



10/07/2019

THE MAYOR & COUNCIL OF BOONSBORO
A POLICY FOR THE DISTRIBUTION OF WATER AND SEWER CAPACITY

WHEREAS, the Town of Boonsboro, Maryland constructed an enhanced nutrient reduction wastewater treatment facility creating additional sewer capacity; and

WHEREAS, the Mayor & Council recognize a need to establish a method for a balanced, coordinated approach to the distribution of water and sewer capacity; and

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF BOONSBORO, THE FOLLOWING REGULATIONS ARE ESTABLISHED TO REGULATE THE DISTRIBUTION OF WATER AND SEWER CAPACITY:

SECTION I. PURPOSE.

The purpose of the distribution method is intended to establish a balanced, coordinated planning process to allocate capacity and maintain an adequate reserve capacity for future growth. The program promotes public health, safety, and welfare through a process that will:

1. Ensure enough revenue is available to make timely payments on bond indebtedness;
2. Provide sewer and water service that will reasonably accommodate growth throughout the term of the indebtedness incurred to upgrade and expand the WWTP and water plants, and conserve capacity for future growth at sustainable rates throughout that period;
3. Provide capacity for development where sewerage treatment and water infrastructure are available, and minimize development that might otherwise take place in more rural areas;
4. Provide adequate public facilities for public services necessary to maintain a desirable quality of life for Town residents;
5. Provide sewer and water service in a timely and sequential fashion, linked to development, that encourages reasonable balance and mix of uses;
6. Provide a reasonable and equitable procedure for obtaining sewer and water allocations consistent with the goals, objectives, and policies of the Comprehensive Plan; and,
7. Provide a reasonable and equitable procedure for obtaining sewer and water allocations in coordination with development application and building permit approval.

SECTION II. APPLICABILITY.

The following sewer and water allocation program shall be adopted for all unallocated future connections within the Town boundaries, except connections for existing lots of record which are not part of a multi-unit development.

SECTION III. BASIS FOR ALLOCATIONS.

Allocations will be based on an equivalent dwelling unit (EDU) being equal to 250 gallons per day (GPD). The Town's official Water & Sewer Capacity Number(s) for unallocated capacity will be updated on a quarterly basis.

SECTION IV. APPLICATION FOR ALLOCATION.

Allocations will be granted to the property owner(s) via the approval of a written request, referred to as the

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“Application for Allocation,” issued to the Department of Planning & Zoning. Applications for allocation shall be made by the owner for a designated piece of property only. The following information shall be included in the written request or application:

1. Location of the Property with a Map;
2. Specific address, description and tax parcel numbers, and tax identification number for the property;
3. Name, address, and telephone number of the applicant;
4. Type of project;
5. Area of project property in square feet and acreage;
6. Number of lots/units to be developed, and type(s) of unit(s);
7. Phasing Plan or number of units to be constructed per year; The Phasing Plan is subject to Town review through the Town of Boonsboro’s Adequate Public Facilities Ordinance. Additionally, the Developer and the Town of Boonsboro may also voluntarily enter into a Developer’s Rights and Responsibilities Agreement (DRRA), or another similar Developer Agreement (DA), that incorporates a Phasing Plan. The approved Phasing Plan must be included into Public Works Agreements prior to development.
8. Projected water demand indicated in EDUs, Gallons Per Day, and total number of connections (with basis for projection and connection data);
9. Projected sewage flow in EDUs, Gallons Per Day, and total number of connections (with basis for projection and connection data);
10. Date application is filed and Applicant’s Signature;

SECTION V. DISTRIBUTION OF CAPACITY & ALLOCATIONS.

- A. With a recommendation from the Boonsboro Municipal Utilities Commission, the Department of Planning & Zoning will allocate sewer and water EDUs based on reserve capacity, as calculated by the Town of Boonsboro. Based upon an average usage of 250 gpd, the department will allocate available water and wastewater capacity to the following priorities:
 - i. Available Capacity on the Water and Wastewater Systems, as updated Quarterly
 - ii. Public health needs
 - iii. Public service needs, including county and/or Town capital projects
 - iv. Buildable approved lots for single-family dwellings
 - v. Other buildable approved lots
 - vi. Subdivisions and site plans
 - vii. Reserve capacity
- B. The Town may, at any time:
 - i. Reorder the priority of uses;
 - ii. Redistribute available, unallocated capacity in order to reflect the changes in market demands, development, inactivity, and needs of the community and Town; and
 - iii. Establish sub-priorities to the priorities listed in Subsection A, above.
- C. The Town shall regularly issue reports of changes in the following:
 - i. Priority ranking of uses.
 - ii. Proportion of allocation available to uses.
 - iii. Available unallocated capacity (Quarterly Report)
- D. Finite utility capacity within the Town limits the ability to commit capacity to multi-year projects and keep a healthy reserve capacity available for future applicants and growth. To ensure enough capacity for new development and growth while maintaining existing service, applicants can purchase EDUs on a first-come, first-served basis by submitting the following utility permit applications at the time of a building permit application submittal (subject to BMUC and Planning Commission Approval): 1. Application for Water Service, 2. Sanitary Sewer Connection Permit Application, 3. Utilities Permit Application.

