

AS AMENDED ON MAY 28, 2013
ORDINANCE NO. 2249

AN ORDINANCE OF THE CITY OF SALISBURY ADJUSTING THE PAYMENT SCHEDULE FOR COMPREHENSIVE CONNECTION CHARGES IN ACCORDANCE WITH CHAPTER 13.02.070 OF THE CITY CODE.

WHEREAS, the City established the comprehensive connection charge in Chapter 13.02.070 of the City Code by passage of Ordinance No. 1983 on January 23, 2006; and

WHEREAS, Chapter 13.02.070 requires that the collection of all comprehensive connection charge fees shall occur at the time the water meter is set and/or sewer service is provided to the property by the city; and

WHEREAS, the City acknowledges that property owners may desire to pay the comprehensive connection charge fees earlier than at the time the water meter is set; and

WHEREAS, the City seeks to allow property owners to pay the comprehensive connection charge fees after the Public Works Agreement is executed and by the time the first water meter is set, if that time is within a two (2) year period; and

WHEREAS, the property owner can request consideration for up to two, one (1) year extensions; and

WHEREAS, after the expiration of the time set forth herein, the property owner will be required to pay any increase in comprehensive connection charge fees which has occurred.

NOW THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF SALISBURY, MARYLAND that Chapter 13.02, section 13.02.070A of the Salisbury Municipal Code be modified and additional sections added as follows:

10. All comprehensive connection charge fees shall be paid at **before** the first water meter is set or sewer service is provided to the property by the city, whichever is the first to occur.
11. The property owner shall pay the applicable comprehensive connection charge fees (capacity, line, central system line, facility, and sewer-connection and water-meter/tap fees) when due for each phase of the development. ~~As of December 21, 2004, a capacity fee will not be paid for a particular phase of development if the property owner has a signed public works agreement and a site plan, approved by Salisbury public works, for that particular phase of development, or an approved water and sewer application for the lot(s) to be served with water and sewer. Any property owner that has submitted a site plan to the city of Salisbury department of public works and is in the final stage of site plan and public works agreement approval prior to December 21, 2004 shall have the right to appeal the capacity fee~~

~~payment requirement to the mayor by four p.m. on January 20, 2005. The mayor and a member of the city council, selected by the council, shall hear the appeal and make a final decision, after consulting with the director of public works and the city solicitor.~~

12. The comprehensive connection charge fees for water and sewer service to a particular building unit shall be based on the unit rates in effect at the time **that the fee is paid** for that building unit so long as the time limit set forth in section 13.02.070A.13 has not expired.
13. **Comprehensive connection charge fees shall not be paid prior to the execution of the Public Works Agreement. Once any comprehensive connection charge fees are paid, the first water meter shall be set and/or sewer service provided within two (2) years, unless a request for an extension of time to set the water meter and/or provide sewer service at the same comprehensive connection charge fees previously paid is made to the Public Works Director in writing prior to the expiration of the two (2) year time limit. Any extension granted shall not exceed one (1) year. Up to two (2), one (1) year extensions may be granted. The Public Works Director may refuse to grant a requested extension where the Public Works Director finds that the property owner is not making good faith efforts to conclude the development of the project to the point where the water meter will be set and/or sewer service is provided. If the first water meter has not been set and/or sewer service has not been provided within two (2) years of any comprehensive connection charge fee payment or any approved one (1) year extension, the comprehensive connection charge fees in effect at the time that the water meter is set and/or sewer service provided shall apply. After the expiration of the time set forth herein, the property owner will be required to pay any increase in comprehensive connection charge fees which has occurred and the property owner will not be guaranteed the same allotment of EDUs on which the prior comprehensive connection charge fees were based.**
14. **Comprehensive connection charge fees, once paid, shall remain the property of the City and shall not be refunded if the unit rates decline or the project is not constructed. Instead, the money collected for fees willshall be allocated to the property for which those fees were paid as a credit for future comprehensive connection charge fees owed with regard to the property.**

BE IT FURTHER ORDAINED that this ordinance shall take effect from the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the 28th day of May, 2013, and thereafter, a statement of the substance of the Ordinance having been published as required by law, was finally passed by the Council on the 10th day of June, 2013.

ATTEST

Kimberly R. Nichols
Kimberly R. Nichols, City Clerk

Jacob R. Day
Jacob R. Day, President
Salisbury City Council

Approved by me this 17th day of June, 2013

James Ireton, Jr.
James Ireton, Jr. Mayor