

Being re-recorded to
add "Exhibit A".

**PERTAINING TO THE REPEAL OF RESOLUTION NOS. 6-91 AND 2-98 AND
ADOPTION OF AN AMENDED WATER AND SEWER ALLOCATION POLICY**

WHEREAS, a water and sewerage allocation policy was adopted by Resolution No. 2-98, which modified provisions of prior Resolutions Nos. 37-83, 42-85, 60-86 and 6-91;

WHEREAS, the Board of County Commissioners of Calvert County desires to adopt a County table of Equivalent Dwelling Units (EDU's) for calculating capital connection charges; and

WHEREAS, the Board of County Commissioners is authorized by the *Environment Article* of the Maryland Annotated Code to establish such rules as circumstances require for the allocation of water and sewerage treatment capacity.

NOW, THEREFORE, BE IT RESOLVED by the Board of County Commissioners of Calvert County, Maryland, that Resolution Nos. 6-91 and 2-98 are hereby repealed and that the following policy and procedures are hereby designated as the Calvert County Water & Sewerage Allocation Policy effective upon the Effective Date of this Resolution.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland, that this Water & Sewerage Allocation Policy applies to all direct and indirect connections to County-owned water and sewerage facilities. This policy provides procedures for allocating and procuring public water and sewerage capacity (hereinafter referred to jointly and severally as "Allocations").

1. An estimated construction/hook-up schedule shall be submitted along with each site plan where a connection is proposed to the Calvert County Water or Wastewater system. The Chief of the Water & Sewer Division (hereinafter referred to as the "Chief") shall determine the number of EDU's to be allocated to a project based upon the site plan and detailed project drawings submitted and the following guidelines:
 - a. Sewerage capacity will be allocated on a two year need basis, according to the construction schedule, in any case not to exceed 75 capital connections per year per development without the approval of the Director of Public Works.
 - b. Every development requesting an Allocation must agree to employ the use of strict water conservation devices as detailed in the Calvert County Water Conservation Plan, as amended from time to time.
 - c. Allocations shall be based on capital connections using data on flow estimates set forth in Exhibit A hereto and incorporated herein by reference. Allocations may be adjusted upon the request of the applicant and approval of the Chief for water conservation measures the Chief finds, in his/her sole and absolute discretion, will result in water conservation above that detailed in the Calvert County Water Conservation Plan and, if approved, may be subject to conditions or revocation if actual water conservation is not achieved.

- d. The Chief may defer assignment of all but one ~~part~~ of the Allocations required by Exhibit A hereto (~~not to exceed 50% of the required Allocations~~) upon the request of an Applicant proposing development or redevelopment of an ~~an~~ non-residential, Eligible Business, as hereinafter defined, and for good cause shown. If a request for deferral is approved:
- i. The Chief shall indicate the use of all Allocations required by Exhibit A hereto upon the registry of available allocations for the receiving wastewater treatment plant and capacity of the applicable potable water supply system;
 - ii. The Applicant, and all lien-holders of the subject property, shall execute an Allocation Agreement in a form recordable in Land Records and approved by the Chief and the County Attorney that shall run with the land and be binding upon the current owner(s) and all subsequent purchasers for the duration of the Allocation Agreement and indicating the number of Allocations deferred, the time period for reconciling the final number of allocations required for the subject facility and such other terms deemed necessary and appropriate;
 - iii. During the deferment period, the applicant shall still be required to pay the quarterly base rate associated with the initial EDU allocation determined by the Chief as per Exhibit A hereto;
 - iv. Not later than twenty-four (24) months from the execution of an Allocation Agreement, the Chief shall inform the Applicant of the final number of Allocations required based upon the peak flow of the connected facility;
 - v. Notwithstanding the provisions of sub-part (iv), immediately above, the Applicant may request the Chief make a final determination of the total number of Allocation required at any time prior to Twenty-four (24) months from the execution of an Allocation Agreement; and
 - vi. Financial reconciliation of the final determination of the number of Allocations shall be at the rate at the time the final determination is made unless payment is not received within 30 days of the date of the final determination, whereupon late payment interest in the amount of five (5%) percent per annum shall be added. In the event a reconciliation payment is not received within 60 days of the date of the final determination, the Chief may pursue all available remedies, including, without limitation, disconnection of service or foreclosure.
2. Applications may only be approved if sufficient taps are available, as determined by the application of Exhibit A hereto, as may be modified by Section 1(a), above, for the proposed development based upon applicant ranking on a request list for water or sewer taps. The ranking on the request list is on a first come, first served basis, based on the date of receipt by the Water & Sewerage Division of the written request. Any request for water or sewer taps shall expire if, within one year of the application, a site plan has not been submitted that utilizes the requested taps.

