

RESOLUTION NO. 2007-01
MAYOR AND TOWN COUNCIL OF BOONSBORO

(AMENDS RESOLUTION NO. 2006-05)

A RESOLUTION OF THE TOWN OF BOONSBORO, A MUNICIPAL CORPORATION OF MARYLAND, ADOPTING A SCHEDULE OF FEES FOR SERVICES PROVIDED BY THE TOWN ENGINEER OF ENGINEERING REVIEW, INSPECTION, AND PERMITTING; AND MISCELLANEOUS ADMINISTRATIVE REVIEW FEES INCURRED BY THE PLANNING COMMISSION; AND PROVIDING FOR THE EFFECTIVE DATE OF ALL FEES.

WHEREAS, The Mayor and Town Council of Boonsboro, hereinafter called "Council," have deemed it advisable and necessary to adopt a schedule for payment of fees in relation to engineering review by the Town Engineer, hereinafter called "Engineer," an appropriate and competent professionally licensed engineer;

WHEREAS, the Annotated Code of Maryland, Article 66B, § 304 (b.1), states that the Planning Commission may contract with planners, engineers, architects, and other consultants for services that the Commission requires; and

WHEREAS, the Boonsboro Planning Commission, hereinafter called "Commission," has recommended the adoption of a revised fee schedule at a regularly scheduled meeting held on August 2, 2006 and January 24, 2007;

WHEREAS, the Council has deemed it necessary to provide for a policy for any and all costs incurred by any the developer, subdivider, owner, and/or applicant to the Commission, hereinafter called "Applicant," to be borne by said Applicant.

NOW BE IT FURTHER RESOLVED, by The Mayor and Town Council of the Town of Boonsboro as follows:

Section One: Engineering Review.

1. Engineer Required.

In the event the Commission, Zoning Administrator, or any duly authorized agent of the Council, determines to engage outside engineering, permitting or inspection services, with regard to any aspect of the review of any site plan, subdivision plat, or other development proposal or building permit submitted by the Applicant, the cost of such services shall be borne by the Applicant, and shall be reimbursable to the Council on demand.

2. Surety Required.

In a reasonable amount of time after the determination is made that engineering review permitting or inspection services are required, THE APPLICANT SHALL POST THE SUM OF \$1,000 OR THE TOTAL SUM OF THE ESTIMATED COSTS INCURRED BY THE ENGINEER AS SPECIFIED IN SECTION (3), WHICHEVER MAY BE GREATER, in a surety agreement for any costs incurred by the Engineer. The Commission shall not hear nor shall the Engineer review the request of the Applicant until the Town Clerk has verified a surety agreement ("Surety"). A Surety shall be a performance bond,

escrow agreement or other acceptable collateral or surety. Such Surety shall be required by the Commission as acceptable guarantee for the payment of engineering review costs.

3. Estimated Costs.

In no more than thirty (30) days after the determination that engineering services are required, the Engineer shall provide an estimated cost of total services ("the Estimate") for the engineering review, permitting, and inspection services. The Town Engineer shall forward the Estimate to the Commission, Zoning Administrator, Council, and Applicant for review or dissemination. The total amount of the Estimate shall be relevant to the conditions of the Surety, as specified within the above section two (2) 'Surety Required'.

The Council may, at its discretion, ask for a revised Estimate by the Engineer in the event that costs have exceeded the Surety posted. The Engineer shall forward the revised Estimate to the Commission, Zoning Administrator, Council and Applicant for review or dissemination. The Applicant shall immediately post an amendment to the Surety as to the appropriate revised Estimate.

4. Town Engineer Services.

The services of the Engineer are of the sole absolute discretion of the Planning Commission in carrying out any duties, roles and responsibilities as specified within Article 66B of the Annotated Code of Maryland, for the health, safety and welfare of the inhabitants of the Town of Boonsboro, the County of Washington, the State of Maryland, and the United States of America.

The services incurred by the Engineer and borne by the Applicant include, but not limited to, any request for engineering review, inspection, and/or permitting made by the Applicant, Commission, Zoning Administrator, reviewing agency, Council, or other competent and duly authorized official of the Council to the said Engineer.

5. Payment Requested, Final Approval.

When the services of the Engineer are received in an invoice or other method of payment request to the Town, the Town Clerk shall immediately forward the total costs at such appropriate time to the Applicant for payment. The Applicant may request a reduction in the amount of Surety posted to the Council in the event such engineering services are greater than fifty-percent complete and prompt payment has been received for said services of the Town Engineer.

The Zoning Administrator shall not release or issue any Certificate of Occupancy for any building, structure or site, nor shall the Council accept any public dedication of streets, curbs, sidewalks, fire hydrants, drainage facilities, street signs, monuments or the like, until the entire costs specified by the Engineer are paid and verified by the Town Clerk.

6. Release of Sureties.

Performance bonds or other sureties established in accordance with the provisions of these regulations shall be released by the Council when the Zoning Administrator or other applicable officials certify that the requirements set forth therein have been met and when the required costs incurred by the Engineer have been fully satisfied.

Section Two: Planning Commission Review, misc.

Document Review*

Public Works Agreement\$200.00
Homeowners Association Covenants\$300.00
Deeds of Easement\$200.00
Ordinance for Growth Management ("APFO") Mitigation.....\$500.00

Recordation Fees.....variable

Traffic Study Review.....\$1,500.00

Subdivision Variance/Modification.....\$200.00
Subdivision Text Amendment.....\$2,000.00

Annexation Requests.....\$2,000.00 + \$50/Acre

Improvement Plan.....\$250/page

*does not include any reasonable fees incurred by the Town Attorney.

Section Three

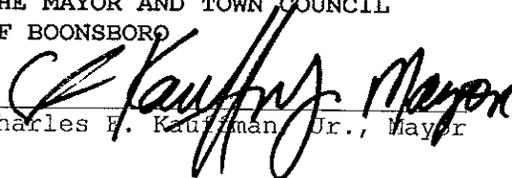
That this Resolution amends Resolution 2006-05 and takes affect immediately.

Section Four

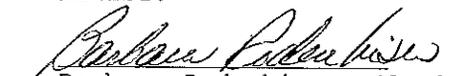
That any resolution or provision thereof which is inconsistent with this Resolution is hereby repealed.

ADOPTED by The Mayor and Town Council and APPROVED by the Mayor this 5th
day of February, 2007.

THE MAYOR AND TOWN COUNCIL
OF BOONSEORO


Charles F. Kaufman, Jr., Mayor

ATTEST:


Barbara Rodenhiser, Clerk