

**RESOLUTION NO. 3289**

**A RESOLUTION OF THE COUNCIL OF THE CITY OF SALISBURY TO APPROVE AND ADOPT A WATER AND SEWER EXTENSION POLICY.**

**WHEREAS**, Salisbury Municipal Code Section 13.02.060 permits the extension of the City's public water and/or sewer systems to properties not located within the City's corporate limits;

**WHEREAS**, the City desires to adopt a formal policy regulating the manner in which public water and/or sewer is extended to properties not located within the City's corporate limits;

**WHEREAS**, adoption of a water and sewer extension policy will help ensure uniform availability of such services in the event of a public health emergency; and

**WHEREAS**, in accordance with the foregoing, attached hereto as **Exhibit 1** is proposed Water and Sewer Extension Policy for the City of Salisbury.

**WHEREAS**, by this Resolution, the Council hereby approves the Water and Sewer Extension Policy attached hereto as **Exhibit 1**; and

**NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND**, as follows:

**Section 1.** The Water and Sewer Extension Policy and exhibits thereto attached hereto and incorporated herein as **Exhibit 1** are hereby approved and adopted.

**Section 2.** It is the intention of the Mayor and Council of the City of Salisbury that each provision of this Resolution shall be deemed independent of all other provisions herein.

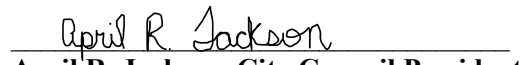
**Section 3.** It is further the intention of the Mayor and Council of the City of Salisbury that if any section, paragraph, subsection, clause or provision of this Resolution shall be adjudged invalid, unconstitutional or otherwise unenforceable under applicable Maryland or federal law, such adjudication shall apply only to the section, paragraph, subsection, clause or provision so adjudged and all other provisions of this Resolution shall remain and shall be deemed valid and enforceable.

**Section 4.** The recitals set forth hereinabove and **Exhibit 1** attached hereto, are incorporated into this section of the Resolution as if such recitals and **Exhibit 1** were specifically set forth at length in this Section 4.

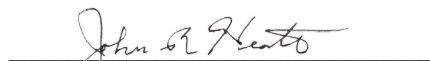
**THE ABOVE RESOLUTION** was introduced and read and passed at the regular meeting of the Council of the City of Salisbury held on this 23<sup>rd</sup> day of October, 2023 and is to become effective immediately upon adoption.

**ATTEST:**

  
Kimberly R. Nichols, City Clerk

  
April R. Jackson, City Council President

Approved by me, this 24th day of October, 2023.

  
John R. Heath, Acting Mayor

# Salisbury Water and Sewer Extension Policy

The Water and Sewer Extension Policy expands on Salisbury Municipal Code Section 13.02.060 General Connection Policies. The code takes precedence over this policy. The policy defines the expectations and responsibilities for utility extension for new development and existing improved properties with public health concerns.

## New Development

1. Extension of utilities for new development shall adhere to Salisbury Municipal Code Section 13.02.060 General Connection Policies.
2. New Development includes:
  - a. Existing improved properties without public health concerns, or
  - b. Vacant parcels that can be subdivided to include more than one (1) single family residence, or
  - c. Vacant parcels zoned for multi-family residential, commercial or industrial purposes, or
  - d. Redevelopment of an existing improved property.
3. Annexation and pre-annexation agreements shall adhere to the City's Annexation Policy. Annexation Agreements shall be subject to all fees and improvements required under the City's Annexation Policy including, but not limited to, the following:
  - a. Fee for re-investment in existing neighborhoods
  - b. Fee for development assessments
  - c. Contribution to area improvements
  - d. Payment in lieu of taxes (PILOT) if the property is tax exempt
  - e. Downstream utility improvements, as necessary
  - f. Road improvements to meet City standards including curb, gutter, sidewalk and street lights
4. The property owner/developer will fund the extension of utilities built to City standards including upgrades associated with downstream impacts.