SECTION VI. CAPACITY RESERVATION FEE.

The applicant shall have 30 calendar days, from the date of notification of approval of the applicant's Application for Allocation, to pay a Capacity Reservation Fee of 5% of the current sewer and water capital connection fees for the allocation that is sought. Payment of the fee allows the applicant to reserve water and wastewater system capacity for their proposed projects. Failure to pay the non-refundable Capacity Reservation Fee within the 30-day period shall result in forfeiture of capacity reservation.

SECTION VII. TIME LIMIT ON CAPACITY RESERVATIONS.

- A. A capacity reservation shall remain in effect for a period not to exceed 2-years in length, from the date of approval. One year (12 months) after the capacity reservation is made, the capacity reservation will expire unless all final development plans have been approved by the Planning Commission (please note, this does not preclude all development plan approvals occurring before the capacity reservation is made). At the end of the 2-year period, the capacity reservation will expire unless Utility Connection Permits and Building Permits have been obtained for the property for which the capacity reservation was made.
- B. One extension of time may be granted for a period not exceeding 1 additional year. Such request for an extension of time shall be made in writing to the Department of Planning & Zoning, at least three (3) months prior to expiration of the original 2-year period described in Section VII-A. Should the extension be approved by both the Boonsboro Municipal Utilities Commission and the Boonsboro Planning Commission, an additional fee of 5% of the connection fees for the total allocation is required within 30-days of the approval. Failure to pay the additional fee required for the extension within the 30-day period shall result in forfeiture of the extension. At the end of the 1-year extension period, the capacity reservation will expire unless utility connection permits and building permits have been obtained for the buildings and/or property for which the capacity reservation was made.
- C. If either the 2-year capacity reservation period, or the 1-year extension period, has expired, the capacity reservation shall be deemed forfeited and all reserved capacity will be returned to the Town's reserve capacity pool. The associated capacity reservation fee and extension fee payments made under Sections VI-A and B are both nonrefundable.
- D. An exemption to the Time Limits on Capacity Reservation described in the sections above (Section VII. A. B. and C.) can only be granted upon written request to the Department of Planning and Zoning, approval by the BMUC and Planning Commission, and formal approval of one of the following:
 - 1) A Developer's Rights and Responsibilities Agreement (DRRA)
 - 2) A Developer Agreement (DA)
 - 3) An approved Public Works Agreement in coordination with a Phasing Plan approved by the Mayor & Council as a part of the Boonsboro Adequate Public Facilities Ordinance review.If the three conditions described above are met, the alternative Time Limit for Capacity Reservation will be both determined and set forth in one of the three documents listed above.

SECTION VIII. TRANSFERABILITY.

All fees paid by the applicant are nonrefundable and nontransferable to properties other than those for which they were allocated.

SECTION IX. PAYMENT OF OUTSTANDING CHARGES REQUIRED

At the time the applicant desires to connect to the sewer and water systems, in conjunction with building permit applications, the applicant must pay the Town all remaining monies due for the sewer and water capital connection fees (based upon current charges and/or rates at the time of connection minus any previous capacity

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fee and extension fee payments) and other charges applicable to the project and Town.

SECTION X. ACTION UPON FAILURE OF TOWN TO PROVIDE CONNECTION.

If, due to circumstances beyond its control, the Town is unable to provide sewer and water capital connections to any applicant who has reserved capacity pursuant to this policy, all fees paid by the applicant shall be refunded in full, and no liability shall be incurred by the Town for the failure to provide these desired connections.

Adopted: October 7, 2019

ATTEST:

Mayor and Council of Boonsboro

Heather Slough, Town Clerk & Tax Collector

Howard W. Long, Mayor

[SEAL]

Rickard Byrd, Assistant Mayor

Marilee Kerns, Council Member

Anthony Nally, Council Member

Terri Hollingshead, Council Member

Ricky Weaver, Council Member

Raymond Hanson, Council Member

Effective Date: October 7, 2019