



The Mayor and Commissioners Of the Town of Elkton

Ordinance 2 - 2019

BY: Mayor and Commissioners

INTRODUCTION: May 1, 2019

ADOPTION: May 15, 2019

AN ORDINANCE CONCERNING

The Code of the Town of Elkton

Title 13

Chapter 13.04

Water Service System

FOR THE PURPOSE of amending the Code of the Town of Elkton, Title 13, Chapter 13.04, Section 13.04-090 - Major Facilities Charges; Use of Major Facilities Funds; Credit for Water and/or Sewer Connections; Front-foot Assessment Charges, in order to provide for a waiver of Major Facilities charges and front-foot assessment charges relating to new and existing residential development.

WHEREAS, Article XI-E., Constitution of the State of Maryland; Section 4-103(b)(3), Subtitle 1, Title 4, Division II, Local Government Article, Annotated Code of Maryland; and the 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 the aforementioned section of Chapter 13.04, Section 13.04.090, pertaining to the Major Facilities charges and Front-foot Assessment Charges shall be amended with the intent to provide for an economic stimulus period within the town for residential 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 The Code of the Town of Elkton, Title 13, Chapter 13.04, **Section 13.04.090**, shall be repealed; and
- Section 2. The Code of the Town of Elkton, Title 13, Chapter 13.04, **Section 13.04.090**, shall be amended and re-enacted to read as follows:

The Code of the Town of Elkton
Title 13
Chapter 13.04
Water Service System

§ 13.04.090 Major Facilities Charges; Credit for Water and/or Wastewater Connections and Waiver of 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. **FOR NEW CONSTRUCTION:** Twenty-five percent (25%) of the Major Facilities charge shall be paid at the time the building permit is issued by the Town's building official for all construction within the corporate limits and seventy-five percent (75%) of the Major Facilities charges shall be paid when the Certificate of Occupancy is issued.
2. **FOR EXISTING CONSTRUCTION:** One hundred percent (100%) of the Major Facilities charges shall be paid at the time of the application for connection to the Town's water distribution system and/or wastewater collection system.
3. 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.
4. Major Facilities charge 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.

5. 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 Wastewater Service Connections; Waiver of Major Facilities Charges.
1. The owner of improved real property that is connected to the Town's water distribution system and/or wastewater 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. Credit granted under § 13.04.090 B (1) shall be provided in an amount not to exceed the prevailing Major Facilities charge(s) for water and/or wastewater, as set forth under § 13.04.090 A, and extended for a period not to exceed five (5) years from the date water and/or wastewater service is disconnected from the owner's property
 3. Major Facilities Charges applicable to residential construction, specifically *dwelling*s, within the town shall be waived for the period June 4, 2019, through and expiring on May 31, 2022. Notwithstanding the expiration set forth in this subsection, the waiver may be extended by the building official for any building construction initiated during the waiver period and actively under construction.
- 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 : a) capital improvements to the water and/or wastewater system(s); b) capital equipment used to operate and/or maintain the water and/or wastewater systems; c) the acquisition of land and/or easements relating to capital improvements to the water and/or wastewater systems; and/or d) 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 owner of a property connecting to the Town's water distribution system and/or wastewater collection system 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 systems necessary to service the owner's property.
- D. Front-foot assessment charges.
- Unless otherwise provided under this section, 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 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 system and/or wastewater collection system an amount equivalent to the proportional cost of constructing the water distribution system and/or 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 the parcel frontage on the Town's right-of-way, or upon other property or right-of way, where a water distribution main and/or a 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. FOR NEW CONSTRUCTION: A person who has applied for connection to the Town's water distribution system and/or wastewater collection system shall pay twenty-five percent (25%) of the applicable front-foot assessment charges at the time a building permit issued by the Town's building official and seventy-five percent (75%) shall be paid upon the issuance of the Certificate of Occupancy.
3. FOR EXISTING CONSTRUCTION: A person who has applied for connection to the Town's water distribution system and/or wastewater collection system shall pay one hundred percent (100%) of the applicable front-foot assessment charges at the time of the application.
4. Money collected as front-foot assessment charges shall be accounted for in the Major Facilities (Special Revenue) Fund.
5. A waiver of front-foot assessment charges shall apply to new and existing residential development for the period June 4, 2019, through and expiring on May 31, 2022, consistent with the Major Facilities charges waiver provided under Paragraph B., 3, of §13.04.090.

**** END OF SECTION ***

DATE OF EFFECT

THIS ORDINANCE shall be effective on the 4th day of June, 2019.

Mayor and Commissioners
of the Town of Elkton

Mayor Robert J. Alt
Commissioner Charles H. Givens, Sr.
Commissioner Robert M. Massimiano
Commissioner Earl M. Piner, Sr.