## Existing improved properties with public health concerns

1. Per Salisbury Municipal Code section 13.02.060.G, the Director of Infrastructure and Development shall have the authority to approve water and/or sewer connections to properties outside the corporate limits of the City where water and/or sewer is available when the county health officer or designee provides a notification of the need of an immediate connection due to public health concerns.
2. Public Health Concerns shall be identified and categorized by the Wicomico County Health Officer or designee, which includes the Maryland Department of the Environment. Categories of public health concern include but are not limited to areas of potentially failing septic systems, areas of failing septic systems, areas with groundwater contamination or areas with water quality issues. The public health concern must be defined in writing and should include the level of urgency or emergency. Prioritization of requests shall be made based on need and the level of urgency or emergency.

3. Properties that will be considered for utility extensions under the provision of “Existing improved properties with public health concerns” include:
  - a. Properties in a recorded subdivision including both improved parcels with public health concerns and vacant parcels in the subdivision, or
  - b. An individual property with public health concerns that includes multi-family residential, commercial or industrial units, or
  - c. An individual residential single family property with public health concerns that is not part of a recorded subdivision.
4. Utilities should not be extended to only one parcel with public health concerns in a recorded subdivision. Utilities should be extended to the entire subdivision unless there is a formal agreement to connect the remainder of the subdivision within a defined time frame. Piecemeal utility extension is not preferred and is discouraged. Properties within a recorded subdivision that have a public health concern cannot opt out of utility service when service is being provided to the entire subdivision.
5. Applications for utility extensions should be made in writing to the Department of Infrastructure and Development.
  - a. The application shall include a letter or written correspondence from the County Health Officer or designee stating the category and level of urgency for the public health concern.
  - b. The applicant shall be the entity that will extend the utilities, which will typically be the Wicomico County Urban Service Commission or its successor, a developer or the property owner(s).
  - c. Upon receipt of the completed application, the Department of Infrastructure and Development shall schedule a meeting with the applicant and the Department of Water Works within thirty (30) days to discuss the application, service area, status of planning elements, utility capacity, downstream infrastructure to be evaluated by the applicant, funding, and schedule.
  - d. Once the extent of the utility extension and downstream infrastructure improvements are determined, the Department of Infrastructure and Development shall prepare an Out of Town Service Agreement. The agreement shall be executed by the property owner, the applicant (if different from the property owner), and the Mayor, and shall be recorded among the Land Records of Wicomico County. The agreement must be executed prior to the City’s approval of the utility system design.
  - e. Per Salisbury Municipal Code section 13.02.060.A, properties shall be required to connect to both the public water and public sewer system when available.
6. Annexation, Pre-Annexation and Out of Town Service Areas
  - a. All properties seeking utility service with a documented public health concern shall execute an Out of Town Service Agreement. The Out of Town Service Agreement shall be in a substantially similar form to Exhibit B.
  - b. Exhibit A represents the City’s target annexation areas to infill the City Limits. The goal in these areas is to fill gaps within the corporate limits to eliminate holes in the overall City footprint. When properties with documented public health concerns in the areas shown on Exhibit A seek utility service, annexation is required if the property is contiguous to City Limits. The annexation agreements for properties with public health concerns will phase in property taxes over a period of a minimum of 10 years. The applicable annexation fees are defined in Section 7.d. below.

