

Business Development Guide

For New and Expanding Businesses in
Hagerstown and Washington County, Maryland

Compiled by:



Hagerstown-Washington County Economic Development Commission
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Selected Government Agencies

City of Hagerstown *www.hagerstownmd.org*

Mayor and City Council
Bruce Zimmerman, Administrator
1 East Franklin Street
Hagerstown, MD 21740
301-739-8577, ext. 111

Economic Development Office
Deborah Everhart, Director
301-739-8577, ext. 141

Engineering and Inspection Department
Rodney A. Tissue, City Engineer
301-739-8577, ext. 125

City Utilities
Michael S. Spiker, Director
425 East Baltimore Street
Hagerstown, MD 21740
301-739-8577 ext 143

Planning Department
Kathy Maher, Director
301-739-8577, ext. 138

Public Works Department
Eric Deike, Manager
301-739-8577, ext. 178

Washington County *www.washco-md.net*

County Commissioners
Greg Murray, Administrator
100 West Washington Street, Room 226
Hagerstown, MD 21740
240-313-2200

Economic Development Commission
Timothy R. Troxell, Executive Director
100 West Washington Street, Room 103
Hagerstown, MD 21740-4710
240-313-2280

Department of Engineering
Jennifer Smith, Land Development
80 West Baltimore Street
Hagerstown, MD 21740
240-313-2400

Department of Permits & Inspections
Daniel DeVito, Director
80 West Baltimore Street
Hagerstown, MD 21740
240-313-2460

Department of Planning
Michael Thompson, Director
80 West Baltimore Street
Hagerstown, MD 21740
240-313-2430

Division of Public Works
Joe Kroboth, Director
100 West Washington Street, Room 238
Hagerstown, MD 21740
240-313-2250

Department of Environmental Management
Julie Pippel, Director
16232 Elliott Parkway
Williamsport, MD 21795
240-313-2600

**Office of the
Clerk of the Circuit Court**

Office of the Clerk of the Circuit Court

Business License

The Clerk of the Circuit Court issues the licenses listed on the following pages. Depending upon the nature of the business, other licenses issued by other agencies may be required. Contact the Maryland Department of Business & Economic Development, 217 East Redwood Street, Baltimore, Maryland, 21202, 410-767-6300 or 1-888-ChooseMD, or visit their website at www.blis.state.md.us for more information about starting a business in Maryland.

Steps to obtaining a business license from the Clerk of the Circuit Court:

- 1.** Applicant obtains a “Zoning Certificate” from the Washington County Department of Permits and Inspections or the incorporated town in which the business will be located. *See Washington County Department of Permits and Inspections on “Zoning Certification.”* (This requirement does not apply to vending machine, peddler, or jukebox licenses.
- 2.** Applicant brings zoning certificate to the Office of the Clerk of the Circuit Court, where an Application for License is prepared. The following information will be required:
 - Owner’s name and trade name, if applicable,
 - Federal tax identification number or social security number,
 - Worker’s compensation insurance binder number or certificate of compliance if business will have employees,
 - Maryland corporate identification number if applicable,
 - Street address and business location,
 - Mailing address, if different than street address,
 - Telephone number,
 - Value of non-manufactured inventory for sale at location, e.g., gasoline and fuel oil (alcoholic beverages not included),
 - Value of personal property owned or leased by business, and
 - Name and address of previous owner, if applicable, (if previous owner was incorporated, you will need to provide their corporate identification number).
- 3.** Applicant takes completed application to the Maryland Department of Assessments and Taxation office. The Tax Assessment office will assess personal property tax based upon inventory and value of equipment.
- 4.** Applicant takes completed application with the assessed value to the Washington County Treasurer’s Office for certification that no unpaid taxes are due to the State of Maryland or Washington County on the goods, fixtures or stock in trade. Treasurer may require payment of estimated personal property tax prior to approving application.

Office of the Clerk of the Circuit Court Business License (Continued)

5. Applicant returns to the Office of the Clerk of the Circuit Court with completed application. The Clerk will issue license upon payment of appropriate fee. (Fees are prorated on a quarterly basis for new businesses. In addition to the fees listed on the following pages, the Clerk charges a \$2.00 issuing fee per license.

Additional Information Regarding Business Licenses:

Licenses expire April 30 of each year. The Clerk mails renewal applications each year in early April. A Zoning Certificate is not required to renew a license, unless the location of the business has changed. Renewal applications may be returned to the Clerk's Office, with the appropriate fees, by mail or in person. Penalties are applied to renewal applications received for processing after May 31.

Corporations should contact the State Department of Assessments and Taxation, Charter Division, 301 West Preston Street, Baltimore, MD 21201, or you may contact that office by calling 410-767-1006 for information regarding requirements for corporations.

Contact Information for Other Agencies:

To obtain assessment of inventory and equipment; for sole proprietorships, to obtain "SDAT number:"

Maryland Department of Assessments and Taxation
3 Public Square, Hagerstown, MD 21740
301-791-3050
www.dat.state.md.us

For certification of taxes paid:

Washington County Treasurer
35 West Washington Street, Hagerstown, MD 21740
240-313-2110
www.washco.md.net/treasurer

For referral to appropriate licensing entity:

Maryland Department of Business & Economic Development
217 East Redwood Street, Baltimore, MD 21202
410-767-6300 or 1-800-541-8549
www.choosemaryland.org

Office of the Clerk of the Circuit Court Business License (Continued)

To obtain a sales tax number and other required registrations:

Maryland Comptroller of the Treasury
1 South Potomac Street, Hagerstown, MD 21740
301-791-4776
www.comp.state.md.us

To register a corporation, firm, or trade name:

Maryland Department of Assessments and Taxation:
Charter Division - 410-767-1006
www.dat.state.md.us

For licensing to perform work on existing homes:

Maryland Home Improvement Commission
410-333-8120
www.dllr.state.md.us

For professional licenses, e.g., barber, realtor, appraiser, etc.:

Maryland Department of Labor, Licensing, and Regulation
Division of Occupational and Professional Licensing
410-230-6255
www.dllr.state.md.us/license/occprof/

For disposal or handling of hazardous materials and other waste:

Maryland Department of the Environment
800-633-6101
www.mde.state.md.us

For Worker's Compensation Insurance compliance information:

Maryland Workers' Compensation Commission
410-494-2000 or 800-264-4943
www.wcc.state.md.us

For zoning certificates and licensing requirements of the county or incorporated towns:

| | |
|--|----------------------------------|
| Boonsboro - 301-432-5141 | Keedysville - 301-432-5795 |
| Clear Spring - 301-842-2252 | Sharpsburg - 301-432-4428 |
| Funkstown - 301-791-0948 | Smithsburg - 301-824-7234 |
| Hagerstown - 301-790-3200 | Williamsport - 301-223-7711 |
| Hancock - 301-678-5622 (no zoning certificate required for Hancock) | Washington County - 240-313-2460 |

Office of the Clerk of the Circuit Court
Business License (Continued)

| License | Required if you: | Fee: |
|-------------------------------|--|---|
| Chain Store | Operate two or more retail locations in the State of Maryland | Varies depending upon the number of locations. |
| Cigarette | Sell cigarettes over the counter or through vending machines. | \$25.00 Special Cigarette License is also required. |
| Cigarette (Special) | Sell cigarettes over the counter or through vending machines. | \$30.00 Cigarette License is also required. |
| Construction | Perform new or commercial construction. | \$15.00 – To perform construction on existing homes requires a Home Improvement License. (See contact information above.) |
| Garage | Keep a building where motor vehicles are stored for a fee. | \$20.00 to \$200.00 depending upon the square footage of the garage. |
| Jukebox (or Music Box) | Keep a jukebox for public entertainment. | \$10.00 per jukebox. |
| Laundry | Conduct the business of cleaning, dyeing, pressing or laundering, other than hand laundering. | \$15.00 |
| Peddlers | Act as a peddler, traveling by foot, horse drawn wagon, or by motor vehicle. | \$100.00 to \$300.00 depending upon the mode of transportation. |
| Plumber | Conduct the business of a plumber or gas fitter. This license is in lieu of a Traders License. | \$5.00 to \$15.00 depending upon the location. This licenses the plumbing business, not the individual plumber. |
| Restaurant | Sell food for consumption on the premises. A Traders License is also required. | \$10.00 or \$25.00 depending upon the location. |

Office of the Clerk of the Circuit Court
Business License (Continued)

| License | Required if you: | Fee: |
|--------------------------|---|---|
| Soda Fountain | Operate a soda fountain (does not include modern soft drink dispensers.) | \$10.00 or \$15.00 depending upon the location. |
| Storage Warehouse | Maintain a warehouse where goods are stored for a fee. | \$30.00 to \$150.00 depending upon the location. |
| Traders | Maintain inventory for resale (wholesale or retail) and/or operate a restaurant. Not required if you are the grower, maker, or manufacturer of all products, and the product is grown, made or manufactured in Maryland. | \$15.00 to \$800.00 depending upon the value of the stock in trade. |
| Vending Machines | Sell goods or offer goods for sale through a vending machine. License required for each machine. Cigarettes, newspapers, magazines, and some other items sold through vending machines, and some other items sold through vending machines do not require this license. Note: Cigarette vending machines are required by law to display warning labels that minors are prohibited from purchasing cigarettes. (See Cigarette) | \$2.50 per machine. |

For Additional Information, Contact:

Clerk of the Circuit Court
Court House
95 West Washington Street
Hagerstown, MD 21740
301-733-8660
www.courts.state.md.us/clerks

City of Hagerstown

City of Hagerstown

Engineering and Inspections Department

Purpose:

It is the intention of the City of Hagerstown's Inspections Division of the Engineering and Inspections Department to assure that all construction complies with the Building, Plumbing, Mechanical, and Electrical Codes, as adopted by the Mayor and Council. The International Codes and National Electrical Code are recognized nationally as acceptable minimum standards.

Enforcement of these standards serves the best interest of all those involved...owners, tenants, and neighbors. By working in conjunction with various other agencies, the Inspections staff considers their duties as very important ingredients in helping City residents and property owners maintain reasonable levels of safety and property values.

The following is a list of Codes enforced by the Inspections' staff:

- International Building Code
- International Plumbing Code
- International Mechanical Code
- International Property Maintenance Code
- National Electrical Code
- NFPA Life Safety Code
- State of Maryland Plumbing Code
- State of Maryland Accessibility Code

Application Process:

Application is made in the Engineering and Inspections Department, which is located on the 3rd Floor of City Hall, 1 East Franklin Street, Hagerstown, Maryland. At the time of permit application, the Department of Engineering and Inspections will determine which agencies the application must be routed for review and approval. Depending on the type, size, and location of the building, project or development, review will be made only by those agencies having jurisdiction for the particular type of application.

Application Process:

Assuming all necessary information is submitted with the permit application, permits for small projects are issued within three weeks. Staff makes every effort to issue permits for larger scale projects (new buildings, additions, renovations, etc.) within 30 days, but complexity of the project or lack of information submitted may extend the review process.

City of Hagerstown

Engineering and Inspections Department (Continued)

Inspections:

The following is a time frame when basic inspections will occur for a building, project, or development:

- Footing inspections (prior to pouring concrete)
- Foundation inspection (prior to framing)
- Framing inspection (prior to closing interior walls)
- Final inspection (prior to issuance of a Use and Occupancy Permit)

Depending on special conditions, additional inspections may be required which will be outlined at the time of permit issuance.

Requirements for Permits:

Building permits are required for all new structures with exception of:

- Children's play sets
- Children's playhouses
- Decks or slabs extending 4 inches or less, above grade
- Retaining walls less than 48 inches in height

Along with new structures, building permits are also required for additions to existing buildings or any renovations that affect; a) required lighting, b) required ventilation, c) structural components, d) exiting, e) fire protection, or f) the general use of the building.

Some examples of types of work requiring permits include:

- Installing or removing interior partitions
- Enclosing open porches or decks
- Utility sheds
- New roof structures
- Swimming pools
- Increasing width of doors or windows
- Chimneys and masonry fireplaces
- Signs (with some exceptions)
- Roof-mounted dish antennas, 2 feet or larger in diameter
- Awnings, canopies, or tents
- Demolition of structures

City of Hagerstown

Engineering and Inspections Department (Continued)

When Permits are NOT Required:

The following are some examples of types of work that do not require building permits:

- Vinyl siding
- Roof covering
- Replacing floor decking on porches and decks
- Replacing or installing wall or ceiling coverings (unless fire-rated assemblies are involved)
- Window or door replacement (same size or smaller)
- Painting
- Installing cabinetry
- Insulation
- Private sidewalks
- Decks or patios no greater than 4 inches above grade

Other Requirements:

Only a City-licensed electrician may install or alter any electrical equipment or wiring. Electricians are responsible for obtaining all electrical permits.

Only a City-licensed plumber may install or alter any plumbing equipment or piping. Plumbers are responsible for obtaining all plumbing permits.

Enforcement and Penalties:

Inspection staff is duly sworn to enforce all City codes. Most common violations of the Building, Plumbing, Electrical, and Property Maintenance Codes are punishable by civil penalties consisting of municipal infraction citations in amounts ranging from \$50.00 to \$1,000.00 daily.

City of Hagerstown
Engineering and Inspections Department (Continued)

Appeals:

Any person may appeal to the City of Hagerstown's Board of Technical Appeals a decision by any City Code official refusing to grant a modification of any violation cited or any condition of permit approval.

For Additional Information Contact:

City of Hagerstown
Engineering and Inspections Department
1 East Franklin Street
Hagerstown, MD 21740
301-739-8577, Ext. 125
www.hagerstownmd.org/engineering/engineering_index.asp

City of Hagerstown

Planning Department - Annexation Policy

Description:

The City of Hagerstown's Annexation Policy applies to requests for City water and sewer service for properties located within the Hagerstown Urban Growth Area, as defined by the City's Annexation Policy. See "Appendix A" for a copy of the Annexation Policy.

The City's Annexation Review Committee reviews applications for City water and sewer service on the 2nd and 4th Monday of the month in Room 407 of City Hall. Unless exempted for reasons spelled out in the Policy, the likely outcome of this review is approval conditioned upon annexation for properties contiguous to the City limits or submittal of a pre-annexation agreement for properties, which are not contiguous at present.

Availability of Service Application:

Attached for your use is an application for water and/or sewer service for review by the City's Annexation Review Committee. Please note that this application, a plat of the property (with an area map), and a review fee (defined below) are required to be submitted for any water service outside the City of Hagerstown Corporate boundary (and within the Hagerstown Urban Growth Area) and for any sewer service outside the Designated Area. This application can be used for either single-or multiple-lot requests for residential, commercial, industrial, or institutional development.

Review Fees:

Sewer Service:

| | |
|------------------------------|------------------------------|
| Residential developments | \$30.00 per residential unit |
| Non-residential developments | \$150.00 per acre |

Water Service:

| | |
|------------------------------|------------------------------|
| Residential developments | \$30.00 per residential unit |
| Non-residential developments | \$150.00 per acre |

*** Note: Fees are non-refundable, with the exception of health-related requests.**

City of Hagerstown

Planning Department - Annexation Policy (Continued)

Appeals:

Decisions of the Annexation Review Committee may be appealed to the Mayor and Council by submitting an intent to appeal to the City's Planning Department within thirty-days (30) of the Annexation Review Committee's decision.

For Additional Information Contact:

City of Hagerstown
Planning Department
1 East Franklin Street
Hagerstown, MD 21740
301-739-8577, Ext. 138
www.hagerstownmd.org/plan_dev/plan_devindex.asp

**City of Hagerstown
Planning Department - Annexation Policy (Continued)**

Availability of Service Application

Please check the service(s) requested: _____ City Case #: _____
_____ Water
_____ Has the Health Department condemned your well? Yes / No
_____ Sewer

Property Development Information

1. Washington County Case Number / Building Permit No. _____
2. What is the address (or location) of the property and name of the project or subdivision being developed? _____
Map _____ Block _____ Parcel _____ Tax I.D.# _____

*** Please attach a vicinity map and boundary survey or plat to show the limits of this property***

3. Total Tract Area _____ acres Zoning _____
Number of Lots _____ Phase _____ of _____ Total Phases
Types(s) of Units (single family, two-family, commercial, etc.) _____
Total Number of Units _____ Density _____ units/acres
Estimated Daily Water and Sewer Usage _____
4. Is this request for a single lot service? Yes / No
5. Are you the owner of the property in question? Yes / No (if No, also complete questions 10-14)

Property Development Information

6. Owner / Contract Purchaser _____
7. Address _____
8. Phone Number _____ Fax _____
9. Email Address _____

City of Hagerstown
Planning Department - Annexation Policy (Continued)

Agent Information

- 10. Agent Name _____
- 11. Agent Relationship to Property _____
- 12. Agent Address _____
- 13. Agent Phone _____ Fax _____
- 14. Email Address _____

Project Status

- 15. At what stage in the development process is your project?
 - _____ Preliminary Consultation
 - _____ PUD Rezoning Approved
 - _____ Plan Review
 - _____ Plan Approval
 - _____ Subdivision Plat Recorded
 - _____ Payment of Sewer Service Fees
 - _____ Payment of Water Service Fees
 - _____ Installation of sewer mains
 - _____ Installation of water mains
 - _____ Installation of sewer laterals
 - _____ Installation of water service connections

For City Use Only

- 16. Which sewer service area is the property located?
 - _____ Inside the City Service Area
 - _____ Inside the County Service Area
 - _____ Inside the Designated Area
 - _____ Outside the Designated Area
 - 17. Is all or part of the property located in the Urban Growth Area? Yes / No
 - 18. Is all or part of the property located in a Priority Funding Boundary? Yes / No
 - 19. Is property contiguous to the City of Hagerstown Corporate Boundary? Yes / No
-

I certify that the information contained herein is true and correct to the best of my knowledge.

_____ Applicant _____ Date

Review Committee Determination: _____ **Signature and Date:** _____
_____ **Approved** _____ **Denied** _____

City of Hagerstown

Water & Sewer Department - Storm Water Management

System Description:

Storm water management within the City of Hagerstown is provided by numerous private and public facilities. Ponds, trenches, and underground detention are all used in varying degrees around the City. Some sites have storm water management structures already in place to provide the necessary control. Other sites will require the construction of the necessary facilities as part of site development. Typically, those structures, which serve residential areas, are ultimately owned and maintained by a homeowners' association. Those structures, which serve commercial/industrial areas, are owned and maintained by either the property owner or developer. An exception to this are those regional structures located in city-owned business parks, which are accordingly owned and maintained by the city.

Agency Description:

Storm water management within the City of Hagerstown is under the jurisdiction of the City Engineer. Separate from Washington County, the City of Hagerstown has and enforces its own program within its corporate boundary.

Program Description:

The City's storm water management program assures that increase in storm runoff resulting from changes in land use will not adversely affect existing conditions. Certain very small developments are exempt from controls; however, most developments are required to control their runoff to predetermined predevelopment rates. As a policy, water quality enhancement is also required. Specific criteria are contained in the document entitled "An Ordinance for Storm Water Management for the City of Hagerstown, MD." This document is available at the City Engineer's office.

Storm water management approval is an integral and required part of the project approval process. Development plans should be submitted to the Planning Office for review where they are forwarded to the City Engineering office. There is a review fee imposed by the City Engineering office for storm water management review.

It is highly recommended that interested parties contact the City Engineer as early as possible during the project to address site and project specific details.

City of Hagerstown

Water & Sewer Department - Storm Water Management (Continued)

If a structure does not exist to provide the necessary controls, the new development must design and construct the appropriate structure. All costs for this work are the responsibility of the developer. Maintenance responsibilities are also the developer's/owner's and a legal agreement to that affect is required as part of the approval process. City staff conducts tri-annual inspections of the facilities to ensure they are being maintained.

For Additional Information Contact:

City of Hagerstown
Engineering and Inspections Department
1 East Franklin Street
Hagerstown, MD 21740
301-739-8577, Ext. 125
www.hagerstownmd.org/engineering/engineering_index.asp

City of Hagerstown

Water & Sewer Department - Wastewater Treatment

System Description:

The City of Hagerstown Water & Sewer Department provides sanitary sewer service to Hagerstown and much of the surrounding area.

The City of Hagerstown wastewater plant is located in the south end of Hagerstown, off Frederick Street. It is designed for an average flow of eight (8) million gallons per day. The wastewater treatment plant is an oxygen activated sludge system with pressure filtration and ozone disinfections. Direct drying treats sludge.

Sanitary sewer service customers are served by approximately 125 miles of collection system piping and twenty-seven (27) pump stations.

Agency Description:

The City of Hagerstown Water & Sewer Department is a public utility owned and operated by the City of Hagerstown under the direction of the Mayor and Council. The Manager is responsible for operating the Water & Sewer Department, and a staff engineer can answer technical questions regarding capacity allocation, availability, and sanitary sewer service. Both would be pleased to provide information regarding sanitary sewer service.

In those instances where sanitary sewer collection system lines are owned by Washington County but generated flows are treated at the wastewater treatment plant, individuals must contact an agency representative at the Washington County Department of Environmental Management at 240-313-2600.

Sanitary Sewer Mains and Services:

Sanitary sewer is distributed through a system of sanitary sewer mains generally within public rights-of-way to a customer's service lateral at the customer's property. To obtain sanitary sewer service, one must find the status of the sanitary sewer main at the property in question. Contacting one of the Water & Sewer representatives provides that information. However, the following will explain, in general, possible situations where, 1) both main and service exist, 2) only the main exists, and 3) neither exists.

If a sanitary sewer service connection currently exists to a property, there is no charge for that connection provided the connection was previously in use and the proposed flows to be generated do not exceed that of the previous user. If the sanitary sewer service connection was never in use, one must secure an approved "Application for Sanitary Sewer Service" and filed at the Billing Office in City Hall, 1 East Franklin Street, 1st Floor, Hagerstown, Maryland.

City of Hagerstown Water & Sewer Department - Wastewater Treatment (Continued)

If the sanitary sewer service connection was in previous use and the proposed generated flows exceed that of the previous user, additional capacity allocation must be assigned to that property. The additional allocation will be the difference between the proposed generated flows and the existing capacity allocation already assigned to that property. The owner must secure an approved application as aforementioned and pay a Benefit Charge based on the additional assigned allocation. An application fee is also applicable. There will not be a connection charge.

Please note that the Code of the City of Hagerstown stipulates that only one (1) sanitary sewer service connection is provided to a lot of record at the prevailing connection charge. Additional connections, or a connection other than one that exists, is at full cost to the developer. In those instances where sanitary sewer collection system lines are owned by the Washington County Department of Environmental Management but generated flows come to the wastewater treatment plant, a City of Hagerstown Benefit Charge will be collected by that agency during their application process.

In some cases, a sanitary sewer main exists but a service lateral to serve the property is not in place. After an applicant secures an approved application for service, the Wastewater Treatment staff will make a determination as to where the service lateral is to be installed. In doing so, staff will consult with the customer to ensure that the location of the service connection to be installed is suitably positioned, with the interest of both parties in mind. Sewer Collection System crews will install the requested service lateral from the existing sanitary sewer main to the curb line or proposed curb line if the property is in the city, or to the property line or right-of-way if the property is in the county.

An applicant may wish to have the service connection installed by others. If so, the service lateral must be installed to city standards and specifications and under the inspection of the city. If the applicant chooses the latter option, no Connection charge will be applicable.

In those cases where neither a sanitary sewer main nor service lateral exists to serve the subject property, an extension of the existing sanitary sewer is required. The cost related to such an extension is the sole responsibility of the applicant. A proposed extension of sanitary sewer to be dedicated to the City of Hagerstown must be to city standards and specifications. Details regarding sanitary sewer extensions along with other requirements can be found in that latest edition of the "City of Hagerstown, Water Pollution Control Standards and Specifications." This document can be obtained by contacting a City of Hagerstown Water & Sewer Department representative.

