

**TOWN OF BOONSBORO, MARYLAND
ORDINANCE NO. 2021-03**

**AN ORDINANCE AMENDING AN ORDINANCE REQUIRING THE
STAGING OR PROVISION OF ADEQUATE PUBLIC FACILITIES**

RECITALS

WHEREAS, the Town of Boonsboro ("Town") is a Municipal Corporation existing under and by virtue of the laws of the State of Maryland; and

WHEREAS, the Mayor and Town Council of Boonsboro, Maryland is empowered under the provisions of the Land Use Article, Section 7-101 of the Annotated Code of Maryland to enact an Ordinance requiring the planning, staging, or provision of adequate public facilities in order to facilitate orderly development and growth of the Town; and

WHEREAS, the Mayor and Town Council adopted an Ordinance (hereinafter "Ordinance" or "Adequate Public Facilities Ordinance") to facilitate orderly growth that became effective December 22, 1991 which was duly advertised and a Public hearing conducted, the Town determined that it was appropriate and in the best interest of the inhabitants of the Town to adopt said Ordinance; and

WHEREAS, the Mayor and Town Council adopted an amendment to the Ordinance that became effective on March 26, 2006; and

WHEREAS, the Town has conducted a review of the Ordinance and amendment and determined that it is necessary to further amend the Ordinance to update the method and process for determining certain necessary infrastructure upgrades; and

WHEREAS, the Mayor and Town Council have determined that certain amendments are appropriate to update the amended APFO Ordinance set forth in this ordinance with changes marked as follows: [[deleted text]] with **new text** in bold.

NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Town Council of Boonsboro, Maryland, as its duly constituted legislative body, as follows:

1. That the Adequate Public Facilities Ordinance is hereby amended as follows:

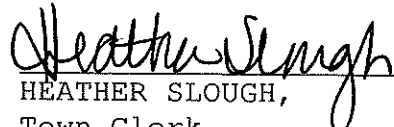
6.1.2 The adequacy of existing community or multi-use sewage disposal system to accommodate the flow projected to be generated by new development shall be evaluated by a Maryland Registered Professional Engineer [[and a complete report submitted to the Boonsboro Municipal Utilities Commission for review]], **using the Town of Boonsboro's Wastewater System Master Plan and Hydraulic Model, and a complete technical report submitted to the Town's Consultant Engineer for assessment and completion of a technical review report.** [[The engineer shall be provided by the developer.]] **The cost of the reporting engineer's services, and the cost of the consulting engineer's review, shall both be borne by the developer.** [[Adequacy shall then be determined by the Planning Commission upon consideration of the recommendation made by the Utilities Commission.]] **After review of the technical report and technical review, [[A]]adequacy of the system shall then be determined by the Utilities Commission,** according to [[the Utilities Commissions]] adopted guidelines, standards, policies or procedures, and any other applicable County, State, or Federal Regulation.

7.1.1 The adequacy of existing public or multi-use water supply and distribution system to provide the projected water needs of the new development shall be evaluated by a Maryland Registered Professional Engineer [[and a complete report submitted to the Boonsboro Municipal Utilities Commission for review]], **using the Town of Boonsboro's Water System Master Plan and Hydraulic Model, and a complete technical report submitted to the Town's Consultant Engineer for assessment and completion of a technical review report.** [[The engineer shall be provided by the developer.]] **The cost of the reporting engineer's services, and the cost of the consulting engineer's review, shall both be borne by the developer.** [[Adequacy shall then be determined by the Planning Commission upon consideration of the recommendation made by the Utilities Commission.]] **After review of the technical report and technical review, [[A]]adequacy of the system shall then be determined by the Utilities Commission,** according to [[the Utilities Commissions]] adopted guidelines, standards, policies or procedures, and any other applicable County, State, or Federal Regulation.

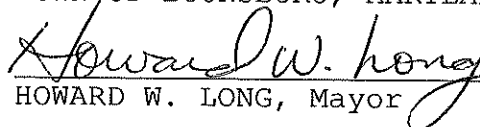
2. That this Ordinance shall become effective upon the expiration of 20 days from the date of its passage.

(Signatures on following page)

WITNESS AND ATTEST
AS TO CORPORATE SEAL


HEATHER SLOUGH,
Town Clerk

MAYOR AND COUNCIL OF THE
TOWN OF BOONSBORO, MARYLAND


HOWARD W. LONG, Mayor

Date of Introduction: June 1, 2021
Date of Passage: August 9, 2021
Effective Date: August 29, 2021

PREPARED BY:
SALVATORE & MORTON
TOWN ATTORNEYS