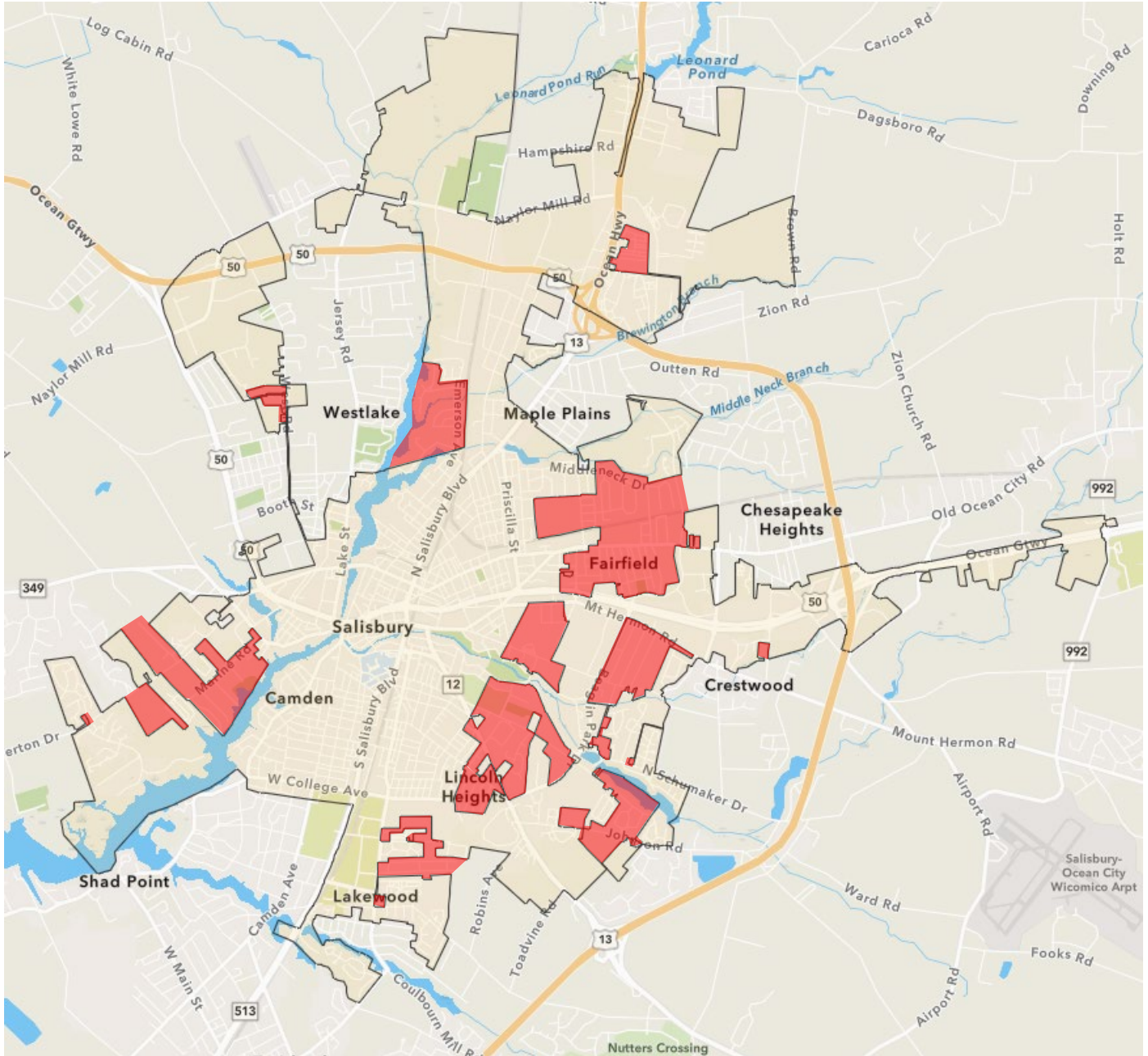
- c. The requirements for annexation and pre-annexation for all other properties shall be described in the Out of Town Service Agreement.
  - d. Properties in an Out of Town Service Areas may petition for annexation at any time if contiguous and otherwise eligible under the City's Annexation Policy.
  - e. New Urban Service Districts shall not be created. Properties located in existing Urban Service Districts shall remain in those districts in perpetuity until either:
    - i. The property owners petition for annexation, or
    - ii. The City requests annexation if the property owner has signed a pre-annexation agreement.
7. Utility Rates and Fees
- a. Quarterly utility bills will be issued based on the Out of Town rates adopted by the City Council in the annual Water and Sewer Rate Ordinance.
  - b. Comprehensive Connection Charges per Salisbury Municipal Code section 13.02.070 shall be assessed for all utility extensions. The connection charges include connection fees for each property which pays for a share of equity in existing system. The fees associated with Comprehensive Connection Charges are adopted by the City Council in the annual fee ordinance.
  - c. Utility extensions are eligible for Infrastructure Reimbursement per Salisbury Municipal Code section 13.02.070.C.
  - d. In the event that properties with public health concerns are annexed, the fees to cover the actual costs of the City Attorney to process the annexation application shall be assessed. However, when properties with public health concerns are annexed, the standard annexation fees for new development annexations shall not apply. The fees that will not apply include fees for re-investment in existing neighborhoods, development assessment fees, and contributions to area improvements.
  - e. Applicants can request consideration for payment plans for Comprehensive Connection Charges due to financial hardship. The terms of payment plans shall be defined in the Out of Town Service Agreement.
  - f. If utilities are being extended by the Wicomico County Urban Service Commission or its successor, full payment of Comprehensive Connection Charges are expected in advance of receiving utility service.
  - g. Any waiver requests for Comprehensive Connection Charges must be presented to the City Council for consideration.
8. Utility Extensions shall be funded by the applicant. The applicant will fund the design and construction of utility extensions and downstream improvements, and will obtain all necessary permits and approvals, including from the City. If the applicant is applying for funding, the City shall review the application and if approved, provide a willingness to serve letter.
9. In the event that the City applies for grant funding on behalf of an applicant, the Out of Town Service Agreement shall define the provisions associated with the terms of the funding. Out of Town utility extensions shall not place a financial burden on City taxpayers. The City will not typically apply for funding on behalf of an applicant and will consider this option only in extreme public health emergencies.
10. Per Salisbury Municipal Code section 13.02.060.D, any public water and sewer facilities shall be the property of the City and constructed within City-owned easements and rights-of-way in accordance