In all cases, it is advisable that prior to application for service, prospective applicants contact a representative from the Water & Sewer Department to discuss sanitary sewer service. This will avoid any misunderstanding of intent and will most likely provide needed information to the applicant.

City of Hagerstown

Water & Sewer Department - Water Service

System Description:

The Hagerstown and Washington County, Maryland area is served by public water supply from the system owned and operated by the City of Hagerstown. The current service area boundaries are the Maryland State line to the north, Maryland Route 63 and the Town of Williamsport to the west, Maryland Route 65 at Roxbury Road to the south, and the Town of Smithsburg to the east.

The Potomac River near Williamsport is the primary source of supply from which water is currently drawn and filtered at the R.C. Wilson Water Treatment Plant. This facility is rated to have the capacity to deliver eighteen (18) million gallons per day (MGD) of filtered water through two major transmission mains into Hagerstown and the surrounding area. Major components have the ability to produce twenty (20) MGD, and work has begun to bring all aspects of the plant to this rating. The secondary source is the Edgemont Reservoir (filtered at the W.M. Breichner WTP), which is capable of supplying an average of 4.8 MGD of the system's 10.5 MGD average daily demand.

The Hagerstown Water System through more than 370 miles of piping serves approximately 23,000 customers. More than 1,800 fire hydrants provide fire protection within the service area. The Insurance Services Office has recently upgraded the area's fire rating from an already very good four (4) to an even better three (3) rating, acknowledging both a strong, reliable water supply and a competent fire-fighting force.

System pressures range from 25 pounds per square inch (psi) to as high as 150 psi due to terrain elevation. Several booster-pumping stations are required to maintain adequate pressures in the areas of higher elevation (predominately north and east) and storage tanks maintain supply for these "pressure-boosted" areas.

Water Mains and Services:

Water is distributed through a system of water mains generally within public rights-of-way to a customer's service pipe at the customer's property. To obtain water service, one must find the status of the water main at the property in question. Contacting one of the Water & Sewer Department representatives at the address or phone number listed provides that information. However, the following will explain, in general, possible situations where 1) both main and service exist, 2) only the main exist, and 3) neither exists.

If a water service currently exists to a property, there is no charge to activate that service, provided the property owner requires no change of location or size. If a change in location is needed at the owner's request, the Water & Sewer Department will provide the labor and materials, (less excavation) but the owner must first apply for the upgrade and pay the difference

City of Hagerstown

Water & Sewer Department - Water Service (Continued)

between the costs of the services as explained below. The application should be made at the Billing Office of City Hall, 1 East Franklin Street, Hagerstown, Maryland.

In some cases, the water main was installed past, through or to a property, creating the availability of service but application for service has not yet been made. If the main has been installed properly and in the proper location, is of sound condition and has been accepted by this Department, all the property owner need do is apply for service and pay the associated fees at City Hall at the Billing Office. These fees will include the Connection and Benefit Fees and may include Recovery Fees in the form of Front-Footage or Acreage Charges.

The Recovery Fees are those established at the time of and, for the water main installation, to be charged to users of this new main and returned to the party financially responsible for the main installation. City of Hagerstown Water & Sewer Department officials, when requested, can inform prospective water customers of the applicability and amount of Recovery Charges.

In most cases of request for water information, neither the main nor the service line exists to serve the subject property. The Water & Sewer Department requires that a water main be installed in the public right-of-way to and across the frontage of the property to be served. Expenses related to the required system improvements would be born by the property owner or party requesting service and the same would be offered for dedication to the City of Hagerstown Water & Sewer Department for ownership, operation, and maintenance. This is known as a Contribution in Aid of Construction. As with the Recovery Fees, an arrangement may be made possible to assist the installing party to recover a portion of the amount invested in the installation of the public water system improvements.

As above, the “Application for Service” would need to be completed and fees paid at City Hall prior to the rendition of service. The Connection Charge and Benefit Charge would be applicable, but there would be no charge for Recovery Fees, due to the extension of the newly installed main by the applying party.

The above situations are commonly found in questions of water serviceability. However, exceptions and special conditions do exist which make each case unique. Officials at the City of Hagerstown Water & Sewer Department should be contacted for precise information regarding any water service arrangements.

For Additional Information, Contact:

City of Hagerstown
Water & Sewer Department
1 Clean Water Circle
Hagerstown, MD 21740
301-739-8577, Ext. 650

www.hagerstownmd.org/utilities/water/watersewer_index.asp

City of Hagerstown Water & Sewer Department – Fees

| Name of Fee | Description or Units: | Rate: |
|----------------------------------|---|-------------------------|
| Application Fee | Per gallon of average daily usage | \$50.00 |
| Water Benefit Charge | Per gallon of average daily usage | \$12.50 |
| Connection Charge | Lateral | \$1,200 |
| Double-Wye Connection | Additional cost | \$150.00 |
| Sewer Benefit Charge | City customer – Per gallon of average daily usage | \$22.00 |
| Sewer Benefit Charge | Non-city customer – per gallon of average daily usage | \$25.00 |
| Fireline – Annual | | City / Non-City |
| | 4” Connection | \$144.00 / \$192.00 |
| | 6” Connection | \$323.00 / \$431.00 |
| | 8” Connection | \$575.00 / \$766.00 |
| | 10” Connection | \$898.00 / \$1,197.00 |
| | 12” Connection | \$1,293.00 / \$1,724.00 |
| Chemical Oxygen Demand | Industrial Surcharge excess above 2.919 pounds – per pound excess above 1,000 gallons per | \$0.28 |
| Biochemical Oxygen Demand | Industrial Surcharge excess 1,668 pounds – per pound excess above 1,000 gallons per | \$0.69 |
| Suspended Solids | Industrial Surcharge excess above 1.688 pounds – Per pound excess above 1,000 gallons per | \$0.69 |
| Grease and Oil | Industrial Surcharge excess above 0.417 pounds – per pound excess above 1,000 gallons per | \$0.40 |

City of Hagerstown
Water & Sewer Department – Fees (Continued)

| Name of Fee | Description or Units | Rate |
|--|--|---------|
| Low Pressure Quarterly Service Charge | One (1) grinder pump serving one (1) unit | \$82.15 |
| Low Pressure Quarterly Service Charge | One (1) grinder pump serving two (2) units | \$45.14 |
| Quarterly Debt Service Charge | Martins Crossroads and Conococheague Water Districts | \$61.15 |

For Additional Information, Contact:

City of Hagerstown
Water & Sewer Department
1 Clean Water Circle
Hagerstown, MD 21740
301-739-8577, Ext. 650
www.hagerstownmd.org/utilities/water/watersewer_index.asp

Washington County

Washington County Engineering Department

Description:

The Washington County Engineering Department, with a staff of 21, acts as the technical advisor to the Board of County Commissioners and to other public agencies, which may require consultation on engineering matters. The Engineering Department accomplishes its goals through three main functions 1) Capital Improvement Projects, 2) Review and Approval of Private Development, and 3) Storm Water Management.

Mission:

To provide direction for orderly and cost effective development that supports the Washington County economy while assuring the maintenance and expansion of the infrastructure needed to serve it.

Review and Approval of Private Development:

The Engineering Department reviews and approves the designs and performs limited construction inspections of private developments. This is accomplished by our review of the subdivision plats and site plans submitted to the County through the Washington County Planning Department. We also perform driveway and utility inspections with the County right-of-way typically associated with those developments. More information for the Washington County Map/Inspector Coverage Area, Construction of Subdivision Infrastructure for Acceptance and Ownership by Washington County, Highway Adequacy Policy, and Subdivision Ordinance, can be obtained from the Washington County Engineering Department or found by going to our web site at http://www.washco-md.net/public_works/engineering/engine.htm.

System Description:

Storm water management for Washington County is provided by numerous private and public facilities. Ponds, swales, pipes, etc., are all used in varying degrees around the County. Some sites have storm water management structures already in place to provide the necessary control. Other sites will require the construction of the necessary facilities as part of site

development. Typically, those structures, which serve residential areas, are ultimately owned and maintained by the County. Those structures, which serve commercial/industrial areas, are owned and maintained by either the property owner or developer. However, those regional structures located in County-owned industrial parks are owned and maintained by the County.

Washington County Engineering Department Storm Water Management

Agency Description:

Storm water management for all incorporated areas of Washington County and the following incorporated areas; Boonsboro, Clear Spring, Funkstown, Hancock, Keedysville, Sharpsburg, Smithsburg, and Williamsport are under the jurisdiction of the County’s Chief Engineer. The City of Hagerstown has and enforces its own program within their corporate boundary.

Review Fees:

| Name | Fee |
|--|--|
| Preliminary Plat | \$150 + \$65 per lot |
| Preliminary Site Plan (PSP), Site Plan (SP) | \$150 + \$280 per acre of disturbed area, less than 10 acres |
| | \$150 + \$140 per acre of disturbed area, greater than 10 acres |
| | \$150 + \$65 per acre of disturbed area, greater than 50 acres |
| | \$600 minimum |
| Subdivision Plat (S) | \$150 + \$230 per lot developed with road construction, less than 50 lots |
| | \$150 + \$130 per lot developed with road construction, greater than 50 lots |
| | \$150 + \$35 per lot developed without road construction |

| | |
|---|---|
| Simplified Plat (SI) | \$150 each |
| Traffic Impact Study (TIS) | \$300 per intersection studied |
| Grading Plan | \$150 + \$75 per acre of disturbed area |
| Storm Water Management (SWM) Exemption | \$150 each |

**Washington County Engineering Department
Storm Water Management - Review Fees (Continued)**

| Name | Fee |
|---|------------|
| Simplified SWM Plan | \$200 each |
| Floodplain Permits and Inquires without Hydrologic and Hydraulic | \$150 each |
| Floodplain Permits and Inquires with Hydrologic and Hydraulic | \$300 each |
| Rezoning and Board of Zoning Appeals and Variances | \$150 each |
| Minor Site Plans | \$150 each |

Notes:

- Disturbed area is based upon the area as determined by the Washington County Soil Conservation District. *See “Washington County Soil Conservation District” for more information.*
- The Grading Plan fee will be charged only to those projects that are not part of the initial PSP, SP, or S project submittal.
- There is no re-submittal fee proposed at this time.
- For those Residential Final plats that have SWM deferred, it is assumed that the SWM Exemption forms will be submitted for each lot at a later date and the associated fee is included in the total.
- For those Residential Final plats that are identified as exempt, it is assumed that this determination was made at the time of plat review and no additional SWM fee will be assessed.
- For combined submittals, e.g., preliminary/final plat, preliminary plat/site plan, etc., only the higher of the fees associated with the individual submittals will be charged.
- Hydrologic and hydraulic analysis requires a detailed engineering review.

For Additional Information, Contact:

Washington County
Department of Engineering
80 West Baltimore Street
Hagerstown, MD 21740
240-313-2400

www.washco-md.net/public_works/engineering/engine.htm

**Washington County
Soil Conservation District**

Overview:

The Washington County Soil Conservation District (WCSCD) was organized and established on January 22, 1940 under the Maryland Soil Conservation District Law (SS8-501). A Soil Conservation District constitutes a political subdivision of the State and, as a public body, exercises public powers.

The law includes a declaration of policy that has guided the WCSCD in responding to the needs of Washington County residents:

“It is the policy of the General Assembly to provide for the conservation of the soil, water, and related resources of the State and for the control and prevention of soil erosion in order to preserve natural resources, control floods, prevent impairment of dams and reservoirs, assist in maintaining the navigability of rivers and harbors, preserve wildlife, protect the tax base, protect the public lands, protect and promote the health, safety, and general welfare of the people of the State, and otherwise enhance their living environment.”

To meet this policy challenge, the District Board of Supervisors of WCSCD are to provide programs that are balanced in their approach to natural resource management. It has been the belief of the WCSCD that voluntary incentive driven programs of direct technical and financial assistance to landowners and land users accomplishes the most balanced result with the most lasting effects.

Our function is to take available technical, financial, and educational resources, whatever their source, and focus or coordinate them so that they meet the needs of the local land user for conservation of soil, water, and related resources.

Office staff review all subdivision plats, site plans, preliminary consultations, building permits for single and multi family homes, and other minor and major earth-moving projects for compliance to erosion and sediment control requirements.

All earth disturbances that involve more than 5,000 square feet or 100 cubic yards of soil disturbance requires some level of approval from the WCSCD.

WCSCD works closely with County government in all aspects of the review and approval process for development activities and is part of the team that can help guide qualified projects through the “Fast Track” process in Washington County.

Washington County Soil Conservation District (Continued)

Review Fee Schedule

| Acres | Fee | Acres | Fee | Acres | Fee | Acres | Fee |
|-------|----------|-------|----------|-------|------------|-------|------------|
| 0.1 | \$250.00 | 4.6 | \$520.00 | 8.2 | \$790.00 | 11.8 | \$1,060.00 |
| 1.1 | \$257.50 | 4.7 | \$527.50 | 8.3 | \$797.50 | 11.9 | \$1,067.50 |
| 1.2 | \$265.00 | 4.8 | \$535.00 | 8.4 | \$805.00 | 12.0 | \$1,075.00 |
| 1.3 | \$272.50 | 4.9 | \$542.50 | 8.5 | \$812.50 | 12.1 | \$1,082.50 |
| 1.4 | \$280.00 | 5.0 | \$550.00 | 8.6 | \$820.00 | 12.2 | \$1,090.00 |
| 1.5 | \$287.50 | 5.1 | \$557.50 | 8.7 | \$827.50 | 12.3 | \$1,097.50 |
| 1.6 | \$295.00 | 5.2 | \$565.00 | 8.8 | \$835.00 | 12.4 | \$1,105.00 |
| 1.7 | \$302.50 | 5.3 | \$572.50 | 8.9 | \$842.50 | 12.5 | \$1,112.50 |
| 1.8 | \$310.00 | 5.4 | \$580.00 | 9.0 | \$850.00 | 12.6 | \$1,120.00 |
| 1.9 | \$317.50 | 5.5 | \$587.50 | 9.1 | \$857.50 | 12.7 | \$1,127.50 |
| 2.0 | \$325.00 | 5.6 | \$595.00 | 9.2 | \$865.00 | 12.8 | \$1,135.00 |
| 2.1 | \$332.50 | 5.7 | \$602.50 | 9.3 | \$872.50 | 12.9 | \$1,142.50 |
| 2.2 | \$340.00 | 5.8 | \$610.00 | 9.4 | \$880.00 | 13.0 | \$1,150.00 |
| 2.3 | \$347.50 | 5.9 | \$617.50 | 9.5 | \$887.50 | 13.1 | \$1,157.50 |
| 2.4 | \$355.00 | 6.0 | \$625.00 | 9.6 | \$895.00 | 13.2 | \$1,165.00 |
| 2.5 | \$362.50 | 6.1 | \$632.50 | 9.7 | \$902.50 | 13.3 | \$1,172.50 |
| 2.6 | \$370.00 | 6.2 | \$640.00 | 9.8 | \$910.00 | 13.4 | \$1,180.00 |
| 2.7 | \$377.50 | 6.3 | \$647.50 | 9.9 | \$917.50 | 13.5 | \$1,187.50 |
| 2.8 | \$385.00 | 6.4 | \$655.00 | 10.0 | \$925.00 | 13.6 | \$1,195.00 |
| 2.9 | \$392.50 | 6.5 | \$662.50 | 10.1 | \$932.50 | 13.7 | \$1,202.50 |
| 3.0 | \$400.00 | 6.6 | \$670.00 | 10.2 | \$940.00 | 13.8 | \$1,210.00 |
| 3.1 | \$407.50 | 6.7 | \$677.50 | 10.3 | \$947.50 | 13.9 | \$1,217.50 |
| 3.2 | \$415.00 | 6.8 | \$685.00 | 10.4 | \$955.00 | 14.0 | \$1,225.00 |
| 3.3 | \$422.50 | 6.9 | \$692.50 | 10.5 | \$962.50 | 14.1 | \$1,232.50 |
| 3.4 | \$430.00 | 7.0 | \$700.00 | 10.6 | \$970.00 | 14.2 | \$1,240.00 |
| 3.5 | \$437.50 | 7.1 | \$707.50 | 10.7 | \$977.50 | 14.3 | \$1,247.50 |
| 3.6 | \$445.00 | 7.2 | \$715.00 | 10.8 | \$985.00 | 14.4 | \$1,255.00 |
| 3.7 | \$452.50 | 7.3 | \$722.50 | 10.9 | \$992.50 | 14.5 | \$1,262.50 |
| 3.8 | \$460.00 | 7.4 | \$730.00 | 11.0 | \$1,000.00 | 14.6 | \$1,270.00 |
| 3.9 | \$467.50 | 7.5 | \$737.50 | 11.1 | \$1,007.50 | 14.7 | \$1,277.50 |
| 4.0 | \$475.00 | 7.6 | \$745.00 | 11.2 | \$1,015.00 | 14.8 | \$1,285.00 |

| | | | | | | | |
|------------|----------|------------|----------|-------------|------------|-------------|------------|
| 4.1 | \$482.50 | 7.7 | \$752.50 | 11.3 | \$1,022.50 | 14.9 | \$1,292.50 |
| 4.2 | \$490.00 | 7.8 | \$760.00 | 11.4 | \$1,030.00 | 15.0 | \$1,300.00 |
| 4.3 | \$497.50 | 7.9 | \$767.50 | 11.5 | \$1,037.50 | | |
| 4.4 | \$505.00 | 8.0 | \$775.00 | 11.6 | \$1,045.00 | | |
| 4.5 | \$512.50 | 8.1 | \$782.50 | 11.7 | \$1,052.50 | | |

**Washington County
Soil Conservation District (Continued)**

Review Fee Schedule Examples:

First Acre or portion thereof - \$250.00
 1.1 acres – 15.0 acres - \$75.00
 15.1 acres and up - \$15.00 or \$1.50 per 0.1 acres

Example #1 – 15.1 acres:

15.1 acres – 1.0 acres (\$250.00 per the first acre) = 14.1 acres
 14.1 acres -14.0 acres (14.0 acres x \$75.00 per acre = \$1,010.00) = 0.1 acres
 0.1 acre (0.1 acre x \$15.00 per acre = \$1.50)
 Total Fee = \$1,301.50

Example #2 – 30.1 acres:

30.1 acres – 1.0 acres (\$250.00 per the first acre) = 29.1 acres
 29.1 acres – 14 acres (14 acres x \$75.00 per acre = \$1,050.00) = 15.1 acres
 15.1 acres (15.1 acres x \$15.00 per acre = \$226.50)
 Total Fee = \$1,526.50

For Additional Information, Contact:

For general information, contact the District Manager
 or
 Erosion and Sediment Control Plan Review and Approval Manager

Washington County
 Soil Conservation District
 1260 Maryland Avenue, Suite 101
 Hagerstown, MD 21740
 301-797-6821, Ext. 3
www.conservaionplace.com

Washington County Department of Environmental Management – Wastewater Treatment

System Description:

It is the objective of the Washington County Department of Environmental Management (the Department) to restore, maintain and protect the chemical, physical and biological integrity of the water and watercourses for Washington County. This guide will provide information to prospective residential, commercial, and industrial users of the Department’s water and/or sewer systems throughout Washington County, Maryland.

The Department is an agency within the Washington County Division of Public Works that provides public water and/or sewer service to outlying areas of Washington County; areas which are not incorporated by the City of Hagerstown, by any incorporated town, or municipality, unless an agreement between a town and the Department is generated. The Department operates on an enterprise fund.

An area of service is called a service area. The Department operates and functions pursuant to laws established in the “Code of Public Local Laws of Washington County.”

Existing Service Areas:

Water:

| | |
|----------|-------------------|
| No. 4 | Sharpsburg |
| No. 7 | Mt. Aetna |
| No. 9 | Highfield/Cascade |
| No. 17 | Elk Ridge |
| No. 19-1 | Sandy Hook |

Sewer:

| | |
|---------|-------------------------------------|
| No. 1 | Halfway |
| No. 4-1 | Sharpsburg/Keedysville |
| No. 5 | Tammany/Van Lear |
| No. 5-1 | Cloverton/Greenlawn |
| No. 6 | Fountain Head |
| No. 9-1 | Highfield/Cascade/PenMar |
| No. 12 | Rolling Hills, MD Route 64 Corridor |
| No. 14 | Sharpsburg Pike |
| No. 15 | Maugansville/Orchard Hills |
| No. 16 | St. James |
| No. 18 | Conococheague Area |

**Washington County
Department of Environmental Management – Wastewater Treatment
(Continued)**

Procedures – Water and Sewer Service:

The following shall be adhered to for a request for water and sewer service:

- Is the area of interest serviceable by existing infrastructure or is an extension warranted?
- Is the area of interest within the boundaries of an existing service area?
- Is the area of interest inside the Urban Growth Area (UGA)?
- Is allocation at the publicly-owned treatment works available?

If “no” is answered to any of the above questions, prospect can request an amendment to the Plan. This request is made through the Washington County Planning Commission. Once it has been determined that a prospect can be provided service, the type of user will be determined and the amount of allocation will be established.

User Classifications:

Residential – A private dwelling or living unit or any part thereof intended to be occupied by a person(s) to which they reside.

Commercial – Any structure or any portion thereof not used as a residence, intended to be used wholly or in part for the purpose of carrying on a trade, business, profession, or for social, amusement, religious, educational, charitable, or public uses excepting volunteer fire and/or rescue companies, and which contains plumbing for kitchens, toilets, or washing facilities.

Industrial – Any structure intended to be used wholly or in part for the manufacturing, fabricating, processing, cleaning, laundering, or assembling of any product, commodity, or article.

Flow Projections:

The amount of flow projection for water use or sewer generation and the number of “Equivalent Dwelling Units” (EDC) has to be determined.

The Maryland Department of the Environment Design Guidelines, existing water use data, or existing water use data of similar facilities are used for flow projections to determine the amount of water and/or sewer to be used and/or generated by the prospect.

Washington County Department of Environmental Management – Wastewater Treatment (Continued)

Example – MDE Guidelines – A factory working 24 hours per day, 150 employees per shift will use/generate the following amount of water/sewer:

Factory (gallons per person/per shift - 35)
 $35 \times 150 \times 3 = 15,750$ gallons per day

To determine the total number of EDU's, divide by 200 gallons per day = 78.75
or 79 EDU's.

Example – Residential Guidelines – Residential users are assessed the amount of EDU's based upon the total number of living units within a structure:

1 Single Family Home = 1 EDU
14 Unit Apartment/1 Structure = 14 EDU's
1 Quad – Duplex = 4 EDU's

Example – Commercial/Industrial Guidelines – Commercial and industrial users estimate the usage of water for the proposed structure and divide by 200 gallons per day (gpd) (MDE Design Guidelines acceptable practice, 1 EDC = 200 gallons per day). If the equation calculates to be a whole number and a fraction, the next whole number is to be used.

A business manufacturer estimates that 1,550 gallons of water will be used per day with their facility.

$1,550/\text{gpd}$ divided by 200 = 7.75 rounded up to 8 EDU's.

The EDU is used in assessing the allocation/connection fee and, in joint service areas, the EDU is used to calculate the county's portion of the water and/or sewer service user rate.

After the flow projections are completed, it has to be determined if adequate allocation/capacity is available in the collection/distribution systems and at the treatment facilities to accommodate the prospect.