3. The availability of taps shall be made by the Chief, who shall reserve taps for peak flow rates that may result in overflows or insufficient fire-flow capacity, or such other and similar purposes; or any of the following:
 - a. Eighteen (18%) percent of the available allocation, as may be modified by the State from time to time, shall be set aside to provide service to those projects which are deemed necessary for the economic growth of the County, or deemed necessary for the routine function of government. Taps required for the Calvert County Detention Center are not to be deducted from this set aside allocation.
 - b. Fifteen (15%) percent of the available Allocations from a County-operated water or wastewater treatment facility, as may be modified by the State from time to time, shall be set aside to provide service to residential housing for rental or ownership by residents having an income below 80 percent of the median family income for the Calvert County.

4. A capital connection charge shall be collected for each Equivalent Dwelling Unit. Except as otherwise provided herein, Allocations remain with the project applied for as long as the following payment criteria are maintained:
 - a. An Applicant shall pay not less than one-third (1/3) of the capital connection charge for all EDU's allocated for the project (the "Allocation") not later than thirty (30) days from the Chief's determination. Failure to make such payment shall result in the automatic revocation of any allocation for the project and removal of the project from the ranking and request list referenced above.
 - b. When the Public Works Agreement for the development is approved by the Board of County Commissioners, the second one-third (1/3) installment on those units covered in the Public Works Agreement is due.
 - c. Any unpaid balance of the capital connection charge is due three years from the date the site plan is formally approved by the Department of Community Planning & Building. This balance may be paid in 24 equal monthly payments beginning on that date.
 - d. Notwithstanding the provision to the contrary, when application is made for a building permit, the balance of the capital connection charge for the building permit requested is immediately due and payable.
 - e. If any portion of the above payment schedule is not met, any partial payments made shall be forfeited and all unused allocations shall be forfeited.
 - f. If a reservation of EDU's remains unused after 2 years from initial one-third (1/3) payment above, minimum user fees (Quarterly Base Rate) and debt service payments shall accrue and shall be due and payable as if the reservation was allocated and in service.
 - g. If the holder of an Allocation requests to relinquish any Allocations prior to the date which is two years from the first one-third (1/3) payment, above, a pro-rata share of the Capital Connection fee based on the unexpired portion of the two year period is returned, and the Allocation placed back into the general allocation pool.

5. Notwithstanding the provisions of Paragraph 4, above, where the assignment of one or more Allocations is deferred, the Applicant may, but is not required, to pay the capital connection charge for a deferred Allocation as prescribed in Paragraph 4.
6. With the exception of the applicants on an effective deferred Allocation Agreement, the Chief reserves the right to review and adjust account EDU Allocations not more often than one time a County fiscal year.
 - a. The number of Allocations required for a connection may be increased if the Chief finds sufficient evidence that a specific user is exceeding his/her/its Allocation during four or more quarters.
 - b. Upon an increase in the number of Allocations, the Chief shall notify the owner of the subject property and adjust the quarterly base bill to reflect the appropriate allocations.
 - c. In the event that the Chief finds that more Allocations have been made for a property than are necessary, the owner of the subject property may elect to surrender the Allocations in excess of those necessary. Upon surrender, the property owner shall not be entitled to a refund of fees, costs or expenses paid prior to surrender.
7. An "Eligible Business" meets the following minimum capital investment requirements whereby the cost of land, fixtures, furniture, or capital connections are not to be included in the calculation:
 - a. New Construction - \$500,000.00 (actual construction costs);
 - b. Renovation of Existing Building - \$250,000.00 (actual construction costs); or
 - c. Projects not meeting the minimum requirements of sub-paragraphs a or b, immediately above, may be submitted to the Board of County Commissioners, or its designee.
8. No additional Allocations can be granted until the approved Allocation is exhausted or under construction.
9. Except as otherwise expressly provided in law, allocations are for designated properties and are not transferable from one property to another.
- 10.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that, in the event any portion of this Resolution is found to be unconstitutional, illegal, null or void, it is the intent of the Board of County Commissioners to sever only the invalid portion or provision, and that the remainder of the Resolution shall be enforceable and valid.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that the foregoing recitals are adopted as if fully rewritten herein.

BE IT FURTHER RESOLVED by the Board of County Commissioners of Calvert County, Maryland that this Resolution shall be effective upon recordation.

DONE, this 17th day of December, 2013 by the Board of County Commissioners of Calvert County, Maryland.