with City standards and specifications. The applicant shall prepare and submit executed deeds for utility easement and/or right-of-way to the City. Upon completion of construction and acceptance by the City, operation, maintenance and repair of the utilities shall be the responsibility of the City. The public utilities that were extended by developers, property owners or the Wicomico County Urban Service Commission or its successor, shall be dedicated to and turned over to the City for ownership once all outstanding loans or other financial obligations related to the utilities have been paid.

11. The Department of Infrastructure and Development will identify downstream or system wide infrastructure that the applicant shall evaluate for impacts. The applicant is responsible for retaining a professional engineer to evaluate impacts to existing infrastructure and to recommend upgrades. The recommendations shall be reviewed and approved by the Director of Infrastructure and Development.
  - a. Water distributions system extensions shall include looping whenever feasible to avoid creation of dead end lines. When dead end lines are created, the water use to flush the line will be metered and will be billed to the applicant.
  - b. Evaluation of existing downstream or system wide infrastructure is not required when the utilities are being extended to an individual single family residential property.
  - c. Downstream and system wide improvements must be designed and funded by the applicant.
  - d. Utilities shall be sized for future system growth at direction of the Department of Infrastructure and Development.
  - e. Improvements to roads, sidewalks, storm drains, and street lights are not required when utilities are extended due to public health concerns.
  
12. The applicant is responsible for preparing the applications and associated documentation for any and all Planning related requirements, including but not limited to:
  - a. Wicomico County Comprehensive Water and Sewer Plan
  - b. Priority Funding Area (PFA) designation
  - c. Smart Growth Coordinating Committee
  - d. Critical Area Commission
  - e. Comprehensive Plan update
  
13. The City shall review all planning and permit applications prepared by the applicant and when approved, sign as the utility service provider.
  
14. When properties are served by the Salisbury Wastewater Treatment Plant, the City shall account for the septic system eliminations in the Restoration Activity Schedule of the National Pollutant Discharge Elimination System (NPDES) Small Municipal Separate Storm Sewer Systems (MS4) General Discharge Permit. Salisbury will receive the impervious area restoration credit associated with the MDE approved Alternative BMP of Septic Connections to WWTP.

# Salisbury Water and Sewer Extension Policy

## Exhibit A



Legend:



Areas partially or fully surrounded by Salisbury City Limits

# Salisbury Water and Sewer Extension Policy

## Exhibit B

### OUT OF TOWN SERVICE AGREEMENT

*for service connection to  
City of Salisbury Water/Sewer Mains*

THIS OUT OF TOWN SERVICE AGREEMENT (hereinafter referred to as “Agreement”) made and executed this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, by and between the City of Salisbury, a municipal corporation of the State of Maryland (hereinafter referred to as “City”), \_\_\_\_\_, the property owner (hereinafter referred to as “Owner”), and when applicable, \_\_\_\_\_ the entity extending utility service (hereinafter referred to as “Applicant”):

WHEREAS, Owner has a documented public health concern on a tract of land (hereinafter referred to as “Property”) located at \_\_\_\_\_ (Address) \_\_\_\_\_ (Liber/Folio), located outside the City of Salisbury Corporate Limits, Wicomico County, State of Maryland, and has requested water and/or sewer utility service to the described Property utilizing City of Salisbury public utility mains.