Steps to Becoming a Water and Sewer Customer:

1. Prospect selects a site for development;
2. Prospect determines which agency has jurisdiction for providing utility. Go to the appropriate agency;
3. Department of Environmental Management to determine if selected site has appropriate water/sewer designation pursuant to "Washington County Water and Sewerage Plan." If

not, amend Plan, which requires approval by the Washington County Planning Commission;

Washington County

Department of Environmental Management – Wastewater Treatment (Continued)

4. Department of Environmental Management to determine if selected site is within boundary of established service area. If not, revise boundary;
5. Determine type of user; either residential, commercial or industrial. If prospect is a potential industrial user, complete an “Industrial Waste Permit Application;”
6. Department of Environmental Management and applicant to establish flow projections;
7. Department of Environmental Management to calculate EDU’s;
8. Department of Environmental Management to determine if treatment plants(s) capacity (allocation) is available;
9. Department of Environmental Management to determine if collection/distribution systems(s) are adequate in size to accommodate user. If Step 8 or Step 9 is not satisfied, the department will advise prospect of their responsibility for upgrade of infrastructure.
10. Department of Environmental Management to calculate allocation/connection fees;
11. Department of Environmental Management provides written approval of allocation to prospect with connection fees/user rates quoted;
12. Prospect to pay required allocation fees which reserves allocation for up to one year;
13. Prospect to submit engineer-certified site plan and construction drawings to the Department of Environmental Management for approval;
14. Prospect is invoiced for design review fees by the Department of Environmental Management. The Department of Environmental Management grants approval when the rules, regulations, and policies are satisfied. Prospect is now ready for construction;
15. If prospect connects to an existing mainline:
 - a. Permit to connect is issued;
 - b. Prospect’s responsibilities include excavation/backfill, and restoration of trench;
 - c. Department of Environmental Management responsibilities include making connection at mainline, providing labor/materials to install service lateral;
 - d. After connection has been completed and the final inspection has been performed, the establishment is entered into the Department of Environmental Management billing system;
16. If prospect needs to extend infrastructure:
 - a. Prospect must enter into an Inspection Services Agreement with the Department of Environmental Management;
 - b. Prospect shall pay required inspection service fees prior to start of construction;
 - c. Department of Environmental Management will submit for MDE construction permit if required;
 - d. Prior to start of construction and receiving MDE permit, prospect shall pay applicable MDE permit fees;
 - e. Once construction has been completed and the final connection has been made, the establishment is entered into the Department of Environmental Management billing system;
 - f. Department of Environmental Management will reimburse prospect for unused balance of inspection fees or invoice prospect for additional inspection fees.

**Washington County
Department of Environmental Management – Wastewater
Treatment (Continued)**

Fees – Water:

The schedule of fees describes the amounts established for all allocation/connection fees, water service charges, and special service charges in all of the Washington County Department of Environmental Management water service areas.

Types of fees include allocation/connection and meter fee.

All water connections in all water service areas require an allocation/connection fee and a fee to cover the cost of the water meter (depending upon size).

Schedule of Utility Rates for FY 2006 – Effective July 1, 2005:

| Full Service | Sewer Rates: | Water Rates: |
|--|---------------------|---------------------|
| Base for 6,000 Gal. Per Account: | | |
| Residential Full Service | \$78.55 | \$72.50 |
| Commercial I Full Service | \$78.55 | \$72.50 |
| Commercial II Full Service | \$97.45 | 86.50 |
| Commercial III Full Service | \$97.45 | n/a |
| Volunteer Service | \$78.55 | \$72.20 |
| Residential/Commercial Collection Service Per EDU | | |
| Volume per 1,000 Gal. | | |
| Residential Full Service | \$4.50 | \$7.15 |
| Commercial I Full Service | \$6.06 | \$7.50 |
| Commercial II Full Service | \$7.80 | \$6.75 |
| Commercial III Full Service | \$5.25 | n/a |
| Non-Metered Accounts | \$105.55 | \$115.10 |
| Sewer Wholesale | | |
| Per 1,000 Gallons | \$4.20 | n/a |
| Miscellaneous Fees | | |
| Deduct Meter Fee | \$25.00 per quarter | |

**Washington County
Department of Environmental Management – Wastewater
Treatment (Continued)**

Schedule of Utility Rates for FY 2006 – Effective July 1, 2005 (Continued):

| | | |
|--|---|--|
| Infrastructure Management Program Fee | \$400.00 per Sewer EDU assessed with allocation fees | |
| Infrastructure Development Plan Fee | \$1,000 per Sewer EDU or required regional infrastructure contribution equivalent to a minimum of \$1,000 per EDU | |

Fees – Sewer:

The schedule of fees describes the amounts established for all allocation/connection fees, sewer service charges, and special service charges in all Washington County Department of Environmental Management service areas.

Types of fees include allocation/collection, grinder pump system, small diameter gravity system, and septic tank effluent pump system.

All sewer connections in all service areas require an allocation/collection system fee. When public sewer is serving a sewer service area by joint effort between the Department of Environmental Management and the City of Hagerstown, the fees established by the City shall be in addition to the fees established by the Department of Environmental Management.

In those areas where a grinder pump, a small diameter gravity system, or septic tank effluent pump system exists, an additional fee is required.

Also listed in this schedule of fees are the quarterly user fee rates established for each individual service area. These rates include the cost of wastewater collection, wastewater treatment, and the indebtedness.

**Washington County
Department of Environmental Management – Wastewater
Treatment (Continued)**

Sewer Connection Fees:

| Service Area | No. | Allocation Connection | | Grinder Pump | | Infrast Fee | | Total |
|-------------------------------|------------|------------------------------|---|---------------------|---|--------------------|---|--------------|
| Sharpsburg/Keedysville | 4-1 | \$3,500.00 | + | \$3,400.00 | + | \$400.00 | = | \$7,300.00 |
| Sandy Hook | 19 | \$3,500.00 | + | \$3,400.00 | + | \$400.00 | = | \$7,300.00 |
| Cavetown | 12 | \$3,500.00 | + | \$3,400.00 | + | \$400.00 | = | \$7,300.00 |
| *Pangborn | 12 | \$7,100.00 | + | \$3,400.00 | + | \$0.00 | = | \$10,500.00 |
| St. James | 16 | \$3,500.00 | + | \$3,400.00 | + | \$400.00 | = | \$7,300.00 |
| Conococheague | 18 | \$3,500.00 | + | \$3,400.00 | + | \$400.00 | = | \$7,300.00 |
| Duplex Grinder | | | + | \$7,000.00 | + | | = | |

| Service Area | No. | Allocation Connection | | SDG Tank | | Infrast Fee | | Total |
|-------------------------|------------|------------------------------|---|-----------------|---|--------------------|---|--------------|
| Clover/Greenlawn | 5-1 | \$3,500.00 | + | \$900.00 | + | \$400.00 | = | \$4,800.00 |
| High/Cas/Penma | 9-1 | \$3,500.00 | + | \$900.00 | + | \$400.00 | = | \$4,800.00 |

| Service Area | No. | Allocation Connection | | Step Tank | | Infrast Fee | | Total |
|-----------------------|------------|------------------------------|---|------------------|---|--------------------|---|--------------|
| High/Cas/PenMa | 9-1 | \$3,500.00 | + | \$1,865.00 | + | \$400.00 | = | \$5,765.00 |

**Washington County
Department of Environmental Management – Wastewater
Treatment (Continued)**

Sewer Connection Fees (Continued):

| Service Area | No. | Allocation Connection | | City Fee | | Const. Reserve | | Total |
|------------------------|------------|------------------------------|---|-----------------|---|-----------------------|---|--------------|
| Halfway | 1 | \$3,500.00 | + | \$0.00 | + | \$400.00 | = | \$3,900.00 |
| Tamm. VanLear | 5 | \$3,500.00 | + | \$0.00 | + | \$400.00 | = | \$3,900.00 |
| *Fountainhead | 6 | \$1,800.00 | + | \$5,000.00 | + | \$300.00 | = | \$7,100.00 |
| High/Cas/PenMa | 9-1 | \$3,500.00 | + | \$0.00 | + | \$400.00 | = | \$3,900.00 |
| *Pangborn | 12 | \$1,800.00 | + | \$5,000.00 | + | \$300.00 | = | \$7,100.00 |
| Sharpsburg Pike | 14 | \$2,500.00 | + | \$1,000.00 | + | \$400.00 | = | \$3,900.00 |
| *Maug/Orh. Hill | 15 | \$1,800.00 | + | \$5,000.00 | + | \$300.00 | = | \$7,100.00 |
| St. James | 16 | \$3,500.00 | + | \$0.00 | + | \$400.00 | = | \$3,900.00 |
| Conococheague | 18 | \$3,500.00 | + | \$0.00 | + | \$400.00 | = | \$3,900.00 |
| *Joint Areas | | | | | | | | |

For Additional Information, Contact:

Washington County
Department of Environmental Management
16232 Elliott Parkway
Williamsport, MD 21795
240-313-2600
www.washco-md.net/water_sewer

Washington County Department of Planning Forest Conservation Ordinance – Extract

Forest Conservation Ordinance – Ordinance Description and Applicability:

In order to meet the requirements of the State-adopted Forest Conservation Act, the Board of County Commissioners have enacted the Washington County Forest Conservation Ordinance. This Ordinance establishes the requirements for the preservation and/or replanting of trees or forests during certain development activities through the requiring of forest stand delineations, forest conservation plans, maintenance agreements, and sureties.

The Ordinance is applicable to any individual, partnership, firm, association, public, private or municipal corporation making application for a preliminary consultation, preliminary and/or final sub-division, site plan, grading plan, or a sediment control plan approval on a unit of land greater than 40,000 square feet.

The Ordinance also provides for exemptions associated with the following activities: development occurring on units of land less than 40,000 square feet, simplified sub-division plats, sub-divisions, or construction for an immediate family member, agriculture, commercial logging, real estate transfers where no development is occurring, non-coal surface mining and strip or deep mining of coal regulated by the Department of Natural Resources, and an activity except subdivision which does not result in the clearing of more than 40,000 square feet of forest on a lot of record.

Forest Conservation Ordinance – Agency Description:

The Washington County Department of Planning will administer the Forest Conservation Act through its Forest Conservation Ordinance for all unincorporated areas of Washington County and the following incorporated areas, Boonsboro, Clear Spring, Funkstown, Hancock, Keedysville, Sharpsburg, Smithsburg, and Williamsport. The City of Hagerstown currently administers the Forest Conservation Act within its corporate boundaries.

The Washington County Planning Commission is the approving body for all forest conservation plans, surety amounts and payment in lieu of planting requests except those under the express procedure.

Forest Conservation Ordinance – Program Description:

Compliance with the Forest Conservation Ordinance is a two-step process. The initial step is the creation of a Forest Stand Delineation Plan with the second step being the development of a Forest Conservation Plan.

The Forest Stand Delineation Plan is a drawing prepared during the preliminary review process to determine the most suitable and practical areas for forest retention and future

Washington County Department of Planning Forest Conservation Ordinance – Extract (Continued)

plantings. The delineation will show: slopes greater than 25%; streams; hydra soils; soils with a high erosion potential; existing trees; species and dominant types; and, 100-year floodplains and wetlands.

A Forest Conservation Plan accompanies a subdivision plan, site plan, or grading or sediment control plan. It is developed based on a preferred sequence as outlined in the ordinance for a forestation or reforestation. A forestation refers to the planting of trees on property where no trees currently exist and reforestation refers to the process of replacing trees which are proposed to be removed. Proposed a forestation or reforestation is required to occur in priority areas established in the ordinance. These areas are environmentally sensitive or are designed to establish or enhance forest areas or buffers.

The amount of a forestation required is based on the proposed land use. The ordinance also establishes a forest conservation threshold for all land use categories. The forest conservation threshold is the percentage of the net tract area at which the reforestation requirement changes from a ratio of ¼ acre planted to each acre removed above the threshold to a ratio of 2 acres planted for each acre removed below the threshold.

The forest conservation plan includes: a drawing showing areas where retention of existing forest, a forestation or reforestation is proposed; a proposed schedule for construction including species, size and spacing; a 2-year maintenance agreement, financial security to assure compliance with the plan and maintenance agreement, and long-term protective agreements, usually in the form of conservation easements.

The Ordinance provides for an express procedure for subdivisions of up to five lots and site plans where the proposed a forestation and/or reforestation requirements are 2 acres or less. The express procedure is a simplified process that results in payment of a fee in lieu of planting at a rate of 10 cents per square foot of area required for planting.

The Planning Commission can also grant variances for hardship cases where it is shown that the relief granted is consistent with the intent of the Ordinance and water quality is not adversely affected.

For Additional Information, Contact:

Washington County
Department of Planning
80 West Baltimore Street
Hagerstown, MD 21740

Washington County Department of Planning Subdivision and Site Plan Review

Subdivision and Site Plan Review

Staff administers map and text amendments to the County Zoning Ordinance, as well as the Subdivision Ordinance, Forest Conservation Ordinance, and Adequate Public Facilities Ordinance.

The Comprehensive Plan is being amended under requirements of the 1992 Planning Act. Copies of these documents are for sale at the Planning Department office.

You will need to contact the Planning Department if you are subdividing property or developing commercial property. A Preliminary Consultation at the Planning Department is required if you are proposing a development with more than 5 lots or a major commercial or industrial development

Subdivision, Site Plan or PUD Plan Review Fees:

| Name or Description | Fee |
|--------------------------|-----------------------------|
| Zoning Ordinance: | |
| Map Amendments | \$2,000.00 + \$20.00 / acre |

| | |
|--|---|
| Text Amendments | \$2,000.00 |
| Site Plan – Residential | \$750.00 + \$10.00 / unit |
| Site Plan – Commercial | \$750.00 + \$50.00 / acre |
| Staff Site Plan Approval | \$500.00 |
| Zoning Verification Letter / Report | \$100.00 |
| Preliminary Consultations | \$500.00 + \$20.00 / acre |
| Board of Zoning Appeals: | |
| Variance: 1 or 2 family residential units and accessory uses | \$150.00 |
| Other variance | \$300.00 |
| Appeal charging administrative error | \$150.00 |
| Special Exception | \$500.00 |
| Site Plan Review | *1 (See Notes Below) |
| Grading Permit (Processing Only) | \$0.00 (collected by Permits Department) |
| Driveway Permit | \$0.00 (collected by Permits Department) |
| Utility Permit | \$0.00 (collected by Permits Department) |
| Zoning Use Permit | \$20.00 (collected by Permits Department) |

Washington County Department of Planning (Continued)

Subdivision and Site Plan Review (Continued)

| | |
|---|---------------------------|
| Subdivision Ordinance: | |
| Minor Subdivision (simplified plat, re-plat, correction plat, 1 or 2 lot subdivision) | \$200.00 |
| Multi-lot Subdivision Plat – Preliminary | \$750.00 + \$35.00 / lot |
| Multi-lot Subdivision Plat – Final | \$500.00 + \$20.00 / lot |
| Multi-lot subdivision – Combined Preliminary / Final | \$750.00 + \$35.00 / lot |
| PUD Preliminary Development Plan | \$500.00 + \$20.00 / acre |
| PUD Final Development Plan | \$500.00 + \$10.00 / acre |
| Variance | \$100.00 |
| Cluster Plans | \$500.00 |

| | |
|--|---------------------------|
| Combined Site Plan / Preliminary Plat: | |
| Site Plans: Residential | \$750.00 + \$10.00 / unit |
| Site Plans: Commercial, Industrial, or Institutional | \$750.00 + \$35.00 / acre |
| Preliminary Plat: | |
| 1 or 2 Lot subdivision | *2 (See Notes Below) |
| Multi-lot subdivisions | *2 (See Notes Below) |
| When PUD-Combined Site Plan / Preliminary Plan: | |
| Site Plans – Residential | *3 (See Notes Below) |
| Commercial, Industrial, Institutional, or Open Space | *3 (See Notes Below) |
| Forest Conservation Plan Review: | |
| 1 and 2 Lot residential subdivision | \$0.00 |
| All other subdivisions, site plans, or PUD Plans | \$0.00 |
| Forest Stand Delineation (FSD) | \$250.00 |
| Preliminary Forest Conservation Plan (FCP) | \$500.00 + \$10.00 / lot |
| Combined FSD / Preliminary FCP | \$750.00 + \$10.00 / lot |
| Final Conservation Plan | \$300.00 + \$1.00 / acre |
| Exemption Requests | \$25.00 |
| Sensitive Area Plan Review – Flat Fee | \$50.00 |

Washington County Department of Planning (Continued)

Subdivision and Site Plan Review (Continued)

| | |
|--|--|
| Miscellaneous Fees: | |
| Technology Fee – Flat Fee | \$15.00 assessed to all above activities |
| *1 = Residential -- \$100.00 + \$10.00 / unit or Commercial, Industrial or Institutional -- \$100.00 + \$50.00 / acre | |
| *2 = Higher of site plan or preliminary review with new fees assessed | |
| *3 = Higher of site plan or preliminary review with new fees assessed | |

For Additional Information, Contact:

Washington County
Department of Planning
80 West Baltimore Street
Hagerstown, MD 21740
240-313-2430
www.washco-md.net/planning/plan.shtm

Washington County Department of Permits & Inspections

Agency Purpose:

Providing services for the safety, health and general welfare of its people and planning for the orderly growth and development of its lands are primary functions of any government.

To accomplish this, the Board of County Commissioners for Washington County has adopted Codes, Ordinances, and regulations. Persons that choose to build in the County shall design their project to comply with the following codes:

- Flood Management Ordinance
- International Fuel Gas Code
- International Mechanical Code
- International Plumbing Code
- International Residential and Building Code
- Maryland Accessibility Code

Maryland State Fire Prevention Code
National Electrical Code
NFPA Life Safety Code

Application Process:

The owner or lessee of the building or structure, agent of either, by the licensed engineer, shall make application for a permit or architect employed in connection with the proposed work. If a person other than the owner in fee makes the application, it shall be accompanied by a duly verified affidavit of the owner. The full names and addresses of the owner, lessee, applicant, and of the responsible officer, if the owner or lessee is a corporate body, it shall be stated in the application.

Contractors licensed by their perspective trades in the County and/or State shall make application for plumbing, electrical, and mechanical permits. Application is made at the Department of Permits & Inspections at 80 West Baltimore Street, Hagerstown, Maryland.

The application shall contain the name and address of the owner, a general description of the proposed work, its location, the use and occupancy of all parts of the building or structure and of all portions of the site or lot not covered by the building or structure. Plans and specifications for multiple family housing, commercial, industrial, institutional, educational and public buildings will require three (3) complete sets of working drawings and specifications prepared and sealed by an architect, registered in the State of Maryland. Thirteen copies of site development plans are required. The building official may waive the requirement for filing site plans when the work involved is of a minor nature.

Washington County Department of Permits & Inspections (Continued)

Processing Time:

Time required for reviewed and issuance of a permit varies depending upon the complexity of the project and the number of agency approvals required.

Inspections:

After issuing a building permit, the Permits Office shall conduct inspections from time to time during and upon completion of the work for which a permit has been issued. Minimum required inspections are:

1. Footings and foundations
2. Framing
3. Final
4. Completion of site work

Additional inspections may be required as deemed necessary by the Department. All electrical, mechanical and plumbing inspections shall be requested as applicable per Code.

Application Fee:

Building Permit – The building permit fee is \$65.00 plus \$0.10 per square foot.

Grading Permit – Grading permits will be taken at the time of building permit application for all residential lots, all commercial/industrial lots and sites where significant alteration of existing drainage patterns will result or known downstream problems exist. The cost of the grading permit is \$5.00 per acre disturbed or a \$20.00 minimum. If parcel contains two acres or less, a Standard Sediment and Erosion Control form will also be taken and a \$100.00 Standard Plan fee will be charged.

Entrance Permit – Applications for driveway access shall be taken at the time of building permit application and the cost of the permit is \$25.00. A two-year performance bond for a standard residential entrance permit is required in the amount of \$1,500.00. Cash in lieu of a bond is acceptable.

A commercial entrance requires a two-year performance bond in the amount of \$3,000.00 unless the County Engineer specifies larger amount.

Zoning Certification:

A zoning certification (permit) is a written statement by the Washington County Zoning Administrator authorizing buildings, structures, or uses in accordance with the provisions of the

Washington County Department of Permits & Inspections (Continued)

Washington County Zoning Ordinance. The Department of Permits & Inspections, under the direction of the Zoning Administrator, issues zoning certificates.

When is a Zoning Certification Required?

A zoning certification is required prior to receiving a business license from the Office of the Clerk of the Circuit Court. *See Office of the Clerk of the Circuit Court on “Business License.”* A zoning certification certifies the use on a particular property and specifies the type of business, name of business, number of employees and hours of operation.

Zoning Certification for a Home Occupation Business:

Application for a zoning certification for a home occupation business is taken provided the use does not exceed 15 percent (15%) of the floor space of the dwelling or accessory

structure, the business does not generate vehicular parking, freight and delivery traffic or other nonresidential traffic to a greater extent than would normally result from residential occupancy, the use does not generate outside storage of equipment or supplies and has no other evidence being visible, audible or abnormally odoriferous from the outside of the dwelling to indicate it is being used for anything other than residential purposes.

Zoning Certification for Change of Owner and/or Operator and/or Business Name:

Application for a zoning certification is necessary when there is a change in owner, operator and/or the name of an existing business. The applicant must provide the name of the previous owner, operator and name of the existing business as well as the name of the owner, operator and name of the new business to be operated. A building permit will also be required if any changes other than cosmetic will be made to the occupied space.

New Commercial Business:

Application for a zoning certification for a new commercial business may be filed once the Washington County Planning Commission has approved a site plan. The zoning certification will be processed at the time the building permit is filed to construct the commercial building and will be issued when the building permit is approved.

Steps to obtain a zoning certification:

1. The applicant must apply in person at the Washington County Department of Permits & Inspections located in the Administrative Annex at 80 West Baltimore Street, Hagerstown, Maryland. Please note that if the parcel is located within an incorporated town, applicant must make application at the appropriate town hall.

Washington County Department of Permits & Inspections (Continued)

2. The following information is required at the time of application:

- Parcel owner's name, mailing address, street address and telephone number,
- Street address of business location,
- Mailing address, if different than the street address,
- Telephone number,
- Name and address of previous owner, operator and/or business, if applicable,
- Hours of operation,
- Number of employees,
- If applicant is not the property owner, an affidavit from the property owner authorizing the application will be required, and
- A floor plan of the occupied space.

3. Application is generally processed within one to two weeks, depending on outside agency approvals and the number of overall permits to be reviewed. (If a building permit is filed with the zoning certification, the zoning certification will not be approved until the building permit is issued.

