Attorney and found legally sufficient and in proper form.

\_\_\_\_\_  
Mr. H. Norman Wilson, Jr., Esq, P.A.

\_\_\_\_\_  
Date

**EXECUTION BY THE MAYOR AND COMMISSIONERS**

AFFIRMING:

Attest:

\_\_\_\_\_  
Lewis H. George, Jr., Town Administrator

Mayor and Commissioners of the Town of Elkton

\_\_\_\_\_  
Joseph L. Fisona, Mayor

\_\_\_\_\_  
Jean A. Broomell, Commissioner

\_\_\_\_\_  
John K. Burkley, II, Commissioner

\_\_\_\_\_  
Charles H. Givens, Commissioner

\_\_\_\_\_  
C. Gary Storke, Commissioner

**DISSENTING:**

\_\_\_\_\_  
\_\_\_\_\_

**ABSTAINING:**

**ABSENT:**

**CERTIFICATION OF PUBLICATION**

THIS ORDINANCE published in the Cecil Whig on \_\_\_\_\_ and  
\_\_\_\_\_, and posted on the Town of Elkton's Web  
site [www.townofelkton.org](http://www.townofelkton.org) on \_\_\_\_\_.

\_\_\_\_\_  
Lewis H. George, Jr., Town Administrator

\_\_\_\_\_  
Date