NOW, THEREFORE, in consideration of the mutual understandings and agreements contained herein, the parties covenant and agree as follows:

A. The Property is (check one):

- Within the areas defined on Exhibit A and is contiguous to the City Limits. Owner shall submit a petition for annexation within 30 days of the date of this Agreement.
- Within the areas defined on Exhibit A and is not contiguous to the City Limits, or is not within the areas defined on Exhibit A. Owner shall submit a petition for annexation upon request by the City and subject to the following:
  1. City will allow the extension of municipal public utilities outside the City corporate limits to serve the Property before annexation, but conditioned upon the agreement that the Owner shall petition for annexation of the Property into the City upon request by the City.
  2. The City shall request a petition for annexation when the Property is contiguous to City Limits and when the City desires to annex and provide all services afforded to City residents, including but not limited to public safety, sanitation, streetlights, and sidewalks.
  3. The Owner shall submit a petition for annexation within thirty (30) days of receipt of an annexation request from the City.

B. The Owner and the Applicant shall adhere to the “Salisbury Water and Sewer Extension Policy” adopted by Resolution No. \_\_\_\_ on \_\_\_\_\_ and shall be

responsible for all costs and fees associated with the extension and connection of utility services.

- C. The City has identified the utility extensions and downstream infrastructure improvements to provide service to the Property, as follows: \_\_\_\_\_
- D. The City shall phase in property taxes over a period of ten (10) years from the date of annexation since the annexation is a result of a documented public health concern.
- E. This Covenant and Agreement is, and shall be, binding upon the Owner, its successors, heirs, and assigns, and shall burden and run with the land. All future Owners shall be bound by this Covenant and Agreement. This Covenant and Agreement shall become null and void when the annexation of the Property into the City becomes effective.

WITNESS the hands and seals of the parties, the day and year set forth above.

ATTEST: CITY OF SALISBURY  
 \_\_\_\_\_ (SEAL)

By: \_\_\_\_\_

ATTEST: OWNER  
 \_\_\_\_\_ (SEAL)

ATTEST: APPLICANT  
 \_\_\_\_\_ (SEAL)

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared \_\_\_\_\_, as \_\_\_\_\_ for the CITY OF SALISBURY, a municipal corporation of the State of Maryland, and on their behalf did acknowledge the foregoing instrument to be the act and deed of said corporation.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
 NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_



STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared \_\_\_\_\_, Owner, and (they/he/she) acknowledged the foregoing to be (their/his/her) respective act and deed.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

STATE OF MARYLAND, COUNTY OF WICOMICO, TO WIT:

I HEREBY CERTIFY that on this \_\_\_\_\_ day of \_\_\_\_\_, 20\_\_\_\_, before me, the subscriber, a Notary Public, for the state and county aforesaid, personally appeared \_\_\_\_\_, as \_\_\_\_\_ for the Applicant, and (they/he/she) acknowledged the foregoing to be (their/his/her) respective act and deed.

AS WITNESS my hand and Notarial Seal.

\_\_\_\_\_  
NOTARY PUBLIC

My Commission Expires: \_\_\_\_\_

I HEREBY CERTIFY that I am an attorney admitted to practice before the Court of Appeals of Maryland, and that the foregoing instrument was prepared under my supervision.

\_\_\_\_\_  
City Attorney



City of  
**Salisbury**  
John "Jack" R. Heath, Mayor

TO: City Council  
FROM: Andy Kitzrow  
DEPT: Mayor's Office  
DATE: 9/11/23  
SUBJECT: Water & Sewer Extension Policy

---

Enclosed is the proposed Water & Sewer Extension Policy. This policy defines the circumstances to which the City would extend water and sewer services to County residents and the expectations of all parties involved.