4. Applicant takes approved zoning certification to the Office of the Clerk of the Circuit Court for application of their Business License. *See Office of the Clerk of the Circuit Court on "Business License."*

Contact Information for Other Agencies:

Office of the Clerk of the Circuit Court
Court House
95 West Washington Street
Hagerstown, MD 21740
301-733-8660
www.courts.state.md.us/clerks

Washington County Department of Planning
80 West Baltimore Street
Hagerstown, MD 21740
240-313-2430
www.washco-md.net/planning/plan.shtm

Washington County Department of Permits & Inspections (Continued)

For zoning certificates and licensing requirements of the county or incorporated towns:

Boonsboro - 301-432-5141
Clear Spring - 301-842-2252
Funkstown - 301-791-0948
Hagerstown - 301-790-3200
Hancock - 301-678-5622 (no zoning certificate required for Hancock)

Keedysville - 301-432-5795
Sharpsburg - 301-432-4428
Smithsburg - 301-824-7234
Williamsport - 301-223-7711

Building Fee Schedule:

| | |
|---|---|
| <i>Building permit fees shall be based on the square footage area of the proposed structure(s) and shall include an application fee, inspections for family day care facilities and appeals to the Building Code Appeals Board: (All fees are non-refundable)</i> | |
| Application Fee | \$65.00 |
| Technology Fee | \$15.00 |
| Finished and Unfinished Areas | \$0.10 per square foot |
| Inspection of family day care facilities | \$65.00 |
| File an appeal to the Building Codes Appeals Board | \$150.00 |
| <i>A fee for each plan examination, building permit and inspection shall be paid in accordance with the following schedule:</i> | |
| Residential: | |
| Finished area (living space) | \$65.00 + \$0.10 / square foot |
| Unfinished areas (basement, attic space) | \$0.10 / square foot |
| Garages, carports, porches, decks, chimney and other accessory structures | \$65.00 + \$0.10 / square foot |
| Interior, exterior alterations, repairs and remodeling | \$65.00 + \$0.10 / square foot |
| Mobile home (manufactured housing) | \$50.00 + \$0.10 / square foot |
| Swimming Pools | Above-ground = \$75.00 In-ground = \$125.00 |
| Fences higher than 6 feet | \$50.00 |
| All retaining/masonry walls | \$50.00 |
| Permit revision | No plans required = \$25.00 per amendment Plans required = \$50.00 per amendment |
| Permit extension | \$25.00 each |
| Investigation Fee (work started without permit) | \$200.00 |
| Archive/Records research | \$100.00 |
| Replacement placard | \$25.00 |
| Inspection of family day care facility | \$65.00 |

Washington County Department of Permits & Inspections (Continued)

Building Fee Schedule (continued):

| | |
|---|---|
| Residential (continued): | |
| File an appeal to the Building Codes Appeals Board | \$150.00 |
| Extra trip fees will be assessed for premature inspection requires, incomplete work, and work areas not accessible. | 1 st extra trip = \$50.00 2 nd extra trip = \$75.00 3 rd extra trip = \$100.00 |
| Commercial: | |
| All floor (new construction or additions) | \$150.00 + \$0.15 / square foot |
| Interior alterations | \$150.00 + \$0.15 / square foot |
| Technology fee | \$15.00 |
| Demolition | \$50.00 |

| | |
|--|--|
| Re-inspection fees for condemnation of work or premature request/change of contractor | 1 st re-inspection = \$50.00 2 nd re-inspection = \$75.00 3 rd re-inspection = \$100.00 |
| Tenant fit-out | No modifications = \$0.00 Major modification = \$150.00 + \$0.15 / square foot |
| Investigation fee (work started without permit) | \$200.00 |
| Pre-permit commercial plan review | \$200.00 |
| Early start | \$75.00 |
| Temporary Occupancy | \$75.00 |
| File an appeal to the Building Codes Appeals Board | \$250.00 |
| Note: All measurements shall be computed using gross exterior building dimensions | |

Electrical Fee Schedule:

| | |
|--|----------------------|
| Note: All fees are non-refundable | |
| Application Fee: | |
| Residential permit fee | \$65.00 |
| Technology fee | \$15.00 |
| Residential Flat Rate Fee: | |
| 1 or 2 family dwelling | \$0.10 / square foot |
| Mobile homes | \$50.00 |
| Modular homes | \$75.00 |
| Multi-family dwelling | \$100.00 each unit |
| Residential Additions: | |
| Flat fee | \$0.10 / square foot |
| Residential service upgrade | \$50.00 |
| Swimming pools | \$100.00 |
| Hot tub – Single inspection | \$50.00 |

Washington County Department of Permits & Inspections (Continued)

Electrical Fee Schedule (continued):

| | |
|--|--------------|
| Residential Additions (continued): | |
| Hot tub – When separate trip is required for rough wire or trench inspection | \$35.00 |
| Special Permits and Fees: | |
| Illuminated signs | \$50.00 each |
| Temporary service | \$25.00 |
| Construction trailers | \$50.00 |
| Permit Revision – No plans required | \$25.00 |
| Permit Revision – Plans required | \$50.00 |
| Permit extension | \$25.00 each |
| Change of equipment not involving changes to service and/or feeder equipment: | |

| | |
|---|---|
| Includes outlets, fixtures, appliances, transformers, generators, motors, elevators and other equipment. All equipment is counted as outlets. | |
| 1-50 Outlets | \$50.00 |
| Each additional 25 devices | \$10.00 |
| Extra trip fees will be assessed for premature inspection requests, incomplete work, and work areas not accessible | 1 st extra trip = \$50.00 2 nd extra trip = \$75.00 3 rd extra trip = 100.00 |
| Commercial Permit Fees: | |
| Commercial permit fee | \$125.00 |
| Technology fee | \$15.00 |
| <i>Equipment List – All electrical permit applications must be accompanied by a detailed list including outlet counts, switches, and detailed list of all equipment to be installed. Additional electrical plans are not required when they have been submitted as part of an approved building permit. All others must be accompanied by 2 sets of plans, prepared and sealed by a Maryland professional engineer, architect, or a licensed Master Electrician in accordance with the Washington County Electrical Code.</i> | |
| New Construction or Major Additions: | |
| Includes service, feeders, wiring, switches, outlets, appliances, transformers, generators, motors, elevators, and other equipment. | |
| First 100 amps | \$300.00 |
| Each additional 100 amps | \$100.00 |
| New “Shell Only” Construction: | |
| Includes service, wiring for safety equipment and alarms and any energized feeders. | |
| First 100 amps | \$100.00 |
| Each additional 100 amps | \$50.00 |
| Interior Completions of Tenant Space: | |
| Includes service, feeders, heavy ups, wiring, switches, outlets, appliances, transformers, generators, motor, elevators, and other equipment. | |
| First 100 amps | \$300.00 |
| Each additional 100 amps | \$50.00 |

Washington County Department of Permits & Inspections (Continued)

Electrical Fee Schedule (continued):

| | |
|---|----------|
| Heavy UPS Only: | |
| Each 100 amps | \$100.00 |
| Change of equipment not involving changes to service and/or feeder equipment: | |
| Includes outlets, fixtures, appliances, transformers, generators, motors, elevators and other equipment. All equipment is counted as outlets. | |
| 1-50 outlets | \$100.00 |
| Each additional 25 devices | \$10.00 |
| Investigation fee (work started without permit) | \$200.00 |
| Pre-permit commercial plan review | \$200.00 |

Mechanical Fee Schedule:

| Note: All fees are non-refundable | |
|---|--------------------|
| Residential Fees: | |
| Application fee | \$65.00 |
| Technology fee | \$15.00 |
| Mobile Home | \$50.00 |
| Single/Modular | \$40.00 / zone |
| 2 Family / semi-detached | \$80.00 / unit |
| Townhouse (separate application required for each unit) | \$80.00 / unit |
| Multi-family | \$80.00 / unit |
| Addition | \$40.00 |
| Venting (hood, dryer, bath fan) | \$3.00 / appliance |
| Manufactured fireplace with chimney | \$60.00 |
| Gas piping / LP tank / oil tank | \$40.00 |
| Residential Retrofit: | |
| Mobile home furnace or condenser | \$25.00 |
| Single/modular dwelling furnace or condenser | \$35.00 |
| 2 Family / semi-detached furnace or condenser | \$40.00 / unit |
| Townhouse furnace or condenser | \$40.00 / unit |
| Multi-family furnace or condenser | \$40.00 / unit |
| Manufactured fireplace (existing chimney or ventless) | \$40.00 / unit |
| UL chimney liner (no appliance) | \$40.00 |
| Commercial: | |
| Application fee | \$125.00 |
| New / Addition / Remodeled | \$80.00 |
| Gas Piping / LP tank | \$75.00 |

Washington County Department of Permits & Inspections (Continued)

Mechanical Fee Schedule (continued):

| | |
|--|---|
| Miscellaneous: | |
| Extra trip fees will be assessed for premature inspection requests, incomplete work, and work areas not accessible | 1 st extra trip = \$50.00 2 nd extra trip = \$75.00 3 rd extra trip = \$100.00 |
| Permit extension | \$25.00 each |
| Pre-permit plan review | \$200.00 |
| Investigation fee (work started without permit) | \$200.00 |
| Archive / records research | \$100.00 / address |
| Replacement placard | \$25.00 |
| Permit transfer to new contractor | \$75.00 |
| File an appeal to the Plumbing Board | \$150.00 |

Plumbing Fee Schedule:

| Note: All fees are non-refundable | |
|---|----------------|
| <i>Prior to the issuance of any permit, the applicant shall pay the following fees:</i> | |
| Residential Fees: | |
| Application fee | \$65.00 |
| Technology fee | \$15.00 |
| Single-family dwelling | \$60.00 |
| Mobile home | \$60.00 |
| Modular dwelling | \$60.00 |
| 2 Family / semi-detached (separate application required for each unit) | \$50.00 / unit |
| Townhouse (separate application required for each unit) | \$50.00 / unit |
| Multi-family / Apartments (separate application required for each unit) | \$50.00 / unit |
| Addition (5 or more fixtures and/or appliances) | \$50.00 |
| Remodeling (5 or more fixtures and/or appliances) | \$50.00 |
| Addition / remodel less than 5 fixtures and/or appliances | \$25.00 |
| Connection to public/private water | \$40.00 |
| Connection public sewer/private septic | \$40.00 |
| Gas piping / LP gas tank | \$40.00 each |
| Hydronic Water Connection | \$40.00 |
| Boiler | \$40.00 |

Washington County Department of Permits & Inspections (Continued)

Plumbing Fee Schedule (continued):

| Commercial/Industrial – New (Maximum of 10 fixtures and/or appliances plus \$2.00 per additional fixture: | |
|--|------------------|
| Application fee | \$125.00 |
| Commercial/Industrial | \$75.00 |
| Addition/Remodel | \$5.00 / fixture |
| Connection to Water | \$75.00 |
| Connection to Sewer | \$75.00 |
| Storm Drain | \$75.00 |
| Gas piping / LP gas tank | \$75.00 |
| Hydronic Water Connection | \$40.00 |
| Boiler | \$40.00 |

| | | |
|--|---|---------------------|
| Miscellaneous Fees: | | |
| Extra trip fees will be assessed for premature inspection requests, incomplete work, and work areas not accessible | 1 st extra trip = \$50.00 2 nd extra trip = \$75.00 3 rd extra trip = \$100.00 | |
| Permit extension | \$25.00 each | |
| Pre-permit commercial plan review | \$200.00 | |
| Investigation fee (work started without permit) | \$200.00 | |
| Archive/Records research | \$100.00 | |
| Registration, Licensing and Biennial Fees: | Resident | Non-Resident |
| Master Plumber | \$50.00 | \$100.00 |
| Journeyman | \$20.00 | \$40.00 |
| Apprentice | \$15.00 | \$30.00 |
| On-Site Contractor | \$50.00 | \$100.00 |
| Appliance Installer | \$50.00 | \$100.00 |
| Drain Cleaner | \$50.00 | \$100.00 |

Washington County Department of Permits & Inspections (Continued)

Plumbing Fee Schedule (continued):

| | | |
|--|-----|-----|
| * Water Conditioner | N/C | N/C |
| * Pump Installer | N/C | N/C |
| * Master Well Driller | N/C | N/C |
| * Journeyman Well Driller | N/C | N/C |
| <p>* The State of Maryland requires these types of licenses to be exempt from all licensing fees.</p> <p>Upon initial registration, applicant shall pay the registration and licensing fees. The Board of County Commissioners of Washington County, Maryland, may by resolution, change periodically the registration, licensing and biennial fees.</p> <p>No additional renewal fees will be charged to applicants registered after March.</p> | | |

For Additional Information, Contact:

Washington County
Department of Permits & Inspections
80 West Baltimore Street
Hagerstown, MD 21740
240-313-2460
www.washco-md.net/permits/permits.shtm

Washington County Health Department

About the Washington County Health Department:

The Washington County Health Department (WCHD) is part of the State of Maryland's Department of Health and Mental Hygiene (DHMH), Community Health Administration, as well as an agency of Washington County government. The Washington County Commissioners serve as the official Board of Health. The Health Advisory Commission, whose members are appointed by the Washington County Commissioners, provides oversight to public health endeavors. Funding for WCHD is a combination of federal, state and local monies, plus third party and private-pay reimbursements.

Washington County is located in Western Maryland with the majority of the population living in the Cumberland Valley. The genesis of public health in the county occurred in 1911 under the auspices of the Washington County branch of the Maryland Association of the Prevention and Relief of Tuberculosis. From this early beginning a County Health Department was formed and gradually expanded.

From 1936 to 1958, the Health Department was located at the Washington County Hospital. In 1955, Andrew K. Coffman, local philanthropist, donated land for Coffman Health Center and the Coffman Research Center, a cancer research laboratory for the National Institute for Health. Funding from the Appalachia Regional Commission in 1977 provided for major renovation and expansion of these facilities.

Environmental Health Services:

The WCHD works within the community to apply scientifically proven principles to activities that may adversely effect health by impacting the environment, administering programs originating in the Maryland Department of Health and Mental Hygiene, Maryland Department of the Environment, and various Washington County Government agencies.

Food Protection:

The WCHD seeks to maintain a safe food supply and reduce the likelihood of food-borne illness through permits, inspections and educational activity at food service facilities throughout the county.

Food service facilities include both permanent and temporary facilities such as restaurants, schools, grocery stores, nursing homes, hospitals, caterers, food concession stands, and various indoor and outdoor events.

Food Service facilities are required to obtain an operating permit from WCHD.

Washington County Health Department (Continued)

Fee Schedule:

| Title | Fee |
|---|----------|
| Food: | |
| Low Priority Profit | \$75.00 |
| Moderate/High Profit | \$150.00 |
| Low/Moderate/High Priority – Non-Profit | \$25.00 |
| Temporary Profit Permits (each event) | \$25.00 |
| Temporary Non-Profit Permits (per year) | \$25.00 |
| Bed and Breakfast | \$75.00 |
| Plan Review of New Food Facilities | \$100.00 |
| Plan Review Remodel of Food Facility | \$50.00 |
| Food Service License Renewal Late Fee | \$25.00 |
| Over the Counter Walk-in Lab Submittal | \$50.00 |
| | |

| | |
|---|----------|
| Water Supply/Community Services: | |
| Certified Pool Operators Card | \$10.00 |
| Plan Review Mobile Home Parks | \$100.00 |
| Plan Review Camp Grounds | \$100.00 |
| Plan Review Water Treatment Plants | \$100.00 |
| Swimming Pool / Spa Permit | \$100.00 |
| Swimming Pool / Spa Permit License Renewal Late Fee | \$25.00 |
| Exotic Bird Permit | \$75.00 |
| Exotic Bird Permit License Renewal Late Fee | \$25.00 |
| Campground Permit | \$100.00 |
| Campground Permit License Renew Late Fee | \$25.00 |
| Mobile Home Park Permit – 2-10 spaces | \$100.00 |
| Mobile Home Park Permit – 11-25 spaces | \$150.00 |
| Mobile Home Park Permit – More than 25 spaces | \$200.00 |
| Mobile Home Park License Renewal Late Fee | \$25.00 |
| Non-Community Sample for Collection Transport to Lab | \$45.00 |
| COP – Review of Private Water Sampling Results Fee | \$100.00 |
| COP Water Sampling and Review by WCHD Fee | \$200.00 |
| Private Water Sample | \$25.00 |
| Well Permit (irrigation, agricultural, monitoring, geo-thermal) | \$160.00 |
| Records – Retrieval Fees | \$15.00 |

Washington County Health Department (Continued)

Fee Schedule:

| Title | Fee |
|---|-------------------|
| Sewer: | |
| Septic Permit | \$150.00 |
| Sand Mound | \$250.00 |
| Percolation Test | \$150.00 |
| Plan Review Public Water and Sewer – 1-4 lots | \$25.00 per plat |
| Plan Review Public Water and Sewer – 5 or more lots | \$100.00 per plat |
| Plan Review Public Water and Private Septic | \$25.00 per lot |
| Plan Review Private Water and Private Septic | \$50.00 per lot |
| Commercial Site Plan Public Water and Public Sewer | \$25.00 |
| Commercial Site Plan Public Water and Private Septic | \$50.00 |
| Commercial Site Plan Private Water and Private Septic | \$100.00 |
| Septic Installers Bi-Annual License | \$200.00 |
| Septic Installers Test | \$200.00 |
| Septic Installers Bi-Annual License Renewal Late Fee | \$50.00 |

| | |
|---|----------|
| | |
| Complaint Investigation – Septic System, Water, Air, Nuisance Abatement, i.e., rats, trash, debris, disease vectors: | |
| Violation Not Corrected Re-inspection Fee | \$500.00 |
| | |
| Burn Permit: | |
| Commercial Burn Permit | \$50.00 |
| | |
| Day Cares: | |
| Private Water and Septic | \$45.00 |
| Public Water and Septic | \$20.00 |
| Private Water and Sewer | \$25.00 |

For Additional Information, Contact:

Washington County Health Department
13332 Pennsylvania Avenue
Hagerstown, MD 21742
240-313-3200
www.washhealth.org

Utilities

Allegheny Power Electrical Service

Procedures:

The owner should contact Allegheny Power at least ninety (90) days before construction begins. This contact is important to exchange the following information:

- Are Allegheny Power facilities in place to serve the site?
- Preliminary plans and “load” data.
- Requirements (if any) for temporary electric service.
- Estimate of date that permanent electric service is needed.

Final building plans are sent directly to Allegheny Power by the Washington County Department of Permits and Inspections.

An Allegheny Power Designer specifies the electric service layout. The cost to serve depends upon the distance and the amount of work required to install underground service. (Maryland law requires that electric services be placed underground). The contractor must do the trenching and installation of conduit to Allegheny Power specifications.

Before construction can begin, rights-of-ways may be required, the conduit system must be installed, and payment for the installation must be received. Electrical inspection of the customer's facilities by a Washington County Inspector is required before service connection.

When Allegheny Power is working on the site during an approved and permitted project, the customer is responsible for sediment and erosion control, an on-site spoils disposal location, and restoration of the trench route, e.g., grass, shrub planting, etc.

For Additional Information, Contact:

Allegheny Power
Customer Service Center
1-800-ALLEGHENY (255-3443)
www.alleghenypower.com

**City of Hagerstown Light Department
Electrical Service**

Procedures:

The owner should contact the City of Hagerstown Light Department as early as possible and at least sixty (60) days prior to application for permits or construction. This contact is important to exchange the following information:

- Are Hagerstown Light Department facilities in place to serve the site?
- Preliminary site plans, building plans, and "load" data.
- Requirements, if any, for temporary electric service.
- Estimate of date that permanent electric service is needed.

During site and building design, certain requirements must be met:

- Building, drainage, utilities, etc., must be coordinated with existing and proposed electric and communication lines to ensure proper clearances and maintenance access.
- On new streets proposed for dedication to the City, the developer, to City specifications, must install street lights.

Contact the City of Hagerstown Light Department prior to site plan submittal for necessary information. The City of Hagerstown Departments of Planning and Permits and Inspections normally send site/building plans to the City of Hagerstown Light Department.

An Engineer or Technician will design the electric service and advise of final Light Department requirements. The cost for the service depends on many things including on-property versus off-property construction and type of installation. For new commercial buildings, the customer, to the City of Hagerstown Light Department specifications, installs underground conduits and transformer pads.

Before the City of Hagerstown Light Department can begin construction; rights-of-ways may be required, the trench route must be within six (6) inches of final grade, and any payment required for the installation must be received. Electrical inspection of the customer's facilities by the City Electrical Inspector is required before final service connections can be made.

City of Hagerstown Light Department Electrical Service (Continued)

While City of Hagerstown Light Department crews are working on a customer's construction site during an approved and permitted project, the customer is responsible for sediment and erosion control, an on-site spoils disposal location and restoration of the trench route.

For Additional Information, Contact:

City of Hagerstown
Light Department
425 East Baltimore Street

Hagerstown, MD 21740
301-790-2600
www.hagerstownmd.org/lightdept/lightdeptindex.asp

Columbia Gas of Maryland Natural Gas Service

New Construction and/or Improved Service:

Contact Columbia Gas of Maryland's (CMD) New Business Department sixty (60) days prior to the start of construction of a new building. On this initial contact, the New Business Representative will require the following information:

- Total gas load for the building for each meter,
- A breakdown of the load listing, the number of gas appliances with their respective BTU input,
- Gas pressure required operating the equipment,
- A site plan of the building showing where the customer would prefer for the gas service line to be run into the building, and
- The number of meters.

Either the customer's mechanical engineer or an architect can provide this information.

CMD's Engineers will design all underground facilities as well as regulations and metering. CMD will conduct an economic analysis to determine the feasibility of serving the new facility. CMD installs all gas piping and the customer is responsible for digging and backfilling the trench. CMB maintains all facilities up to and including the meter.

Existing Buildings:

Gas service may already be in place for a customer moving into an existing building. Contact CMD's New Business Department representative if gas load is going to be added to the building. Total load, a breakdown of the load, and gas pressure required will be asked by the New Business Department representative. This information is needed to assure that the existing facilities will handle the new load. The gas load information will also be required for a building that does not have gas service but where service is available.

Types of Service:

Columbia Gas of Maryland offers sales of its own sources as well as transportation services of customer-owned gas. These services are available to industrial, commercial, and residential customers.

For Additional Information, Contact:

Columbia Gas of Maryland
New Business Department
800-440-6111
www.columbiagaspmad.com

Appendix A

City of Hagerstown

Annexation

Procedures and Policies

Adopted February 24, 2004.

Annexation Procedures and Policies (Continued)

1. Purpose

The City of Hagerstown's Mayor and City Council assert that a well-reasoned, fiscally responsible annexation policy of unincorporated lands is necessary for the following reasons:

- A. to create opportunities for future developments to receive the benefits of City services and home rule government provided to individuals and property owners within the City
- B. to ensure that the City of Hagerstown continues to grow and prosper by providing opportunities for future economic development within the corporate boundaries of the City
- C. to protect public health, safety and welfare

- D. to ensure that residents and businesses outside of the corporate limits who benefit from access to the city's facilities and services contribute property taxes and other revenues to pay for the costs associated with providing and maintaining those facilities and services
- E. to promote economic development within the Urban Growth Area, consistent with the Smart Growth Policies of the State of Maryland, as defined by the Comprehensive Plan for Washington County
- F. to avoid costly duplication of public urban facilities and services
- G. to increase the city's ability to attract residential, industrial and commercial development and thus increase its assessable base
- H. to facilitate long-range planning for provision of services by controlling growth within the Hagerstown Urban Growth Area, and
- I. to promote intergovernmental cooperation

The Mayor and Council for the City of Hagerstown, Maryland, a municipal corporation, have determined that for the reasons listed above certain policies, guidelines and procedures are in the best interests of the City of Hagerstown and its citizens. In particular, the Mayor and Council have determined that the following policies, guidelines and procedures shall be used in the annexation of adjacent and contiguous areas, and in the extension of City utilities and other services thereto.

The Mayor and Council recognize the fact that, in order for the City to further progress, grow and protect its utility services in the best interest of its citizenry, these policies, guidelines and procedures must be established. It is the intention of the Mayor and Council to direct, protect and preserve its utility services. In all cases involving the extension or expansion of

Annexation Procedures and Policies (Continued)

these services, priority shall be given to persons, firms, corporations, developers, or other legal associations actually located, developing or residing within the corporate limits of the City of Hagerstown.

Consideration will be given to others pursuant to the guidelines set forth herein and in accordance with the City Charter, City Code, and the administrative procedures of the various Boards, Commissions, and municipal departments.

The goal of this policy is for the City of Hagerstown to become the full provider of municipal services in the Hagerstown Urban Growth Area of Washington County. In addition, the following policies and procedures are intended to be consistent with the Maryland Priority Funding Areas program.

2. Advantages of Living in the City

As a full service municipality, the City of Hagerstown should be the provider of municipal services in the urban area. The City is capable of so doing because of the Charter authority granted by the State of Maryland. The directly elected Mayor and City Council operate a wide range of services, which define the urban area. These services include street lighting, professional fire protection, water and sewer utilities, refuse collection, and code enforcement. Municipal residents exercise direct control over the level and types of growth in and around the community through the exercise of the Planning and Zoning authority. The variety and levels of services provided to the community are locally determined. Municipal governments enact and enforce local laws to meet locally determined needs. Residents control their own destiny because they directly have the authority as well as the accountability for making quality-of-life decisions. Municipal citizens are elected by the community to hold public office, and citizens from the community are appointed to municipal boards, commissions and committees. Ultimately, if citizens feel that their interests are not being adequately represented, they can vote their elected officials out of office at the next municipal election.