Aye: 3
Nay: 2 - Nutter, Weems
Absent/Abstain: 0

ATTEST:

BOARD OF COUNTY COMMISSIONERS OF CALVERT COUNTY, MARYLAND

Maureen L. Frederick
Maureen L. Frederick, Clerk

Pat Nutter
Pat Nutter, President

Approved for form and legal sufficiency on December 27, 2013

Steven R. Weems
Steven R. Weems, Vice-President

by:

Gerald W. Clark
Gerald W. Clark

John B. Norris, III
John B. Norris, III, County Attorney

Susan Shaw
Susan Shaw

Evan K. Slaughenhoupt Jr.
Evan K. Slaughenhoupt Jr.

Received for Record Jan 8 2014
at 10:18 o'clock A M. Same day
recorded in Liber KPS No. 43
File 456 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Gary P. Smith

Received for Record Feb 7 2014
at 1:12 o'clock P M. Same day
recorded in Liber KPS No. 44
File 58 COUNTY COMMISSIONERS
ORDINANCES AND RESOLUTION.

Gary P. Smith

Exhibit A

BK00044PG063

CALVERT COUNTY WATER & SEWERAGE DIVISION TABLE OF EQUIVALENT DWELLING UNITS (EDU'S)

Adopted December 17,2013

CLASSIFICATIONS	UNITS	GPD/UNIT
RESIDENTIAL		
Single Family Dwelling	Each	200
Townhouse	Each	200
Trailer	Each	200
Garden Apartment/Unit	Each	200
High-rise Condominium/Unit	Each	200
INSTITUTIONAL		
Elementary School	Capita	4
Middle School	Capita	6
High School	Capita	8
College	Capita	8
Child Day Care/Nursery School	Capita	6
Hospital	Beds	125
Nursing/Group Home/Assisted Living	Beds	125
COMMERCIAL		
Assembly/Social Hall (Meeting Rooms for rent i.e. Elks, Moose, etc.)	Gross S.f.	0.07
Auto Dealership	Gross S.f.	0.08
Bakery (No Seating)	Gross S.f.	0.15
Bank	Gross S.f.	0.04
Bar & Tavern (No Restaurant/Food Permit)	Seats	5
Barber Shop	Gross S.f.	0.2
Beauty Salon	Gross S.f.	0.35
Bowling Alley	Lane	100
Car Wash (Self Service Bay)	Bay	250
Car Wash (Recycled Bay)	Bay	2,500/bay
Car Wash (Non-Recycled Bay)	Bay	4,000/bay
Church (Worship Center add for addition uses)	250 gpd for the Worship Center	250 gpd for the Worship Center
Drug Store (Not to exceed 2 EDU's)	Gross S.f.	0.13
Food Carry-Out (No Indoor Seating)	Gross S.f.	1
Funeral Home (with Embalming Service)	Gross S.f.	0.31
Funeral Home (without Embalming Service)	Gross S.f.	0.02
Garage (Vehicle Repair)	Gross S.f.	0.014
Gas/Service Station (No Food Service)	Gross S.f.	0.04
Gas Station/Convenience Store (With Food Service)	Gross S.f.	0.35
Health Club/Public Park (based on fixture table)	Fixture Table	Fixture Table
Hotel/Motel	Rooms	63

Hotel/Motel Efficiency Units (with Kitchen Facilities, Extended Stay)	Rooms	125
Laundry/Dry Cleaners	Gross S.f.	0.31
Laundromat	Gross S.f.	2
Library	Gross S.f.	0.03
Marina	Slip	25
Office (Dental)	Gross S.f.	0.13
Office (Medical)	Gross S.f.	0.13
Office (General)	Gross S.f.	0.03
Post Office (Not to exceed 2 EDU's)	Gross S.f.	0.09
Racket/Tennis Club	Fixture Table	Fixture Table
Restaurant	Seats	13
Retail Store	Gross S.f.	0.03
Shopping Center/Strip Mall (mixed use)	Gross S.f.	0.18
Swimming Pool 500 gpd minimum or based on fixture table	500 gpd minimum or Fixture Table whichever greater	500 gpd minimum or Fixture Table whichever greater
Supermarket	Gross S.f.	0.05
Theatre/Sports Arena/Recreational Facility (with Food)	Seats	5
Theatre/Sports Arena/Recreational Facility (without Food)	Seats	1
Warehouse	Gross S.f.	0.015

TABLE OF FIXTURES FOR USE WHERE THE SIZE OF THE FACILITY MAY NOT BE PROPORTIONAL TO THE FLOWS

TYPE OF FIXTURE	GALLONS PER DAY PER FIXTURE
Shower	200
Bathtub	300
Lavatory (Toilet & Washbowl)	100
Toilet	98
Urinal	65
Sinks	33

Determination of EDU's for proposed uses not listed in this document will be determined on a case-by-case basis by the Water & Sewerage Division Chief. Notwithstanding the guiding factors listed elsewhere in this table, the Division Chief at his/her discretion, may establish flow projection for specific nonconforming properties on a case-by-case basis.