Also, annexation can be most profitable for the City – and thereby its citizens – and for the residents, property owners, and developers in the area to be annexed.

The residents, property owners, and developers of the area to be annexed benefit by receiving increased fire and police protection, lower fire insurance rates, streets, sidewalks, curbing, gutters, storm drainage, snow removal, and garbage collection, in addition to public water and sewer service.

The sketch below outlines typical costs for the maintenance of a single-family home (based on three market values) for a family of four. The three examples clearly show that the added cost for City property tax is offset by the less costly City services compared to what would be paid by County residents.

Annexation Procedures and Policies (Continued)

Typical Family of Four – (based on 7/1/2001 rates)

Singles Family Home, Oil or Gas Heat, Electric Hot Water and Central Air.

| | |
|---------------------------------|----------------------------------|
| Federal & State Income Tax Rate | 35.5% |
| Average Water Use | 20,000 gallons per quarter |
| Average Electric Use | 1,000 KWH per month |
| Tax Assessment | 100% market value |
| City Tax Rate | \$0.732 per \$100 assessed value |

| Market Value of Home | \$80,000 | \$120,000 | \$180,000 | \$221,800 |
|-------------------------------|----------|-----------|------------|------------|
| <i>Added Cost</i> | | | | |
| City Property Tax | \$585.60 | \$878.40 | \$1,317.60 | \$1,623.58 |
| Less: Income Tax Savings from | | | | |

| | | | | |
|---|----------------|----------------|----------------|----------------|
| Property taxes (35.5%) | <u>-207.86</u> | <u>-311.83</u> | <u>-467.75</u> | <u>-576.37</u> |
| Net City Tax Cost after Income Tax Savings | \$377.71 | \$566.57 | \$849.85 | \$1,047.21 |

Offsetting Savings

Less: Utility Savings Within City

| | | | | |
|------------|------------------|------------------|------------------|------------------|
| Electric 1 | \$ 341.16 | \$ 341.16 | \$ 341.16 | \$ 341.16 |
| Water 2 | \$ 72.00 | \$ 72.00 | \$ 72.00 | \$ 72.00 |
| Sewer 2 | \$ 280.20 | \$ 280.20 | \$ 280.20 | \$ 280.20 |
| Trash 3 | <u>\$ 354.00</u> | <u>\$ 354.00</u> | <u>\$ 354.00</u> | <u>\$ 354.00</u> |
| | \$1,047.36 | \$1,047.36 | \$1,047.36 | \$1,047.36 |

**Net Savings Benefit from
Living in the City** **\$669.65** **\$480.79** **\$197.51** **\$0.15**

1 Compares cost for the electric service from City Light versus Allegheny Power.

2 Compares costs for City versus County areas north of the City (Maugansville, Fountainhead, Paramount.)

3 Includes cost of regular trash and yard waste pickup using BFI. The City also provides mixed-paper recycling, holiday tree pickup and biannual bulk trash pickup.

Note: Ad additional savings of more than \$100.00 could be realized as compared to a rural home without access to a fire hydrant or nearby fire station.

3. Annexation Requirements

There are certain basic legal requirements that are needed by the Mayor and Council for any annexation. The following items and materials are to be furnished by the property owners or petitioners or citizens petitioning for annexation where applicable under Article 23A, Section 19(c) of the Annotated Code of Maryland.

Annexation Procedures and Policies (Continued)

A. Minimum Prerequisites

In order to be annexed to an existing municipality, an area must be contiguous and adjoining to the existing municipal corporate area and may not be located within another incorporated municipality. Also, annexation of the area may not create an enclave of unincorporated area that would be completely surrounded on all sides by land within the municipality upon completion of the annexation.

B. Annexation Petition/Consent

An annexation petition signed by at least 25% of the qualified voters along with 25% of the owners of assessed property in the area to be annexed. Alternately, the legislative body may initiate an annexation by obtaining the consent of a like percentage of qualified voters and property owners. As part of the petition for annexation, a surveyor's plat

showing all of the property contiguous to and adjacent to the then existing corporate boundaries of the City of Hagerstown proposed to be annexed or included in the petition for annexation, and a copy of the deed to the property shall be provided.

C. Annexation Resolution

Upon verification that the annexation petition signatures meet the requirements of the law and that all other prerequisites of the law have been met, the elected body must promptly introduce a resolution proposing the annexation. Similarly, the resolution may be initiated by the elected body upon receipt of the consent of the required percentage of voters and property owners. The resolution should describe the area to be annexed together with any conditions or circumstances applicable to the proposed annexation.

D. Service Extension and Public Facilities Outline

The municipal legislative body must prepare and make available to the public an outline detailing (1) the proposed land use or uses in the area to be annexed, (2) available land that could be used for anticipated public facilities that may be needed, (3) a schedule for extending municipal services to the area to be annexed, and (4) anticipated means of financing the extension of services. The outline must be provided at least thirty (30) days prior to holding the public hearing required by law for an annexation to the county in which the municipality is located as well as to any regional and state planning agencies having jurisdiction within the county.

E. Proposed Annexation Publication, Hearing and Resolution Passage

After introduction of the resolution, a municipality must publish at least four times at a minimum of weekly intervals in one or more newspapers of general circulation a notice of the proposed annexation; notice of the time and place of a hearing on the resolution must also appear in the newspaper advertisements. A copy of the public notice must be provided to the county governing board and regional and state planning agencies as soon

Annexation Procedures and Policies (Continued)

as it is initially published. At the hearing itself, the county and planning agencies must be afforded first right to be heard, after which the general public may make comment. After conducting the required hearing, the municipal elected body may pass (or reject) the resolution which becomes effective forty-five (45) days after its passage unless it is petitioned to referendum.

F. Petitions for Referendum

Within the forty-five (45) days prior to the effective date of the resolution, any of three (3) groups may petition the annexation resolution to referendum. At least twenty (20%) percent of the registered voters in the existing municipality or in the area to be annexed may petition the resolution to referendum; alternatively, a minimum of two-thirds (2/3) of the county governing board may petition to call for a referendum on the annexation question. After verification of petition signature or county governing board compliance

with the law's requirements (whichever is applicable), the effectiveness of the resolution is suspended pending results of the referendum.

G. Annexation Referendum

The annexation referendum may be held from 15 to 90 days following newspaper publication of notice of the referendum. The notice must occur a minimum of two times at a minimum of weekly intervals. Should the referendum pass, the annexation will become effective on the fourteenth (14) day following the referendum.

H. Registration of Boundaries

In order for the annexation to be completed and perfected under law regardless of whether or not the annexation is brought to referendum, the original and new municipal boundaries of the municipality must be registered with (1) the county clerk of courts in the county in which the annexation occurred, (2) the Department of Legislative Reference, and (3) where applicable the Maryland-National Capital Park and Planning Commission. Also, in Washington County only, within thirty (30) days from the time an annexation becomes effective, a plat and annexation description must be recorded with the county clerk of courts and filed with the county planning commission.

4. Annexation Boundaries

Any annexations will be limited to land within the Hagerstown Urban Growth Area unless the annexation is suggested by the County Commissioners. The City of Hagerstown recognizes the Hagerstown Urban Growth Area boundary, as defined in the 2002 Washington County Comprehensive Plan, as the Hagerstown Urban Growth Area. The map of the Hagerstown Urban Growth Area is attached to this Policy and incorporated herein. The geographic goal of the City is depicted on this map. For the

Annexation Procedures and Policies (Continued)

purposes of this policy, any changes to the Hagerstown Urban Growth Area boundary must be approved by the Mayor and City Council of Hagerstown.

5. Extension of Water Service Policy

The Mayor and Council hereby adopts a policy that the City will allow new water service connections only within the corporate limits of Hagerstown. Furthermore, the City of Hagerstown will only allow new water service connections outside of the municipal boundaries to properties with legally binding commitments to be annexed into the City within a period of time agreed to at the time water service is extended or at such time as the property becomes contiguous to the City *except* as follows:

A. Upon the petition of a property owner if (i) the Washington County Health Department has condemned the property's current water source; (ii) no alternative water source is available; (iii) the property cannot legally be annexed even if the property were to become contiguous to the corporate limits.

In determining whether to approve such a petition the Council shall consider among other factors, the recommendation of the Water and Sewer Department, the capacity of the city systems, the volume of water needed to supply the property, and the cost to maintain the extension. Approval of the petition does not relieve the property owner from paying required fees or complying with any of the terms and conditions of the City Code. In approving such a petition the Council may impose such conditions as it finds are in the public interest.

B. Where the property to be served is located within a geographic area subject to a joint City/Washington County agreement for the provision of water service by the City to the geographic area.

The extensions of service to such property shall be subject to the terms of the joint agreement, the provisions of the City Code and such additional requirements, not in conflict with the joint agreement, as the Council shall deem necessary and in the public interest.

C. Owners of property located outside the corporate limits may petition the Council for an exception to the City's policy not to provide water service outside the City corporate limits in order to enter into a limited and special contract for the provision of water service.

In determining whether to grant this exception to the City's policy, the Council shall consider the following factors:

1. Whether granting the petition will serve the City's as opposed to the utility's interest.

Annexation Procedures and Policies (Continued)

Determination of the best interests of the City shall be the sole responsibility of the City;

2. Whether granting the petition will provide a vital improvement or enhancement of the water production or distribution system or will enhance the operation or efficiency of the water production or distribution system;
3. Whether the City has sufficient water capacity to service the property which is the subject of the petition;
4. Environmental matters;
5. Aesthetics;

6. Whether provision of water services to the property, without annexation into the City, would be an impediment to the natural growth of the City by annexation and its annexation policy;
7. Whether the property is reasonably within reach of the water system as it exists at the time of the adoption of this policy; and
8. Any other matter deemed relevant by the Council.

Regarding the administration of this section of the Hagerstown Annexation Procedures and Policies, the Mayor and Council may establish an Annexation Review Committee which shall establish procedures and make determinations as to the granting of any exception to this Policy. Any property owner aggrieved by an arbitrary or capricious determination by the Committee may appeal to the Mayor and Council. A majority vote of the County is necessary to approve any appeal for an Exception Petition to extend water service outside the corporate limits under A, B, or C above.

In the event that a petition for provision of service outside the corporate limits is granted with a legally binding commitment to be annexed as above or under A, B, or C above, water service shall be provided only under the following conditions:

1. The owner of the property to be served shall guarantee payment in cash or in kind in an amount not less than the total water impact fees as calculated by the City.
2. The owner of the property to be served shall bear all costs of improvements necessary to carry out the extension.
3. The owner of the property to be served shall grant all property, easements or rights of way deemed necessary or convenient by the City.

Annexation Procedures and Policies (Continued)

4. Approval of the petition does not relieve the property owner from the payment of fees or other terms and conditions of the City Code.

6. Extension of Sewer Service Policy

The Mayor and Council hereby adopts a policy that the City will allow new sewer service connections only within the corporate limits of Hagerstown. Furthermore, the City of Hagerstown will only allow new sewer service connections outside of the municipal boundaries to properties with legally binding commitments to be annexed into the City within a period of time agreed to at the time sewer service is extended or at such time as the property becomes contiguous to the City *except* as follows:

A. Upon the petition of a property owner if (i) the Washington County Health Department has condemned the property's current sewage disposal system; (ii) no alternative sewage disposal system is available; (iii) the property cannot legally be annexed even if it were to become contiguous to the corporate limits.

In determining whether to approve such a petition the Council shall consider among other factors, the recommendation of the Water and Sewer Department, the capacity of the city systems, the flow within the sewer systems serving the property, and the cost to maintain the extension. Approval of the petition does not relieve the property owner from paying required fees or complying with any of the terms and conditions of the City Code. In approving such a petition the Council may impose such conditions as it finds are in the public interest.

B. Where the property to be served is located within the Designated Area as defined in the Consolidated General Service Agreement of September 1997 (Antietam 201 Facilities Plan Map, Plate 11-1). A map of said areas is maintained by the City of Hagerstown and shall be the map used to determine the applicability of this exception.

The extensions of service to such property shall be subject to the terms of the joint agreement, the provisions of the City Code and such additional requirements, not in conflict with the joint agreement, as the Council shall deem necessary and in the public interest.

C. Owners of property located outside the corporate limits may petition the Council for an exception to the City's policy not to provide sewer service outside the City corporate limits in order to enter into a limited and special contract for the provision of sewer service.

In determining whether to grant this exception to the City's policy, the Council shall consider the following factors:

Annexation Procedures and Policies (Continued)

1. Whether granting the petition will serve the City's as opposed to the utility's interest. Determination of the best interests of the City shall be the sole responsibility of the City;
2. Whether granting the petition will provide a vital improvement or enhancement of the sewage collection system or will enhance the operation or efficiency of the sewage collection system;
3. Whether the City has sufficient sewer capacity to service the property which is the subject of the petition;
4. Environmental matters;
5. Aesthetics;

6. Whether provision of sewer services to the property, without annexation into the City, would be an impediment to the natural growth of the City by annexation and its annexation policy;
7. Whether the property is reasonably within reach of the sewer system as it exists at the time of the adoption of this policy; and
8. Any other matter deemed relevant by the Council.

Regarding the administration of the section of the Hagerstown Annexation Procedures and Policies, the Mayor and Council may establish an Annexation Review Committee which shall establish procedures and make determinations as to the granting of any exception to this Policy. Any property owner aggrieved by an arbitrary or capricious determination by the Committee may appeal to the Mayor and Council. A majority vote of the Council is necessary to approve any appeal for an Exception Petition to extend sewer service outside the corporate limits under A, B, or C above.

In the event that a petition for provision of service outside the corporate limits is granted with a legally binding commitment to be annexed as above or under A, B, or C above, sewer service shall be provided only under the following conditions:

1. The owner of the property to be served shall guarantee payment in cash or in kind in an amount not less than the total sewer impact fees as calculated by the City.
2. The owner of the property to be served shall bear all costs of improvements necessary to carry out the extension.
3. The owner of the property to be served shall grant all property, easements or rights of way deemed necessary or convenient by the City.

Annexation Procedures and Policies (Continued)

4. Approval of the petition does not relieve the property owner from the payment of fees or other terms and conditions of the City Code.

7. Taxes in Annexed Areas

In the event that any area is annexed, all persons within the annexed area shall obtain or be entitled to existing benefits of all other citizens of the City of Hagerstown in accordance with any special conditions contained in the annexation resolution. They shall also be required to pay for all applicable utility services, charges, assessments, taxes, and any other costs and expenses which are required of the residents of the City of Hagerstown, Maryland at the time of annexation.

8. Tax Exemption

Generally, the policy of the City is to annex taxable property. Occasionally, however, the annexation of property owned by tax-exempt entities may be necessary or desirable in order to facilitate the annexation of previously non-contiguous taxable property.

Under these circumstances, the tax-exempt entity shall make an annual payment-in-lieu of taxes equal to an amount mutually agreed to by the City and the entity. The terms will be included in and made a part of the annexation resolution. The City reserves the right to agree to whatever payment amount is necessary in order to facilitate the annexation of the tax-exempt property and/or contiguous property.

9. Developed Areas vs Undeveloped Areas

The City of Hagerstown hereby encourages all current users of municipal water and sewer services to annex. In order to facilitate annexation, the City is willing to consider short term waivers or modification to existing policy and/or to make additions to the current capital improvements as are mutually agreed to by the City and the annexing property owners. By way of example, such policy modifications could include the waiving of fees and such capital improvements could be the installation of street lighting.

10. Development Agreements

Development Agreements between the City of Hagerstown and the owner or owners of land or private developers of land in an area to be annexed are encouraged. Such an Agreement normally sets out terms and conditions under which an annexation is to occur as well as any special obligations of the parties relating to a proposed annexation. Development agreements will be included in the annexation resolution.

Annexation Procedures and Policies (Continued)

11. Zoning

All petitions for annexation shall include a request for the City zoning designation for the area to be annexed into the City. The zoning request shall also include relevant references to the County's Land Use Plan which are consistent with the requested zoning. The goal of the City is to zone land which is consistent with the County's adopted land use plan and the City's goals for expanding its tax base and its ability to provide services to the area. Furthermore, in its determination whether to accept a petition for annexation, the Mayor and Council shall consider the impact of the additional residential, commercial, or industrial zoning on the goals within the City of Hagerstown Comprehensive Plan.

12. Incentives

The City recognizes that each annexation situation is different. Accordingly, the City is willing to entertain the incorporation of incentive programs which may be requested by a petitioner. Use of existing programs is encouraged; new programs requested by the petitioner will be considered and evaluated according to their impact on the City. Incentives requested of the City shall be included within the petition and may be incorporated within the Development Agreement.

13. Cost Recovery

The process of annexation has immediate and direct costs to the City prior to the effective date of the annexation. There are costs involved in the staff time preparing and reviewing plans and documents, the publishing of the required legal advertisements, and boundary determination. In this regard, the goal of the City is to make the process cost neutral to the City. Therefore, it is the policy of the City that, unless specifically waived in the development agreement, the petitioner shall post a bond, letter of credit, or other satisfactory instrument sufficient to cover those costs. Such instrument shall be filed with the petition for annexation and shall remain in effect until the annexation becomes effective. The City Clerk shall notify the petitioner as to the amount.

14. Separation Clause

If any section, subsection, sentence, clause, phrase, or portion of this policy is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this chapter, it being the intent of the City that this policy shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion thereof.

Annexation Procedures and Policies (Continued)

This policy shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Policy shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Policy had not become effective.

Effective – February 24, 2004

Appendix B

Washington County

Adequate Public

Facilities Ordinance

Adopted this 16th day of October, 1990.

This Ordinance is effective as of December 1, 1990.

Revision 1 - August 13, 1991

Revision 2 - August 31, 1993

Revision 3 - August 29, 1995

Revision 4 - November 26, 2002

Revision 5 – December 16, 2003

(Effective January 1, 2004)

Revision 6 – May 25, 2004

Revision 7 – November 1, 2005

Adequate Public Facilities Ordinance (Continued)

Article I – Purpose:

1.1 Short Title

This Ordinance shall be known and may be cited as the Adequate Public Facilities Ordinance of Washington County, Maryland.

1.2 Purpose

It is the purpose of the Board of County Commissioners of Washington County that public facilities and services needed to support new development shall be available concurrently with

the impacts of such new developments. In meeting this purpose, public facility and service availability shall be deemed sufficient if the public facilities and services for new development are phased, or the new development is phased, so that the public facilities and those related services which are deemed necessary by the local government to operate the facilities necessitated by that new development, are available concurrently with the impacts of the new development.

Article II – Definitions:

2.1 General 1 2

(a) For the purpose of this Ordinance, the following terms, phrases, words and their derivations shall have the meanings given herein. Words in the present tense include the future, the singular number includes the plural, and the plural includes the singular. The word “shall” is mandatory and the word “may” is permissive. The words “used for” shall include “arranged for,” “designed for,” “intended for,” “maintained for,” “constructed for,” or “occupied for.” The word “individual” shall mean natural person, joint venture, joint stock company, partnership, limited partnership, limited liability partnership, limited liability limited partnership, association, club, company, corporation, limited liability company, real estate investment trust, business trust or similar legal entity or the manager, lessee, agent, servant, officer or employee of any of them. The word “land” shall include water surface and land under water. The term “Ordinance” shall refer to this Ordinance and all subsequent additions or amendments thereto.

(b) A developer shall not avoid the intent of this Ordinance by submitting piecemeal applications for preliminary plats or site plans. However, a developer may seek approval of only a portion of the subdivision or development, provided that the impact from all previously approved preliminaries or site plans from that development shall be considered during the adequate public facilities review of each subsequent portion of the development.

1 Section 2.1 amended 5/25/04.

2 Section 2.1 amended 11/1/05

Adequate Public Facilities Ordinance (Continued)

2.2 Adequate Public Facilities

For the purpose of this Ordinance, the term “Adequate Public Facilities” shall be defined as those facilities relating to roads, sewerage disposal systems, schools, water supply and distribution systems, and interim fire protection systems meeting established minimum standards.

2.3 Definitions

2.3.1 Agricultural Purposes

A parcel of land that has been determined by the Maryland Department of Assessments and Taxation as having an “Agricultural Use Assessment” or a parcel of land that is primarily

involved in a bona fide and continuing agricultural activity, such as, the raising of farm products for use or sale, including animal or poultry husbandry, and the growing of crops such as grain, vegetables, fruit, grass for pasture or sod, trees, shrubs, flowers and similar products of the soil.³

2.3.1.1 Background Enrollment Growth 4

The average annual impact of equated student enrollment changes during the preceding three (3) years in the school attendance areas serving the proposed development as determined in Section 5.4 with appropriate adjustments made in the determination by the Board of Education to eliminate student enrollment changes caused solely by school redistricting.

2.3.2 Board of County Commissioners (Board)

The legislative body of Washington County, Maryland.

2.3.3 Board of Education 5 (BOE)

The elected Board of Education of Washington County.

2.3.4 Comprehensive Plan

The Comprehensive Plan of the County.

2.3.5 County

Washington County, Maryland.

³ Section 2.3.1 amended 8/31/93

⁴ Section 2.3.1.1 added 11/5/05

⁵ Section 2.3.3 amended 5/25/04

Adequate Public Facilities Ordinance (Continued)

2.3.6 County Engineer

The duly designated Chief Engineer of Washington County, Maryland.

2.3.7 County Health Department

The Washington County Health Department.

2.3.8 Developer

Any individual commencing proceedings under this Ordinance to effect a subdivision or development of land for himself or for another.

2.3.9 Extraordinary Hardship

Extraordinary hardship is a condition that exists when strict compliance with this Ordinance would result in an unusually and extraordinarily severe financial economic impact on the owner or developer.

2.3.10 Immediate Family Member

Immediate family member shall mean father, mother, step-father, step-mother, son, daughter, brother, sister, stepson, stepdaughter, grandchild.

2.3.11 Improvements

Improvements shall mean storm sewers, sanitary sewers, water supply lines, roads, curbs, gutters, gas lines, electricity lines, water lines, septic tanks, wells, walks, and other accessory works and appurtenances, dwellings, farm buildings, and other principal or accessory structures.

2.3.12 Lot 6

A parcel of real property marked by the Developer as a numbered, lettered or otherwise identified tract to be utilized as a unit of land intended for building development or a lot or parcel described by metes and bounds, the description of which has been recorded among the land records of Washington County.

2.3.12.1 Minor subdivision 7

A minor subdivision is the division of a lot, tract or parcel into five (5) or fewer lots for the immediate or future transfer of property ownership.

6 Section 2.3.12 amended 12/16/03

7 Section 2.3.12.1 added 11/1/05

Adequate Public Facilities Ordinance (Continued)

2.3.13 New Development 8

New development consists of new subdivisions and site plans for new construction received for approval by the Washington County Planning Commission after the effective date of this Ordinance as set forth in Article XII. New development also consists of construction activity requiring a building and/or zoning permit but does not consist of construction activity for agricultural purposes provided that, after said development, the parcel does not lose the "Agricultural Use Assessment" classification as determined by the Department of Assessments and Taxation.⁹

2.3.14 Original Tract of Land.

A parcel of real estate un-subdivided as of the date of adoption of this Ordinance.

2.3.15 Planning Commission (Commission).

The Washington County Planning Commission.

2.3.16 Plat

A map, plan, chart or drawing indicating the subdivision or re-subdivision of land filed or intended to be filed for the record.

2.3.16.1 Remaining Lands

The residual portion or tract of land which remains after lots or parcels have been subdivided from the original tract of land.¹⁰

2.3.17 Residential Development

The term “residential development” as used in this Ordinance means any lot, building or portion thereof used exclusively for dwelling units, including concomitant uses, and other uses of a residential nature for the individuals residing in said dwelling units.

2.3.18 Right-of-Way

A land area designated, dedicated, or reserved for use as a highway, street, alley, interior walk, or for a drainage channel, or other public use.

8 Section 2.3.13 amended 5/25/04

9 Section 2.3.13 amended 8/31/93

10 Section 2.3.16.1 added 8/31/93

Adequate Public Facilities Ordinance (Continued)

2.3.19 Road

A public right-of-way, intended for vehicular traffic, including freeways, expressways, arterials, parkways, thoroughfares, collector streets, local streets, cul-de-sacs, marginal access streets, avenues, boulevards, lanes and other public ways, and as now or hereafter or otherwise designated.

2.3.20 Simplified Plat 11

The term “simplified plat” as used in this Ordinance is a map, plan, chart or drawing indicating the proposed subdivision or re-subdivision of land filed or intended to be filed with the Planning Commission and where the intent of the sub-divider is neither to develop the land nor to divide land containing existing development.

2.3.21 Site Plan

A drawing that shows all of the existing conditions of a specified area (the site) and all of the improvements and changes proposed to be made on the site. A site plan is the drawing required by the Zoning Ordinance for all new development and certain additions and must contain all applicable information as specified in the Zoning Ordinance.

2.3.21.1 State Rated Capacity 12 13

As used in this Ordinance, State Rated Capacity shall refer to the capacity of each school as determined by the state of Maryland. Portable classrooms shall not be used in computing the school capacity for the purposes of this Ordinance.

2.3.22 Subdivision Ordinance

The Washington County, Maryland Subdivision Ordinance, and all subsequent additions or amendments thereto.

2.3.23 Zoning Ordinance

The Zoning Ordinance of Washington County, Maryland, and all subsequent additions or amendments thereto.

11 Section 2.3.20 amended 5/25/04.

12 New definition added 12/16/03.

13 Section 2.3.31.1 amended 5/25/04.

Adequate Public Facilities Ordinance (Continued)

Article III – Administration

3.1 Administration of Ordinance 14

This Ordinance shall be administered by the Planning Commission. All applications, maps, and documents relative to subdivision or site plan approval coming under the provisions of this Ordinance shall be submitted to the Planning Commission.

3.2 Jurisdiction

This Ordinance does not apply to land within a municipal corporation.

3.3 New Development 15

This Ordinance applies to all new subdivisions and site plans for new construction received for preliminary approval, not to include preliminary consultations under the Subdivision Ordinance or Zoning Ordinance, by the Planning Commission after the effective date of this

Ordinance, as set forth in Article XII. Except as provided in this Section or Section 3.5 of this Ordinance, all new development shall meet the requirements set forth in this Ordinance prior to final approval. Nothing in this Ordinance shall prevent the Planning Commission from approving portions of subdivisions or site plans of new development if the portions of the subdivision or site plan comply with the provisions of this Ordinance. If the Planning Director of the Washington County Planning Department determines that a site plan contains minor additions to existing development, the site plan is not subject to the requirements of this Ordinance.

3.4 Disapproval 16 17

New development not meeting the requirements for adequate public facilities contained within this Ordinance shall not be approved by the Planning Commission unless the developer reaches an agreement with the Board of County Commissioners for the purpose of advancing the adequacy of public facilities, pursuant to Section 9.1.

3.5 Simplified Plats Exempt

Subdivisions which can be approved by the simplified plat procedure described in Section 318 of the Washington County Subdivision Ordinance are not subject to the requirements of this Ordinance.

14 Section 3.1 amended 5/25/04.

15 Section 3.3 amended 5/25/04.

16 Section 3.4 amended 5/25/04.

17 Section 3.4 amended 11/1/05.

Adequate Public Facilities Ordinance (Continued)

3.6 Appeals 18

3.6.1 Appeals from any decision of the Planning Commission under this Ordinance shall be *de novo* to the Board of Appeals in accordance with Article 25 of the Zoning Ordinance of Washington County. The Board of Appeals may grant a variance from the requirements of this Ordinance only if the variance meets the following requirements:

(a) The requirements imposed by the Ordinance would result in extraordinary hardship as defined in Section 2.3.9;

(b) The physical features and characteristics of the proposed plat or site plan are such that granting a variance would not impair the intent and purpose of the requirement;

(c) The variance will not endanger or present a threat to the public health, safety, or welfare; and

(d) Granting the variance would observe the spirit of the Ordinance and secure public safety and welfare.

3.6.2 The standards contained in Article 25 of the Zoning Ordinance for “Variances” are not applicable to appeals from decisions of the Planning Commission under this Ordinance to the Board of Appeals.

3.7 Violations and Penalties

Any violation of this Ordinance shall constitute a misdemeanor and shall be punishable upon conviction by a fine of not less than Two Hundred (\$200.00) Dollars or more than One Thousand (\$1,000.00) Dollars. Each day that a violation continues shall be deemed a separate offense. In addition to any other remedies, the Board of County Commissioners may institute any appropriate actions or proceedings to compel compliance with this Ordinance, as provided for in Article 66B of the Annotated Code of Maryland, as amended from time to time.

Article IV - Roads

All new development shall be served by an adequate network of existing and proposed new roads.

18 Section 3.6 amended 5/25/04.

Adequate Public Facilities Ordinance (Continued)

4.1 Exemptions

4.1.1 The Commission may exempt from the terms of this Article the subdivision of an original tract of land into no more than five (5) lots provided: **19 20**

(a) There exists in the original tract of land twenty-five (25) acres per each lot subdivided; and

(b) The road in front of each lot to be subdivided is no less than sixteen (16) feet.

Any subdivision which results in the maximum number of lots allowed under 4.1.1 shall contain a statement on the plat, signed by the owner, that certifies that any transfer of the remaining lands cannot be developed upon or subdivided for the purpose of development until such time that the County road has been improved and determined to be adequate under the terms of this Ordinance nor can said remaining lands be used to qualify for additional exemptions under this subsection. **21**

4.1.2 The Planning Commission may exempt from the terms of this Article the subdivision of land used for transfer to a member of the immediate family of the owner(s) of the original tract of land provided the road width in front of the lots to be subdivided is no less than

sixteen (16) feet. Any such subdivision shall contain a statement on the plat, signed by the owner, that: **22**

(a) Certifies the intent of the owner to transfer the land only to a member of the immediate family; and

(b) Expressly warrants that no conveyance of the lot will be made to anyone not a member of the immediate family for a period of ten (10) years, except as may be required to satisfy a mortgagee in case of loan foreclosure.

4.1.3 Where the Planning Commission finds that extraordinary hardship will result from strict compliance with this Article of the Ordinance because of alteration to existing historic structures, including bridges, as determined by the Historic District Commission, the Planning Commission may approve a subdivision so that substantial justice may be done and the public interest secured.

4.2 New Public Roads

New public roads to be built as part of the new development shall be constructed to the standards adopted by the Board of County Commissioners contained in the Washington County Engineering Department's Specifications for Highway and Street Improvements, as amended or design and construction specifications as adopted by the State Highway Administration.

19 Section 4.1.1 amended 8/31/93

20 Section 4.1.1 amended 11/1/05

21 Section 4/1/1 amended 8/31/93

22 Section 4.1.2 amended 11/1/05

Adequate Public Facilities Ordinance (Continued)

4.2.1 The type of road to be built shall be based on the projected volume of traffic determined by the County Engineer and/or the State Highway Administration that will be generated by the new development in accordance with the aforementioned standards, as amended. **23**

4.2.2 The County Engineer and/or the State Highway Administration may require a traffic impact study for proposed commercial or residential development to be provided by the Developer in order to determine which specification set forth in Section 4.2 above are applicable to the new development.

4.3 Existing Public Roads

Existing public roads that serve the new development shall at a minimum meet the standards contained in the Washington County Engineering Department's publication entitled *A Policy to Determine Adequacy of Existing Roadway for Additional Development, As Amended*, or the *Guidelines for Traffic Impact Reports/Studies, As Amended*, if the existing road is a state highway. Such roads are to meet the above standards as a condition precedent to approval of the proposed new development. **24**

4.3.1 The portion of the existing roads required to be adequate for the proposed new development shall be from its intersection with any new road in the new development, in the direction of traffic flow determined by the Planning Commission after receiving a recommendation from the County Engineer and/or the State Highway Administration to the nearest designated intersection with a road determined by the Planning Commission to be adequate to support the projected traffic volume generated by the development. **25**

4.3.2 The portion of the existing roads to be adequate for proposed new development that does not include the construction of new public streets shall be the road frontage of all new or existing lot(s) containing the proposed new development and the remainder of the roads in the anticipated direction of traffic flow as determined by the Planning Commission after receiving the recommendation from the County Engineer and/or the State Highway Administration to the nearest designated intersection with a road determined to be adequate to support the projected traffic volume generated by the new development. The Planning Commission may require that roads be adequate in several directions or in any one direction from the location of the proposed new development. **26**

23 Sections 4.2, 4.2.1, and 4.2.2 amended 8/29/95

24 Sections 4.3, 4.3.1, 4.3.2, and 4.3.3 amended 8/29/95

25 Sections 4.3, 4.3.1, 4.3.2, and 4.3.3 amended 8/29/95

26 Sections 4.3, 4.3.1, 4.3.2, and 4.3.3 amended 8/29/95

Adequate Public Facilities Ordinance (Continued)

4.3.3 In evaluating the adequacy of the existing roads or the improvements necessary to make the existing roads adequate, the Planning Commission shall consider the following: **27**

- (a) Existing traffic,
- (b) Traffic projected to be generated by the development,
- (c) Traffic projected to be generated by other approved but not constructed development,
- (d) Improvements scheduled or approved and funded in the adopted Washington County Capital Improvements Program to take place within two (2) years from the anticipated date of final plat approval,
- (e) Improvements with full funding within the six (6) year schedule in the Maryland Department of Transportation Consolidated Transportation Program,
- (f) Traffic studies that may be required by the County Engineer and/or the State Highway Administration,
- (g) Any other information that may reasonably be required by the County Engineer, State Highway Administration, or the Planning Commission to effectively evaluate the road network or information supplied by the developer.

4.4 Roads Determined Inadequate

Except as otherwise provided in this Ordinance, if an existing road is determined by the Planning Commission to be inadequate to accommodate the traffic flow projected to be generated from the new development when combined with existing traffic flow, the new development shall not be approved.

In instances where the existing county road is determined to be below the minimum standards as set forth in Section 4.3, the Planning Director, acting on behalf of the Planning Commission, shall disapprove any proposed application for new development. **28**

27 Sections 4.3, 4.3.1, 4.3.2, and 4.3.3 amended 8/29/95

28 Section 4.4 amended 8/29/95

Adequate Public Facilities Ordinance (Continued)

Article V – School 29 30

5.1 Adequacy

All residential new development, shall be served by public schools that:

- (a) Are currently adequate;
- (b) Have funded construction capacity, exclusive of any capacity created pursuant to a Developer-funded mitigation program, scheduled for completion within the same school attendance area in the current or the next year of the approved Washington County Capital Improvement Program (CIP) following plat or site plan approval to be adequate based upon 90% of elementary school State Rated Capacity and to be adequate based on 100% of State Rated Capacity for middle schools and high schools; **31** or
- (c) Have been identified by the Board of Education (BOE) as part of an approved redistricting plan scheduled to occur in the current or the next year of final plat or site plan approval that will render the public schools adequate.

5.2 EXEMPTIONS

Article V of this Ordinance does not apply to:

- (a) New development to be developed exclusively for non-residential uses;
- (b) New development to be developed according to federal regulations restricting occupancy in the dwelling units to elderly persons;
- (c) Public or private elementary and secondary schools, and public safety facilities; or
- (d) Minor Subdivisions. **32**

5.3 Data on Which Adequacy Shall be Determined.

The BOE shall provide actual enrollment data to the Board of County Commissioners for the last school day of September, December, March and June and the State Rated Capacity for each elementary and secondary school.

29 Article V repealed and reenacted 12/16/03

30 Article V amended 11/1/05.

31 See Section 3.4 “Disapproval,” which provides that “New development not meeting the requirements for adequate public facilities contained within this Ordinance shall not be approved by the Planning Commission unless the Developer reaches an agreement with the Board of County Commissioners for the purpose of ensuring the adequacy of public facilities, pursuant to Section 9.1.”

Adequate Public Facilities Ordinance (Continued)

5.4 Determination of Adequacy

5.4.1 The Planning Commission shall determine whether public school facilities are adequate for the proposed new development upon recommendation by the Planning Department after evaluating enrollment information provided by the BOE. The Planning Commission shall determine that a school is adequate if the school has the capacity as follows:

- (a) Elementary schools are adequate if the school has available capacity to accommodate student enrollment, including new development without exceeding 90% of the State Rated Capacity (SRC) for each school.
- (b) Middle schools and high schools are adequate if the school has available capacity to accommodate student enrollment, including new development without exceeding the State Rated Capacity established for each school.
- (c) Available capacity for individual schools shall be determined in accordance with Section 5.5, below.
- (d) Final approval will not be granted for developments in the review process until the affected schools obtain adequate status.

5.5 Measuring for Available Capacity

(a) Adequacy of every elementary, middle and high school serving the proposed development shall be tentatively measured at the time of preliminary consultation and preliminary plat review, and shall be finally measured and determined as of the date of final plan submission, or the first date upon which all necessary documentation and materials have been submitted, whichever occurs last, based upon data as published by the BOE.

(b) If approval has not been received from the Planning Commission within six (6) months of the date of plan submission, the most recent quarterly school enrollment data must be utilized by the Commission for APFO review unless a delay occurs not attributable to the applicant.

(c) For determining adequacy, enrollment shall mean the total of the BOE official enrollment figures, background enrollment, pupils generated from the proposed development, and other previously approved developments, including municipalities.

(d) Pupil generation rates shall be determined using the formulas proposed by the BOE and adopted by the Board of County Commissioners and shall reflect the characteristics of the school attendance area within which the proposed development is located.

(e) If a school is not adequate as defined in section 5.4.1 and an adjoining school district at the same level is at least twenty (20) percent below State Rated Capacity, then the applicant may request the BOE to determine the viability of redistricting to accommodate the new development. If the BOE determines that redistricting is a viable alternative, and the BOE approves a specific redistricting plan that would result in all the schools serving the proposed development meeting the standards established in Section 5.4.1, then the school shall be considered adequate.

(f) If a school is not adequate, and the BOE has not approved a specific redistricting plan that would result in the school meeting the standards established in Section 5.4.1, then the final subdivision or site plan approval shall be denied, except as provided for in Section 9.3A.

Adequate Public Facilities Ordinance (Continued)

(g) Any Developer proposal to create improvements to meet adequacy shall be submitted to the Board of Education for recommendations and reviewed under any BOE adopted mitigation policy then in effect and be subject to the standards and review processes of the Interagency Committee on School Construction (IAC) of the Maryland Board of Public Works.

(h) Background enrollment growth **33** will be extrapolated over the number of years for which approval is requested. Included in the calculations shall be any additional approved but un-platted major preliminary plan developments in the affected area which might impact the historical growth trend to make it inaccurate or obsolete.

(i) The Planning Commission may require phasing or an annual maximum build-out rate to plan for future adequacy.

5.6 Residential Building Permit Approval

5.6.1 The Board of County Commissioners shall have the authority to limit the number of building permits in any school attendance area. The decision to limit building permits shall be based on the recommendation of the Planning Commission upon receipt of a recommendation from the BOE taking into consideration of the adequacy of the school attendance area and enrollment capacity in immediately adjacent school attendance areas.

5.6.2 The Board of County Commissioners shall have the authority to cap the number of residential building lots approved for development on an annual basis.

Article VI – Sewage Disposal Systems

All new subdivisions shall be served by adequate sewage disposal systems.

6.1 Adequacy Determined

6.1.1 The adequacy of a lot to accommodate a private, individual, on-site septic disposal system shall be determined by the Planning Commission upon recommendation by the Washington County Health Department taking into consideration the standards, guidelines and procedures contained in the Washington County On-Site Sewage Disposal Ordinance and C.O.M.A.R. 26.04.02 and 26.04.03.

³³ Defined in §2.3.1.1 as follows:

The average annual impact of equated student enrollment changes during the preceding three (3) years in the school attendance areas serving the proposed development as determined in Section 5.4 with appropriate adjustments made in the determination by the Board of Education to eliminate student enrollment changes caused solely by school redistricting.

Adequate Public Facilities Ordinance (Continued)

6.1.2 The adequacy of existing community or multi-use sewage disposal system to accommodate the flow projected to be generated by the new development shall be determined by the Planning Commission after receiving a recommendation and evaluation by the agency or municipal government with responsibility to construct, maintain, improve and permit hook-up to the disposal system. Adequacy shall be evaluated according to the agency's adopted guidelines, standards, policies or procedures and any other applicable County, State, or Federal regulation.

6.1.3 The adequacy of a new community or multi-use sewage disposal system shall be determined by the Planning Commission after receiving the recommendation and evaluation by the Hagerstown Water Pollution Control Department where the land may be served by the municipal utility system operated by the City of Hagerstown or by the Washington County Water & Sewer Department and the Maryland Department of Environment. Adequacy shall be evaluated according to the Department's Sewer Service Policy, where applicable in an established Water & Sewer Department, and Standard Specifications for Construction of Sanitary Sewers, as amended. Where the Hagerstown Water Pollution Control Department has jurisdiction, adequacy shall be evaluated according to the City's Revised Policy Statement Regarding the Distribution of Remaining Water Pollution Control Plan Capacity Allocation Among Development Projects and the Water Pollution Control Department Sanitary Sewer Standards and Specifications. Establishment of new community or multi-use sewage disposal systems shall be consistent with the Washington County Water and Sewerage Plan and the Comprehensive Plan for Washington County.

6.1.4 In evaluating the adequacy of any sewage disposal system (other than a private, individual, on-site system), all parts of the system affected by the projected flow generated from the new development shall be considered including, but not limited to, laterals, interceptors, pumping stations, force mains, treatment plants, points of discharge, flow meters and rights-of-way.

6.1.5 In evaluating the adequacy of sewage disposal systems, the responsible agency shall consider the following items:

- (a) Design Capacity;
- (b) Available Capacity;
- (c) The agency's adopted standards, guidelines, policies, and procedures;
- (d) The projected flow to be generated by the new developments;
- (e) Other proposed or expected connections to the system reasonably probable of fruition;
- (f) Other variables found to have an effect on the system's ability to accept the projected flow.

6.2 Determination of Expected Flow

The projected flow expected to be generated by the proposed new development shall be determined by the Planning Commission after receiving recommendations from the responsible governmental agency involved.

Adequate Public Facilities Ordinance (Continued)

6.3 Sewage Disposal Systems Determined Inadequate

Except as otherwise provided in this Ordinance, if the Planning Commission, upon recommendation of the responsible agency determines that the sewage disposal site or system is inadequate to accommodate the sewage disposal needs of the new development when considered together with existing development and development which is reasonably probably of fruition, the new development shall not be approved.

Article VII - Water Supply and Distribution Systems

All new development shall be served by an adequate water supply and distribution system that provides sufficient water and service pressure for domestic consumption and fire protection.

7.1 Adequacy Determined

7.1.1 The adequacy of an on-site water supply distribution system shall be evaluated by a Maryland Registered Professional Engineer and a complete report submitted to the agency having jurisdiction for review. The engineer shall be provided by the Developer. Adequacy of the system shall then be determined by the Planning Commission upon recommendations by the

Washington County Health Department according to the guidelines established in C.O.M.A.R. 26.04.02 and 26.04.03.

7.1.2 The adequacy of an 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 Registered Professional Engineer and a report submitted to the agency having jurisdiction for review. The engineer shall be provided by the developer. Adequacy of the system shall then be determined by the Planning Commission upon consideration of the recommendations made by the Hagerstown Water Department, where applicable, the Washington County Water & Sewer Department, where applicable, municipal governments or any other properly established agency with the responsibility to construct, maintain, improve or permit hook up to the water supply system. Adequacy shall be determined according to the agency's adopted guidelines, standards, policies or procedures and all other applicable County, State, or Federal regulations.

7.1.3 The adequacy of a new community or multi-use water supply and distribution system shall be determined by the Planning Commission upon recommendations made by the Hagerstown Water Department, the Washington County Water & Sewer Department and the Maryland Department of Environment. Adequacy shall be determined according to the Maryland Department of Environment's adopted guidelines, standards, procedures and policies. Establishment of new public or multi-use water supply and distribution systems shall be consistent with the Washington County Water and Sewerage Plan and the Comprehensive Plan.

Adequate Public Facilities Ordinance (Continued)

7.1.4 When evaluating the adequacy of any water supply and distribution system for domestic consumption and fire protection other than a private, individual on-site water supply (well), all parts of the system affected by the projected water needs of the new development shall be considered, including but not necessarily limited to the water source, quality, distribution or collection system, treatment system, pumping facilities, and metering devices.

7.1.5 When evaluating the adequacy of a water supply and distribution system the responsible agency shall consider the following items:

- (a) The system's design capacity;
- (b) The system's water supply source;
- (c) The system's available capacity;
- (d) The responsible agency's adopted guidelines, standards, procedures and policies regarding water service;
- (e) The projected water needs of the proposed development including domestic consumption and fire protection;
- (f) Other proposed or expected connections to the system reasonably probable of fruition;
- (g) The evaluations and recommendations of the Fire Department that provides fire protection service in the new development;
- (h) Other variables found to have an effect on the ability of the water system to deliver the projected water needs of the development;

(i) The applicable guidelines concerning fire protection provisions in areas where public water supplies are inaccessible as set forth in Article VIII of this Ordinance.

(j) Existing storage, treatment, and pumping facilities affected by the proposed development.

7.2 Determination of Projected Water Needs

The projected water needs of the new development for domestic consumption and fire protection shall be determined by the Planning Commission, after reviewing the recommendation of the agency having jurisdiction over the water supply and distribution system.

7.3 Water Supply and Distribution System Determined Inadequate

Except as otherwise provided in this Ordinance, if the Planning Commission, upon recommendation from the responsible agencies determines that the community or multi-use water supply and distribution system is inadequate to accommodate the projected needs of the new development, the development shall not be approved.

Adequate Public Facilities Ordinance (Continued)

Article VIII - Fire Protection in Adopted Areas Where Public or Multi-Use Water System is Not Available

It is the intent of this Article of the Ordinance to ensure that adequate fire protection capability is provided in new commercial and industrial developments in adopted Urban or Town Growth Areas designated in the Comprehensive Growth Plan of Washington County, Maryland where public water is not currently available but is expected to be available within two (2) years. These systems shall be known as interim fire protection systems.

8.1 Determination of Need for Interim Fire Protection Systems

A commercial or industrial development shall provide an interim fire protection system if:

8.1.1 The Planning Commission determines that the commercial or industrial development is located substantially within adopted growth areas, and

8.1.2 A public water supply and distribution system is not available or scheduled in the Capital Improvements Program of any responsible agency to be in service within two (2) years, and

8.1.3 The commercial or industrial development proposes more than 2,000 square feet of new commercial, industrial or institutional enclosed area.

8.2 Adequacy Determined

8.2.1 The adequacy of an interim fire protection system in the proposed commercial or industrial development shall be determined by the Planning Commission after receiving the recommendations from the Hagerstown Water Department, the Washington County Water & Sewer Department, municipal governments or any other properly established agency including organizations charged with fire protection with the legal authority and responsibility to construct, maintain, improve or permit hook up to the water supply system.

8.3 General Design

The interim fire protection system shall be capable of providing the same level of fire protection service as if it were hooked up to a public water supply and distribution system.

8.4 Procedures and Standards

The procedures and standards established by the Maryland State Fire Marshal shall be used in the design, review, approval and installation of the interim fire protection system.

Adequate Public Facilities Ordinance (Continued)

Article IX - Exceptions, Agency Participation 34 35

9.1 Nothing under the terms of this Ordinance shall prohibit or prevent the Board of County Commissioners or any governmental body from reaching an agreement as to a mitigation program with a Developer for the purpose of advancing the adequacy of public facilities as required by this Ordinance. Prior to entering any such agreement, the Board shall invite comment from the BOE regarding the same.

9.2 Notwithstanding any other provision or term of this Ordinance, neither the Board of County Commissioners nor any governmental body shall be compelled to enter into an agreement as to a mitigation program with a Developer for the purpose of advancing the adequacy of public facilities as required by this Ordinance.

9.3 A mitigation program providing for deferred payment of fees shall include the types, methods and schedules for the implementation of the mitigation program for the purpose of advancing the adequacy of public facilities.

9.3A In its sole discretion, the Board of County Commissioners or its designee may approve a mitigation program that allows a development to proceed in a school district otherwise designated as inadequate for development under the following conditions:

(a) The Board of County Commissioners determines that approving this development benefits the community by:

(i) encouraging certain types of development that offer advantages to the community, including but not limited to the following:

- (1) development in designated revitalization areas;
- (2) renovation of abandoned or under-utilized structures;
- (3) affordable or workforce housing or community revitalization projects;
- or
- (4) developments with preliminary plat approval prior to July 1, 2005,

(b) Development occurring while a particular school is in an inadequate status must not cause the enrollment level at that school to reach a level where temporary measures such as portable classrooms are not sufficient to prevent the average class size from rising beyond the class size based on State Rated Capacity or prevent the school's core services from serving the increased number of students in an acceptable manner.

(c) A mitigation plan for major subdivisions under this section must provide for improvements that will occur within three years in order to return a school attendance area to adequate status.

(d) A mitigation program proposed under this section must include an acceptable phasing program for the development that is approved by the Board of County Commissioners or designee.

34 Article IX amended 5/25/04.

35 Article IX amended 11/1/05.

Adequate Public Facilities Ordinance (Continued)

(e) Any Developer-funded mitigation program construction project shall be excluded from the adequacy testing calculation in Article 5 of this Ordinance.

9.4 With regard to any public facility required to be adequate under the terms of this Ordinance, the Board of County Commissioners for Washington County, the mayor and council of any incorporated municipality in Washington County, the Washington County Water & Sewer Department, the state of Maryland, or any other governmental body, may elect to participate in the cost of any necessary improvements to advance the adequacy of facilities as required by this Ordinance.

9.5 Any mitigation program providing for deferred payment of fees shall be contained in a legal, binding, adequate public facilities agreement between the Developer or other responsible party and the Board of County Commissioners. Such agreement must have been approved for form and content by the Office of the County Attorney.

9.6 A mitigation program providing for deferred payment of fees shall be binding on the heirs, successors, and assigns of a project and shall run with the land. The deed or title for a property shall contain references to the mitigation program.

9.7 If a developer fails to agree to a mitigation program to assure adequacy of public facilities, the Planning Commission shall disapprove the project for want of adequate public facilities as required by this Ordinance.

9.8 The Board of County Commissioners shall require security as appropriate to cover the costs of the facilities and lands not under the Developer's ownership that are part of a mitigation program providing for deferred payment of fees, in a form acceptable to the Board. The amount of the security shall be reduced as payments are made under the mitigation program. Upon default, the Board of County Commissioners shall have the authority to redeem the security in addition to any other remedy provided by law.

Article X - Validity

If validity of any section, subsection, paragraph, sentence, clause, or phrase of this Ordinance is, for any reason, held by a court of competent jurisdiction to be invalid, such decision shall not affect the validity of the remaining portions of this Ordinance.

Article XI - Periodic Reports

The Planning Department of Washington County, beginning six (6) months from the date of the effective date of this Ordinance, shall periodically review whether there is a continuing need for this Ordinance or suggested amendments at an open, public, advertised meeting.

Adequate Public Facilities Ordinance (Continued)

Article XII – Effective Date

This Ordinance is effective as of December 1, 1990. Adopted this 16th day of October, 1990.

Appendix C

Washington County
Building Excise Tax
Ordinance

Adopted June 17, 2003

Effective July 1, 2003

Revision 1 (Amended) - Adopted June 22, 2004

Revision 2 - Adopted October 12, 2004

Effective as of July 1, 2004.

Revision 3 - adopted July 12, 2005

Effective as of July 12, 2005.

Building Excise Tax Ordinance (Continued)

Sec. 1. Establishment of tax.

In accordance with Section 2-701 of the Code of the Public Local Laws of Washington County, as amended from time to time, there is a building excise tax on all building construction in Washington County.

Sec. 2. Definitions.

Words and phrases used in this subtitle shall have their usual meaning, unless otherwise defined in this section.

(a) *Applicant*: “Applicant” means the individual, partnership, corporation or other legal entity whose signature appears on the building permit application.

(b) *Building*: “Building” means any structure used or intended for supporting or sheltering any use or occupancy. “Building” does not include a temporary structure, as defined in the Washington County building code.

(c) *Construction*: “Construction” means construction of a building that requires a building permit. Where the building replaces an existing building, “construction” does not include replacement of a building due to casualty or loss within one (1) year of that casualty or loss, or replacement of a mobile home on a site, except to the extent that the gross square footage

of the replacement building or replacement mobile home exceeds the gross square footage of the building or mobile home being replaced.

(d) *Director of Finance*: “Director of Finance” means the Director of Budget and Finance for Washington County or designee.

(e) *Director of Permits and Inspections*: “Director of Permits and Inspections” means the Director of Permits and Inspections for Washington County or designee.

(f) *Dwelling Unit*: “Dwelling unit” means a single unit providing complete, independent living facilities for one or more persons including permanent provisions for living, sleeping, eating, cooking and sanitation.

(g) *Farm Construction*: “Farm construction” means construction intended to be actively used for nonresidential farm or agricultural use.

(h) *Farm or Agricultural Use*: “Farm or agricultural use” means the same as defined in the Washington County Zoning Ordinance.

(i) *Gross Square Footage*: “Gross square footage” means the entire square footage of the construction and is the same as calculated for building permit purposes under the Washington County building code. It includes all finished and unfinished areas of the construction.

(j) *Habitable Structure*: “Habitable structure” means a structure for living, sleeping, eating, or cooking.

(k) *Multifamily Residential Construction*: “Multifamily residential construction” means construction of a residential building containing more than one dwelling unit, including without limitation semi-detached, two-family, townhouse, and multifamily units.

Building Excise Tax Ordinance (Continued)

(l) *Nonresidential Addition Construction*: “Nonresidential addition construction” means construction of a nonresidential addition to a nonresidential building where the work requires a building permit and where the addition increases the number of gross square feet of the nonresidential building.

(m) *Residential Construction*: “Residential construction” means a building that contains one (1) or more dwelling units, including boarding houses but not including institutional uses or transient accommodations such as hotels, country inns or bed and breakfast inns. “Residential” includes all finished and unfinished areas that are contained within a residential building such as basements, but does not include attached garages, attics, crawl spaces or non-residential uses.

(n) *Residential Addition Construction*: “Residential addition construction” means construction of a residential addition to a residential building where the work requires a building permit and where the addition increases the number of gross square feet of the residential building but does not add a new dwelling unit.

(o) *Redevelopment areas*: “Redevelopment Areas” includes the “Hagerstown Redevelopment Area,” consisting of all that land zoned C3 or within a Hagerstown Conversion District overlay zone as set forth in the Hagerstown Zoning Ordinance, and those areas in other municipal corporations as may be designated by the County upon request.

Sec. 3A. Amount of tax – Residential building construction.

(a) *Base building excise tax:* The base amount of the building excise tax for residential construction shall be:

(1) *Residential multifamily construction* - \$15,500 per unit.

(2) *Residential single-family construction:* \$13,000 per unit.

(3) *Small residential construction:* Notwithstanding any other provision of this Ordinance, as a temporary measure until repealed by the County Commissioners, the building excise tax on residential single-family and multifamily construction with a gross square footage of less than 1500 square feet with the exception of apartments shall be \$1.00 per square foot.

(a) Except as specifically inconsistent herewith, appeals from determinations under this section shall be governed by Section 9 of this Ordinance.

(b) An applicant aggrieved by a decision regarding the application of this section may appeal the decision to the Planning Director or designee within 30 days of the decision, provided that either:

(1) Processing of the building permit is delayed pending the decision of the Planning Director; or

(2) The applicant pays the building excise tax prior to filing the appeal.

(c) An applicant aggrieved by the decision of the Planning Director may appeal the decision to the County Commissioners within 30 days of the decision of the Planning Director.

Building Excise Tax Ordinance (Continued)

(b) *Subdivisions over 25 units under certain conditions:* An applicant that applies for building permits for more than 25 residential units for a single subdivision in one fiscal year will be subject to a building excise tax in the following amounts, beginning with the 26th unit, if the development of the subdivision:

1. is in a school district where a school is at or above 85% of the state rated school capacity;

2. causes the roads or intersection within one centerline mile in any direction of any new street connecting the subdivision to be lower than a level of service D; or

3. causes the intersections outside of the urban and town growth areas to be lower than a level of service C.

a. Residential multifamily construction -\$31,000 per unit.

b. Residential single-family construction -\$26,000 per unit.

(c) *Calculation of Amount:* The amount of building excise tax to be paid by an applicant shall be determined by the Director of Permits and Inspections.

(d) *Interpretation:* All phases or sections of a single development shall be considered a single subdivision for the purpose of this section, in the discretion of the Director of Permits and Inspections.

(e) *Piecemeal applications:* An applicant for a building permit shall not avoid the intent of this Ordinance by submitting piecemeal applications for building permits. However, an applicant may seek approval of only a portion of the subdivision or development, provided that the impact from all previously approved building permits from that development shall be considered during the building permit review of each subsequent portion of the development.

Sec. 3B Amount of Tax - Nonresidential Building Construction

(a)The building excise tax for nonresidential construction shall be as set forth in the following table. For a mixed-use building, the tax shall be imposed on the basis of the primary use of the building as determined by the Director of Permits and Inspections.

Building Excise Tax Ordinance (Continued)

| | Retail | Industrial | Warehouse/ Distribution | Office | Hotels/Motels ¹ |
|----------------------|--------|------------|----------------------------|--------|----------------------------|
| < 25,000 sf | \$3.00 | \$2.00 | \$2.50 | \$1.50 | \$3.00 |
| 25,001 - 50,000 sf | \$4.00 | \$1.50 | \$2.00 | \$1.50 | \$3.00 |
| 50,001 - 100,000 sf | \$4.00 | \$1.00 | \$1.50 | \$1.20 | \$2.50 |
| 100,001 - 250,000 sf | \$4.00 | \$0.60 | \$1.10 | \$1.00 | \$2.50 |
| 250,001 - 500,000 sf | \$4.00 | \$0.40 | \$0.90 | \$0.75 | \$1.00 |
| > 500,000 sf | \$3.50 | \$0.20 | \$0.70 | \$0.50 | \$1.00 |

(b) The Commissioners may adopt regulations to provide for the application of different rates or exemptions for different nonresidential building types and uses.

(c) The Board of County Commissioners may consider contributions toward satisfaction of the amount computed in Section 3A(a) and (b) and subsection (a) of this section or a combination thereof as determined acceptable to the Board. Should such alternatives include real property for a new school, the Planning Commission shall, upon recommendations of the Planning Department and Board of Education, determine acceptability of the site size, shape, and

¹ Cabins and similar facilities at campgrounds shall be considered as motels for the purposes of this section.

functionality. The value attributable to contributions shall be in the sole discretion of the Board of County Commissioners. Any such contributions shall be governed in accordance with the terms of Article IX of the Adequate Public Facilities Ordinance, where applicable.

Sec. 4. Payment of tax.

(a) *Building excise tax paid before issuance of building permit:* An applicant for a building permit shall pay the building excise tax before the issuance of a building permit.

(b) *Refunds:*

(1) The Director of Finance shall refund to the applicant the building excise tax paid if the building permit is cancelled or expires so long as work has not commenced.

(2) If, upon appeal by an applicant who has paid the building excise tax, the County Administrator determines that the Director of Permits and Inspections has erred in calculating the building excise tax, the Director of Finance shall refund to the applicant the difference between the amount of building excise tax paid by the applicant and the correct amount.

Building Excise Tax Ordinance (Continued)

Sec. 5. Exemptions.

(a) *Farm construction.* Farm construction is not subject to the building excise tax so long as the construction continues to be actively used for nonresidential farm or agricultural use. Should the construction be used for some purpose other than active nonresidential farm or agricultural use, then the building excise tax shall be remitted to the Director of Finance at the then existing amount of the building excise tax. Construction for the purpose of residence by employees of the farm or other agricultural operation shall not be considered farm or agricultural use for the purposes of this ordinance.

(b) *Government construction.* No building excise tax shall be imposed on construction by the State of Maryland, the County Commissioners, any municipality, the Washington County Board of Education, Hagerstown Community College, or the federal government.

(c) *Nonresidential addition construction.* The building excise tax shall be imposed on that portion of any nonresidential addition construction that exceeds the gross square footage of the nonresidential building prior to the commencement of construction for which a building permit has been issued.

(d) *Residential accessory structures.* No building excise tax shall be imposed on residential accessory structures that are not habitable.

(e) *Residential addition construction.* No building excise tax shall be imposed on residential addition construction that does not add a dwelling unit.

(f) *Schools.* No building excise tax shall be imposed on construction of public or private elementary or secondary schools.

(g) *Redevelopment area.* No building excise tax shall be imposed in a redevelopment area as defined in Section 2(o) of this ordinance.

(h) *Elderly housing.* No building excise tax shall be imposed upon new construction of a residential unit:

(1) developed according to federal regulations restricting occupancy in the dwelling units to elderly persons, or

(2) whose occupation is restricted, by covenant recorded among the land records of Washington County, to persons age 55 or over.

(i) *Enterprise zones.* No building excise tax shall be imposed upon nonresidential construction within enterprise zones in the County.

(j) *Small developments.* No building excise tax shall be imposed upon new non-retail nonresidential construction with a total area of less than 5000 square feet.

(k) *Religious corporations.* No building excise tax shall be imposed upon structures: 1) owned by corporations organized and operated exclusively for religious purposes within the meaning of 26 U.S.C. 501, and 2) used primarily for religious, educational, and community purposes.

Building Excise Tax Ordinance (Continued)

Sec. 6. Change in use.

(a) *General.* Upon receipt of a building permit application, the Director of Permits and Inspections shall determine whether it is for a change in use. In such a case, the building excise tax shall be imposed based on the use applied for in the building permit application. A credit shall be granted for any building excise tax previously paid for this construction. No refund shall be granted if the credit for any building excise tax previously paid exceeds the building excise tax imposed. For example, a change in use of a property from a multifamily to a single-family shall not entitle the owner to a refund of a building excise tax previously paid.

(b) *Conversion from nonresidential to residential.* When an existing building is subject to construction pursuant to a building permit that converts its use from nonresidential to residential, a building excise tax shall be imposed to the extent of the schools portion, or 70%, for each dwelling unit thereby created by the construction.

(c) *Conversion from residential to nonresidential.* When an existing building is subject to construction pursuant to a building permit that converts its use from residential to nonresidential, it shall be subject to the regulations adopted pursuant to Section 3B of this ordinance.

Sec. 7. Special excise tax fund.

(a) *Establishment of fund:* The Director of Finance shall establish a special non-lapsing fund to be known as the special excise tax fund. All revenues from the building excise tax shall be deposited in the special excise tax fund. Interest earned by money in the special excise tax fund shall accrue to the special excise tax fund.

(b) *Use of special excise tax fund - nonresidential building types:* Revenues deposited in the special fund that are generated by the building excise tax imposed on nonresidential building types may only be used for:

- (1) primary, secondary, or higher education capital expenditures;
- (2) public safety capital expenditures;
- (3) public infrastructure projects; and
- (4) debt reduction related to capital improvements expenditures.

(c) *Use of special excise tax fund - single-family and multifamily residential units:*

The revenues from the building excise tax imposed on single-family residential units or multifamily residential units may only be used as follows:

- (1) 70% for schools;
- (2) 23% for roads;
- (3) 2% for public libraries; and
- (4) 5% for parks and recreational facilities, public safety, water and sewer

infrastructure, and agricultural land preservation.

(d) The revenues from the building excise tax imposed on single-family residential units and multifamily residential units used for public libraries, water and sewer infrastructure, and parks and recreation may only be used for the capital costs of public works, improvements, and facilities.

Building Excise Tax Ordinance (Continued)

(e) The revenues from the building excise tax imposed on single-family residential units and multifamily residential units used for schools may only be used for the capital costs that primarily provide additional capacity required to accommodate new construction or development.

(f) At the end of a fiscal year, any unspent or unencumbered balance in the special fund shall remain in the fund available for use in future fiscal years for purposes specified in this subsection and does not revert to the general fund of Washington County.

Sec. 8. Municipalities.

(a) *Building excise tax applicable:* This building excise tax shall apply to all construction in Washington County, including construction within the boundaries of a municipality.

(b) (1) *Collection of tax by municipal corporation without adequate public facilities ordinance:* This paragraph applies to a municipal corporation within Washington County that has not adopted an adequate public facilities ordinance with school adequacy tests substantially similar to or more stringent than the adequate public facilities ordinance adopted by the County Commissioners.

(2) A municipal corporation described in subparagraph (b) of this paragraph shall assist the County Commissioners in the collection of the building excise tax within the municipal corporation by:

- a. Collecting the tax prior to the issuance of a building permit and remitting the tax monthly to the Director of Finance; or
- b. Requiring the tax to be paid to the Director of Finance prior to the issuance of a building permit.

(c) (1) *Collection of tax by municipal corporation with adequate public facilities ordinance:* This paragraph applies to a municipal corporation within Washington County that has adopted an adequate public facilities ordinance with school adequacy tests substantially similar

to or more stringent than the adequate public facilities ordinance adopted by the County Commissioners.

(2) For each single-family residential unit or multifamily residential unit that is within a municipal corporation described in subparagraph (c) of this paragraph, the municipal corporation:

a. Shall assist the County Commissioners in the collection of that portion of the building excise tax that is dedicated to schools and public libraries as provided under subsection (c)(3) of this section, by collecting and remitting that amount of the tax to the County Director of Finance; and

b. may retain the remaining portion of the building excise tax.

(3) For each of nonresidential building types that is within a municipal corporation of Washington County, the municipal corporation:

a. Shall assist the County Commissioners in the collection of 72% of the building excise tax on each nonresidential building type by collecting and remitting that amount of the tax to the County Director of Finance; and

b. May retain the remaining portion of the building excise tax.

Building Excise Tax Ordinance (Continued)

(4) a. The municipal corporation is not required to retain any portion of the building excise tax as provided under subparagraph (1) or (2) of this paragraph.

b. Any portion of the building excise tax not retained by a municipal corporation under item 1 of this subparagraph shall be remitted to the County Director of Finance.

(5) a. The director of finance of a municipal corporation retaining any revenue from the building excise tax under subparagraph (c)(2)(b) or (c)(3)(b) of this paragraph shall deposit the revenues into a non-lapsing special fund.

b. The revenues from the municipal corporation's special fund may only be used for the capital costs of public works, improvements, and facilities required to accommodate new construction for development of:

1. roads;

2. new construction or development of parks and recreational facilities;

3. new construction or development of water and sewer infrastructure; and

4. new construction or development of public safety.

(6) At the end of a fiscal year, any unspent or unencumbered balance in the municipal corporation's special fund shall remain in the fund available for use in future fiscal years for purposes specified in subparagraph (5) of this paragraph and does not revert to the general fund of the municipal corporation.

(d) *Administrative fees for collection:*

(1) A municipal corporation that collects the tax and remits the tax to the county may deduct from the revenues collected after January 1, 2005 a fee of two (2%) percent of the revenues collected and remitted to the County under this section, not including any portion retained pursuant to subsection (c), for administrative costs.

(2) If the municipal corporation can demonstrate to the satisfaction of the Board of County Commissioners that the direct administrative costs of collecting the building excise tax exceed the two (2%) per cent rate authorized in the previous subsection, the Board, in

its sole discretion, after receiving the recommendation of the Director of Finance, may authorize the municipal corporation to withhold all or any portion of the direct administrative costs claimed for collecting the building excise tax or may direct that the municipal corporation be reimbursed with the costs.

Sec. 9. Appeals

(a) *Administrative appeals:* An applicant aggrieved by a decision regarding the calculation of the amount of building excise tax, the granting or denial of an exemption, or otherwise interpreting or applying this building excise tax may appeal the decision to the County Administrator within 30 days of the decision of the Director of Permits and Inspections, provided that either:

(1) Processing of the building permit is delayed pending the decision of the County Administrator; or

Building Excise Tax Ordinance (Continued)

(2) The applicant pays the building excise tax prior to filing the appeal.²

(b) *Burden of proof:* The burden of proof shall be on the appellant to demonstrate that the decision is erroneous.

(c) *Procedures:* Appeals must be filed in writing with the Department of Permits and Inspections, stating the grounds thereof. Appeals from any decision of the Director of Permits and Inspections under this Ordinance shall be *de novo*. The County Administrator shall hold such hearings as are necessary. The decision of the County Administrator shall be in writing and shall be rendered within thirty (30) days of the date the appeal is received in the Department of Permits and Inspections. If the decision is not rendered in writing within such period of time, the appeal shall be considered to have been decided in favor of the appellant.

(d) *Judicial review:*

(1) Any party aggrieved by a decision of the County Administrator may file for judicial review of the decision in accordance with Maryland Rules 7-201, *et seq.*, provided that such appeal is filed within thirty (30) days of the date of the written decision of the County Administrator. This and all subsequent appeals shall be on the record of the decision of the County Administrator and may not be heard *de novo*.

(2) The decision of the Circuit Court may be appealed to the Court of Special Appeals or, upon certiorari, to the Court of Appeals in accordance with the Maryland Rules.

(3) The County Commissioners may file a responsive pleading and be a party to or file for judicial review in the Circuit Court, or take an appeal to the Court of Special Appeals, or, upon certiorari, to the Court of Appeals, of any decision made under this Ordinance.

(e) *Reports to the County Commissioners:*

The County Administrator shall periodically report to the County Commissioners on appeals from decisions of the Director of Permits and Inspections including the issues raised, his

² See Section 4(b)(2) "If, upon appeal by an applicant who has paid the building excise tax, the County Administrator determines that the Director of Permits and Inspections has erred in calculating the building excise tax, the Director of Finance shall refund to the applicant the difference between the amount of building excise tax paid by the applicant and the correct amount."

decision, the decision on any further appeal, and any changes made to County policies and procedures as a result of the appeal.

Sec. 10. Enforcement.

(a) *Misdemeanor*: It is unlawful for any person or entity to enlarge, alter or change any use of property or to erect, construct, enlarge, alter, repair, move, improve, make, put together or convert any building in the County, or attempt to do so, or cause the same to be done, without first paying any building excise tax imposed by this Ordinance. Any person or entity who shall so violate this Ordinance shall be guilty of a misdemeanor, and upon conviction thereof, shall be fined up to five hundred dollars (\$500.00) or imprisoned for up to thirty (30) days, or be both fined and imprisoned. Each day that the violation continues shall be deemed a separate offense.

Building Excise Tax Ordinance (Continued)

(b) *Action to enforce*: In the event the building excise tax is not paid as required, the County Attorney may institute an action to recover the building excise tax and enjoin the use of the property until the building excise tax is paid. The person who fails so to pay shall be responsible for the costs of such suit, including reasonable attorney's fees.

(c) *Lien and enforcement same as County real property taxes*: If not paid as required by this Ordinance, the building excise tax shall constitute a lien against the property being developed and shall be levied, collected, and enforced in the same manner as are County real property taxes, and shall have the same priority and bear the same interest and penalties as County real property taxes for lien purposes.

Sec. 11. Annual reports.

(a) *Reports by the municipal corporations.*

(1) On or before September 30 of each year, each municipal corporation that retains revenues under Section 8 of this Ordinance shall report annually to the County Commissioners:

a. The amount of revenues the municipal corporation received and the number of single-family residential units and multifamily residential units that generated these revenues;

b. The amount of revenues remitted to the County Commissioners and the amount retained by the municipal corporation; and

c. A detailed accounting of how the revenues that were retained by the municipal corporation were distributed among the acceptable uses specified in Section 8(5)(b) of this Ordinance and the specific projects for which the revenues were used.

(2) The report prepared by each municipal corporation shall be based on the fiscal year ending on June 30 of the year the report is submitted.

(b) *Reports by the Director of Finance.* The Director of Finance shall prepare and submit an annual report on or before November 30 of each year to the County Commissioners that shall include the following information for the prior fiscal year:

(1) Total amount of building excise taxes collected.

(2) Amount of funds appropriated from the special excise tax fund.

(3) Amount of funds expended from the special excise tax fund.

(4) Amount of funds from County sources appropriated for each of the categories set forth in Section 7 of this Ordinance.

(5) Funds remaining in the special excise tax fund.

(c) *Reports by the County Commissioners.*

(1) On or before December 31 of each year, the County Commissioners shall:

a. Report to the members of the Washington County legislative delegation:

1. The amount of revenues by school district that the County Commissioners received from nonresidential building types, single-family residential units, and multifamily residential units, and the number and type of units that generated these revenues, and

2. A detailed accounting of how the revenues were distributed among the acceptable uses specified in section 8(5)(b) of this Ordinance and the specific projects for which the revenues were used; and

b. Submit to members of the Washington County legislative delegation:

Building Excise Tax Ordinance (Continued)

1. The report prepared by each municipal corporation under Section 8(a) of this Ordinance; and

2. The report on the status of the building excise tax credit provided under Section 13 of this Ordinance.

(3) The reports prepared by the County Commissioners shall be based on the fiscal year ending on June 30 of the year the reports are submitted.

Sec. 12. Advisory School Design Review Committee.

(a) The Advisory School Design Review Committee is hereby created.

(b) (1) In this section, the following words shall have the meanings indicated:

(2) "Bidding documents stage" means the period of time following the completion of design where all documents are compiled and made suitable for advertisement and competitive bidding.

(3) "Committee" means the Advisory School Design Review Committee established by the County Commissioners.

(4) "Design development stage" means the point when the overall design for a school capital improvement project is approximately 60% complete.

(c) The Committee shall:

(1) Review all construction plans for school capital improvement projects that exceed \$2 million; and

(2) Ensure that the construction and operational and maintenance of efficiencies for each capital improvement project provide an effective educational environment in a cost efficient manner.

(d) The school design review committee shall begin its duties specified in subsection (c) of this section at the design development stage for each capital improvement project and conclude its review at the bidding document stage of each capital improvement project.

(e) At the conclusion of the Committee's review of a project, the Committee shall prepare a report summarizing its findings and making recommendations regarding the capital improvement project to the County Commissioners and the Board of Education.

- (f) Prior to advertisement for competitive bids, the County Commissioners and the Board of Education shall jointly review the recommendations of the Committee.
- (g) The County Commissioners shall have the responsibility of determining whether a capital improvement project may proceed to the bidding documents stage.
- (h) The County Commissioners is not bound by the recommendations submitted by the Committee.

Sec. 13. Workforce Housing.

(a) An individual who constructs single-family residential units or multifamily residential units as workforce housing in compliance with this section shall be entitled to credits against the building excise tax.

(b) *Definition.* (1) In this section, the following terms shall have the meanings indicated.

Building Excise Tax Ordinance (Continued)

(2) “Workforce housing” means a housing for households with an income that is greater than 50% but does not exceed 120% of the average family median income for households in Washington County as established by the Planning Director.

(c) An individual who constructs qualified workforce housing shall be provided a credit against the building excise tax in the amount to be adopted by the County Commissioners by resolution.

(d) The County Commissioners shall adopt regulations necessary to carry out the building excise tax credit under this section.

(e) (1) A municipal corporation within Washington County may grant a building excise tax credit against the Washington County building excise tax imposed on single-family residential units and multifamily residential units that are developed within the municipal corporation as workforce housing.

(2) The amount of the building excise tax credit under this paragraph may not exceed the amount retained under Section 8 of this Ordinance and shall be offset against that amount.

(3) The duration of the building excise tax credit and any other provisions necessary to carry out the building excise tax credit shall be in accordance with this Ordinance.

(f) (1) Application may be made for and the Director of Finance may grant a refund of building excise tax paid by any individual who, on or after July 1, 2005 and before the date the building excise tax is enacted or amended, constructs workforce housing within Washington County.

(2) If an individual constructs workforce housing within Washington County prior to the County Commissioners enacting a building excise tax credit for the construction of housing, the County Commissioners may reimburse the individual the amount of money equal to the building excise tax credit.

(3) If an individual constructs workforce housing within Washington County after the County Commissioners enacts a building excise tax credit for the construction of workforce housing but prior to the County Commissioners amending the building excise tax credit and the amended building excise tax credit is greater than the original building excise tax credit, the County Commissioners may reimburse the individual the amount of money equal to the difference between the amended building excise tax credit and the original excise tax credit.

(4) Any refund that the County Commissioners makes under subsection (b) of this section shall be made on or before June 30, 2006.

(5) This subsection shall remain effective for a period of one year and, at the end of June 30, 2006, shall be abrogated and of no force and effect.

Sec. 14. Agricultural land preservation

Each fiscal year, the County Commissioners shall encumber at least \$1,000,000 of local funds for agricultural land preservation.

Original effective date: July 1, 2003.

Revision 2 adopted October 12, 2004, effective as of July 1, 2004.

Revision 3 adopted July 12, 2005, effective as of July 12, 2005.

Appendix D

State of Maryland

Fire Prevention Commission

State of Maryland Department of State Police Fire Prevention Commission

Title 29. Department of State Police

Subtitle 06. Fire Prevention Commission

Chapter 04. Fees for Fire Prevention Services

Authority: Article 23A, §6; Article 24, 5-101—5-108; Article 38A, 3, 8, and 8C; Annotated Code of Maryland

.01 Scope.

- A. These regulations establish a schedule of fees to be used by the State Fire Marshal to at least cover the administrative costs associated with the review of building plans, inspection of new and existing buildings, and fire suppression, detection, and alarm systems to ensure compliance with applicable fire prevention codes.
- B. These regulations do not apply to any municipal corporation or county which has adopted, before the effective date of these regulations, an ordinance or regulation that establishes a fee schedule for building inspections or plans review. The fee schedule established by the State Fire Prevention Commission may be used, amended, or referenced by a municipal or county corporation that chooses to establish its own fee schedule.

.02 Incorporation by Reference.

- A. Occupancies are defined and classified as required by the National Fire Protection Association (NFPA) 101 “Life Safety Code” as incorporated by reference in COMAR 29.06.01. In the case of mixed occupancies when it is impractical to distinguish individual occupancy classifications, the occupancy classification is based on the predominant use and occupancy of the building or structure.

- B. Terminology and reference standards are defined and classified by the appropriate code or standard of the National Fire Protection Association as referenced in COMAR 29.06.01.

.03 Definitions.

- A. In this chapter, the following terms have the meanings indicated.
- B. Terms Defined.

- (1) “Code” means the State Fire Laws, Article 38A, 3--14, Annotated Code of Maryland, and the State Fire Prevention Code under COMAR 29.06.01.

**State of Maryland Department of State Police
Fire Prevention Commission (Continued)**

- (2) “Existing building” means a building, installation, plant, equipment, or condition on which construction has been completed or commenced or a building permit has been obtained from the appropriate government agency before the effective date of this chapter.
- (3) “Fire protection system” means:
 - (a) Fire alarm and detection systems with a fire alarm control panel;
 - (b) Sprinkler, water spray, and combined sprinkler and standpipe systems;
 - (c) Standpipe systems and hose systems;
 - (d) Fire pumps and associated valves, piping, controllers, driver, and related equipment;
 - (e) Gaseous and chemical extinguishing systems that use gases such as halon or carbon dioxide, or dry or wet chemical compounds as the primary extinguishing agent;
 - (f) Foam systems that use a foaming agent to control or extinguish a fire in a flammable liquid installation, aircraft hangar, and other recognized applications; and
 - (g) Smoke control systems that include smoke exhaust, stair pressurization, and other recognized air-handling systems specifically designed to exhaust or control smoke, or create pressure zones to minimize the hazard of smoke spread caused by fire.
- (4) “Local fire authority” means those municipal or county fire officials specifically authorized under Article 38A, Annotated Code of Maryland, to enforce the provisions of the State Fire Laws and Fire Prevention Code.
- (5) “New building” means any building, structure, installation, plant, equipment, renovation, or condition:
 - (a) For which a building permit is issued on or after the effective date of this chapter;
 - (b) On which actual construction is started on or after the effective date of this chapter in a jurisdiction where a building permit is not required; or

- (c) Which represents a change from one occupancy classification to another on or after the effective date of this chapter.
- (6) “State fire authority” means the State Fire Marshal or legally appointed designee.

.04 Fees in General.

- A. Fee Computation. The amount of the fee for the following services shall be computed in accordance with Regulations .05--.07 of this chapter;
 - (1) Plan review, and use and occupancy inspection;
 - (2) Fire protection system plan review and inspection; and
 - (3) Fire safety inspection.
- B. Fee Payment for Plan Review and Use and Occupancy Inspections.

**State of Maryland Department of State Police
Fire Prevention Commission (Continued)**

- (1) Fees for plan review and use and occupancy inspections are payable upon receipt of an invoice from the State or local fire authority of:
 - (a) Preliminary or construction plans for the construction of a new building, addition, expansion, or renovation of an existing building or facility; and
 - (b) Plans for a fire protection system.
 - (2) Fee payments shall be reviewed by the State or local fire authority to ensure that they are in the proper amount. If a fee payment is incorrect, and invoice requesting the balance of the fee shall be sent to the person identified on the original invoice.
 - (3) Failure to pay the fee within the required time shall result in appropriate administrative or legal action. Further plan review or inspection action may not take place until the fee is paid in full. This may result in delay of the issuance of a building permit, or use and occupancy permit for the building or facility.
- C. Fee Payment for Fire Safety Inspections.
 - (1) Fees for fire safety inspections are payable upon receipt of an invoice from the State or local fire authority upon completion of the inspection. Failure to pay this fee within the specified time may result in:
 - (a) Administrative or legal action;
 - (b) No further inspection activity;
 - (c) Denial of the issuance or renewal of a permit or license held by the facility being inspected; and
 - (d) Violation of Article 38A, §13, Annotated Code of Maryland
- D. Payment Method.
 - (1) Fee payments shall be in the form of a check or money order payable to the State Fire Marshal, or appropriate local fire authority or local government agency.
 - (2) Cash payment is NOT acceptable.
 - E. Re-inspection and Re-test Fees.
 - (1) The Amount of the fee for re-inspection and re-test shall:

- (a) Be determined by the State or local fire authority conducting the re-inspection or re-test; and
 - (b) Take into consideration circumstances that are beyond the control of a system contractor or supplier.
 - (2) An appeal of a re-inspection or re-test fee shall be resolved in accordance with administrative procedures adopted by the State or local fire authority.
 - (3) A re-inspections or re-test fee shall be charged when a contractor or building owner falsely reports that a violation of the Code has been corrected.
- F. Disputes Over Fees.
- (1) Disputes regarding the amount of the fee charged and any other matter related to the charging of a fee shall be resolved in accordance with administrative procedures adopted by the State or local fire authority.

State of Maryland Department of State Police Fire Prevention Commission (Continued)

- (2) An appeal of an administrative finding by the State Fire Marshal may be made to the State Fire Prevention Commission in accordance with procedures in COMAR 29.06.02.

G. Technical Assistance.

Fees for technical assistance shall be based upon criteria required in Regulation .08 of this chapter.

.05 Fees for Plan Review, and Use and Occupancy Inspection.

A. Fee Schedule.

- (1) The fee schedule in this section is to be used to calculate the fee to be paid for the review of plans for and inspection of all new and existing buildings, including a change in use or occupancy.
- (2) The review and inspection is required to obtain a building permit, or a use and occupancy permit from a State or local government agency or licensing authority in order to construct, renovate, or occupy a building or facility, or install a fire protection system.
- (3) Fees are as follows:
 - (a) Assembly occupancy – 5 cents per square foot;
 - (b) Educational occupancy – 5 cents per square foot;
 - (c) Health care occupancy – 5 cents per square foot;
 - (d) Detention or correctional occupancy – 5 cents per square foot;
 - (e) Residential occupancy – 5 cents per square foot;
 - (f) Mercantile occupancy – 4 cents per square foot;
 - (g) Business occupancy – 4 cents per square foot;
 - (h) Industrial occupancy – 3 cents per square foot;
 - (i) Storage occupancy – 2 cents per square foot;
 - (j) Flammable or combustible liquid storage tank – 1 cent per gallon of maximum tank capacity or \$75.00 per tank, whichever is greater, although tanks used to provide heating fuel or other utility service to a building or facility are exempt from the fee;

- (k) Marina or pier - \$25 per 100 linear feet of pier or bulkhead or fraction of 100 linear feet used for boat services, or \$75.00, whichever is greater; and
 - (l) Outside storage of flammable and combustible materials such as scrap tire, lumber, mulch, tree stumps, drums of flammable or combustible liquids, etc. - \$75.00 per acre or fraction of an acre.
- B. The fee due shall be calculated using the appropriate rate of §A of this regulation applied to:
- (1) The gross square feet per floor for a new building or tenant space or a change in its use or occupancy;
 - (2) The gross square feet of an area being renovated or altered; or
 - (3) The gross square feet per floor for a storage occupancy when a shell building without a specific occupancy or tenancy is to be built.

State of Maryland Department of State Police Fire Prevention Commission (Continued)

- C. When a shell building is built without a specific occupancy or tenancy, the appropriate occupancy fee applies when use or occupancy is determined as prescribed by a separate building permit or use and occupancy permit.
- D. The fee for a mixed occupancy shall:
 - (1) Be based upon the fee schedule in §A of this regulation for each occupancy;
 - (2) Be the cumulative total of the fee for each occupancy; and
 - (3) Reflect the predominant classification of the building or structure when a separate fee for each occupancy cannot be determined.
- E. A change in use or occupancy of a building or tenant space shall be calculated at the same rate as a new building.
- F. The fee for a building or tenant space occupied for the first time without completion of a plan review shall be based upon the fee schedule for the initial use and occupancy inspection.
- G. The minimum fee for a plan review or initial use and occupancy inspection is \$75.00.
- H. A 50 percent refund of the fees in A-G of this regulation may be refunded if a permit to construct is denied by a permit or licensing authority, or if the applicant abandons the project before construction, for whatever reason. The applicant shall request a refund within 6 months of official notification of the denial of the permit, license, or issuance of a building permit by the respective authority. A renewal of the permit or resumption of construction requires a new submittal of plans for the remaining work and payment of the full fee.

.06 Fees for Fire Protection System Plan Review and Inspection.

- A. The fee schedule that follows in this section is to be used to calculate the fee to be paid for plan review and inspection of the fire protection systems specified:
 - (1) Fire alarm and detection system - \$75.00 per fire alarm control panel, plus \$1.50 per fire alarm initiating and indicating device;
 - (2) Sprinkler, water spray, and combined sprinkler and standpipe system - \$1.50 per sprinkler head or \$75.00 per system, whichever is greater; or \$75.00 per dwelling unit for one and two-family dwellings.

- (3) Standpipe and hose system - \$50.00 per 100 linear feet of piping or fraction of 100 linear feet, or \$75.00 per system, whichever is greater;
- (4) Fire pump – 25 cents per gallon per minute (gpm) of rated pump capacity of \$75.00 per pump, whichever is greater, although this fee does not apply to limited service pumps for residential sprinkler systems as permitted for NFPA 13D systems;
- (5) Gaseous and chemical extinguishing system - \$1.00 per pound of gaseous or dry chemical extinguishing agent, although this fee does not apply to reserve supply of extinguishing agent, \$75.00 per 30,000 cubic feet of volume of the portion of protected space, \$75.00 per wet chemical extinguishing system, or \$75.00 per system, whichever is greater;

State of Maryland Department of State Police Fire Prevention Commission (Continued)

- (6) Foam system - \$75.00 per nozzle or local applicator device plus \$1.50 per sprinkler head for a combined sprinkler and foam system, or \$75.00 per system, whichever is greater;
- (7) Smoke control system - \$75.00 per 50,000 cubic feet of volume or the portion of the protected or controlled space, up to a maximum of \$1,500 per system, or \$75.00 per system, whichever is greater.

B. The fees also include, for a:

- (1) Fire alarm and detection system:
 - (a) Plan review and inspection of a complete system of:
 - (i) Wiring,
 - (ii) Controls,
 - (iii) Alarm and detection equipment, and
 - (iv) Related appurtenances; and
 - (b) One final acceptance test of the installed system;
- (2) Sprinkler, water spray, and combined sprinkler and standpipe system:
 - (a) Plan review and inspection of:
 - (i) Shop drawings;
 - (ii) Hydraulic calculations,
 - (iii) Piping,
 - (iv) Control valves, and
 - (v) Connections and other related equipment and appurtenances;
 - (b) One flush test per system;
 - (c) One hydrostatic test per system; and
 - (d) One final acceptance test of the installed system;
- (3) Standpipe and hose system:
 - (a) Plan review and inspection of a complete system of:
 - (i) Shop drawings,
 - (ii) Control valves,
 - (iii) Piping, and

- (iv) Connections and other related equipment and appurtenances;
- (b) One flush test per system;
- (c) One hydrostatic test per system; and
- (d) One final acceptance test of the installed system;
- (4) Fire pump:
 - (a) Plan review and inspection of a complete system of:
 - (i) Pumps and all associated valves,
 - (ii) Piping,
 - (iii) Controllers,
 - (iv) Driver and other related equipment and appurtenances; and
 - (b) One pump acceptance test per pump;
- (5) Gaseous or chemical extinguishing system;

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Fire Prevention Commission (Continued)**

- (a) Plan review and inspection of a complete system of:
 - (i) Piping,
 - (ii) Controls, and
 - (iii) Equipment and other appurtenances; and
- (b) One performance or acceptance test of the installed system;
- (6) Foam system:
 - (a) Plan review and inspection of a complete system of:
 - (i) Piping,
 - (ii) Controls,
 - (iii) Nozzles, and
 - (iv) Equipment and related appurtenances; and
 - (b) One flush test per system;
 - (c) One hydrostatic test per system; and
 - (d) One final acceptance test of the installed system;
- (7) Smoke control system:
 - (a) Plan review and inspection of system components; and
 - (b) One performance or acceptance test of the installed system.
- C. Final acceptance tests are to be witnessed by a State or local fire authority in accordance with administrative procedures established by that authority.
- D. A re-test and re-inspection fee of \$100.00 per system, zone, or floor applies if the tests outlined in §B of this regulation reveal that the system being tested does not meet applicable standards.

.07 Fees for Fire Safety Inspections.

- A. The fee schedule in this regulation is to be used to calculate the fee to be paid for a general fire safety inspection. Specific testing of certain specialized fire protection systems and equipment may be required by qualified maintenance personnel or a contractor at the owner's expense.
- B. The following fees are to be applied based upon the occupancy classification for the building:

- (1) Assembly occupancy:
 - (a) 1,001 or more individuals - \$300.00;
 - (b) 301 to 1,000 individuals - \$200.00;
 - (c) 50 to 300 individuals - \$100.00
 - (d) Fairgrounds for properties with:
 - (i) Nine buildings or less - \$200.00
 - (ii) Ten buildings or more - \$400.00
- (2) Educational occupancy:
 - (a) Elementary school, which includes kindergarten and pre-kindergarten facilities - \$100.00;
 - (b) Middle or junior high school - \$150.00;
 - (c) Senior high school - \$150.00;
 - (d) Family or group day care homes:

**State of Maryland Department of State Police
Fire Prevention Commission (Continued)**

- (i) Initial inspection - \$45.00;
 - (ii) Renewal inspection - \$30.00;
 - (e) Nursery or day care centers - \$65.00;
- (3) Health care occupancy:
 - (a) Ambulatory health care center - \$150.00 per 3,000 square feet or fraction of 3,000 square feet;
 - (b) Hospital, nursing home and limited care facility - \$100.00 per building plus \$2.00 per patient bed;
- (4) Detention and correctional occupancy - \$100.00 per building plus \$2.00 per rated bed capacity;
- (5) Residential occupancy:
 - (a) Hotel and motel - \$50.00 per building plus \$2.00 per guest room or suite;
 - (b) Dormitory - \$20.00 per building plus \$2.00 per bed;
 - (c) Apartment - \$20.00 per building plus \$2.00 per apartment;
 - (d) Lodging or rooming house - \$75.00;
 - (e) One and two family dwelling, including alternate living units and foster care homes - \$25.00;
 - (f) Board and care home - \$100.00 per building plus \$2.00 per bed;
- (6) Mercantile occupancy:
 - (a) Class A – over 30,000 square feet - \$150.00;
 - (b) Class B – 3,000 to 30,000 square feet - \$100.00;
 - (c) Class C – less than 3,000 square feet - \$50.00;
- (7) Business occupancy - \$50.00 per 3,000 square feet or fraction of 3,000 square feet;
- (8) Industrial or storage occupancy:
 - (a) Low or ordinary hazard - \$50.00 per 5,000 square feet or fraction of 5,000 square feet;
 - (b) High hazard - \$100 per 5,000 square feet or fraction of 5,000 square feet;

- (9) Manufactured home sites and communities - \$50.00 per facility plus \$1.00 per site;
- (10) Campgrounds:
 - (a) Vehicular campgrounds - \$50.00 per facility plus \$1.00 per campsite;
 - (b) Campgrounds with sleeping accommodations - \$150.00 per facility plus \$1.00 per bed;
 - (c) Campgrounds without sleeping accommodations - \$50.00 per facility;
- (11) Outside storage of combustible materials, for example, scrap tire, lumber, mulch, tree stumps, etc. - \$50.00 per acre or fraction of an acre.
- (12) Outside storage of flammable or combustible liquids/gases (drums or tanks) - \$100.00 per 5,000 square feet or fraction of 5,000 square feet.

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Fire Prevention Commission (Continued)**

- (13) Marinas and piers - \$100.00 per marina plus \$25.00 per 100 linear feet of pier or bulkhead or fraction of 100 linear feet used for boat services.
- (14) Unclassified inspection - \$50.00 per hour.
- C. A re-inspection fee of \$100.00 applies if more than one inspection outlined in §B of this regulation is required to correct a previously identified fire code violation.

.08 Fees for Technical Assistance.

- A. If requested, State and local fire authorities shall provide technical assistance in the form of preliminary plan review and on-site inspection to discuss alternatives and interpretations of the Code relative to specific circumstances.
- B. A separate technical assistance fee shall be charged at the following rate and prorated to the nearest ½ hour.
 - (1) Deputy fire marshal or fire safety inspector - \$50.00 per hour;
 - (2) Fire protection engineer - \$65.00 per hour;
 - (3) Local fire authority – locally set.
- C. Travel time to and from the meeting or inspection site shall be included when computing the fee for technical assistance.
- D. When requested, a reasonable time to prepare written reports or research subsequent Code-related issues shall be included when computing the fee for technical assistance.
- E. The fee shall be charged to the person officially requesting assistance and is payable upon receipt of an itemized invoice submitted in accordance with administrative procedures established by State or local fire authorities.
- F. Failure to pay the fee within the required time shall result in appropriate administrative or legal action. Further plan review or inspection action may not take place until the fee is paid in full. This may result in delay of the issuance of a building permit, or use and occupancy permit for the building or facility.

.09 Disposition of Fees.

- A. Collected fees shall be deposited in the general fund of either the municipality, county, or the State for the services provided.

- B. Fees shall be collected and processed in accordance with fiscal procedures established by the municipality, county, or the State for the collection, disbursement, and accounting of funds.

For Additional Information, Contact

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