

**COUNCIL OF THE TOWN OF LA PLATA**  
**Ordinance No. 06-21**

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**Introduced By:** Mayor Gene Ambrogio

**Date Introduced:** August 8, 2006

**Amendments Adopted:**

**Date Adopted:** September 12, 2006

**Date Effective:** September 28, 2006

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1 **An Ordinance** concerning

2  
3 **Major Facilities Fees in the Old Town Utility District**

4  
5 **FOR** the purpose of revising the exemption to the application of the Town's Major Facilities Fee on  
6 properties located in the Old Town Utility District; providing for the use of monies currently  
7 in the Town's Major Facilities Fund and revenues to be contributed to the fund on and after a  
8 certain date; providing for the severability of the provisions of this Ordinance; and all matters  
9 generally related to the Town's Major Facilities Fee.

10  
11 **BY** repealing and reenacting with amendments

12 Chapter 101 - Fees

13 Sections 101-4A., 101-4B.(1), 101-4C., 101-4E., 101-4H., 101-4I., 101-4J., 101-4.1A.,

14 101-4.1C.(2), 101-4.1D.(4)(a), 101-4.1D.(4)(a)[2], 101-4.1D(4)(b), and 101-4.1D(4)(b)[5]

15 Code of the Town of La Plata

16 (1998 Edition and Supplements)

17  
18 **SECTION 1: BE IT ENACTED BY THE COUNCIL OF THE TOWN OF LA PLATA,**

19 That Sections 101-4A., 101-4B.(1), 101-4C., 101-4E., 101-4H., 101-4I., 101-4J., 101-4.1A., 101-  
20 4.1C.(2), 101-4.1D.(4)(a), 101-4.1D.(4)(a)[2], 101-4.1D(4)(b), and 101-4.1D(4)(b)[5] of the Code of  
21 the Town of La Plata (1998 and Supplements) be and they are hereby repealed and reenacted with  
22 amendments, to read as follows:

23  
24 **Chapter 101**

25 **FEES**

26  
27 **101-4 Major facilities fees.**

28  
29 A. Major facilities fees are levied to partially finance capital improvements to the water  
30 and sanitary sewer systems due to increased demands upon the system as a result of new

31 development. Revenues collected from the major facilities fee may be used for the acquisition,  
 32 construction, improvement and enlargement of all or parts of the town’s water and sanitary sewer  
 33 systems. Such revenues may not be used for the purpose of operation, maintenance or noncapital  
 34 repair of the water or sanitary sewer systems, except that revenues collected from the major facilities  
 35 fee on and after October 1, 2003 AND PRIOR TO SEPTEMBER 28, 2006 shall not be used for any  
 36 project located in or intended to exclusively serve properties located in the Old Town Utility District.  
 37 The major facilities fee shall be levied and paid as specified in the following subsections of this  
 38 section.

39  
 40 B. Determination of fee.

41  
 42 (1) The charge per unit levied and to be paid with the issuance of all building or  
 43 occupancy permits requiring larger or new connections to the Town of La Plata water and sanitary  
 44 sewer systems((, except for connections to the town water or sanitary sewer system in the Old Town  
 45 Utility District,)) shall be:

46  
 47 \* \* \*

48  
 49 C. The major facilities fee shall be paid before a building permit is issued((, except that  
 50 the payment of a major facilities fee shall not be required for the issuance of a building permit for a  
 51 property or structure located in the Old Town Utility District)). In the case of a revocation,  
 52 discontinuance or abandonment of a building permit, as provided in the Town Building Code, before  
 53 water, sewer or other public improvements are extended to the building project, this fee shall be  
 54 refunded. If a major facilities fee is imposed with respect to a use of property for which no building  
 55 permit is required, the major facilities fee shall be paid before an occupancy permit is issued.

56  
 57 \* \* \*

58  
 59 E. A “residential unit” is hereby defined as one (1) dwelling unit, as further defined in  
 60 §191-3 of the ((town’s)) TOWN’S Zoning Ordinance. The various types of dwelling units, such as  
 61 multiple-family, single-family attached, single-family detached, two-family and mobile home, will have  
 62 the same meaning as defined in §191-3 of the ((town’s)) TOWN’S Zoning Ordinance. A “multiple-  
 63 family dwelling unit” is more narrowly defined to be only those groups of three (3) or more dwelling  
 64 units served by a common water service and requiring only one (1) water meter.

65  
 66 \* \* \*

67  
 68 H. ((Except in the Old Town Utility District, no))NO change in the use of a building shall  
 69 be allowed that would require additional increments of water and/or sewer units without payment of  
 70 the major facilities fee for the increase in sewer and/or water units. To ensure compliance, the  
 71 Building Inspector shall not allow such building requiring payment of additional major facilities fees

72 to be occupied until the requisite fees are paid and occupancy is approved by the Chief Executive  
73 Officer.

74  
75 I. As used in §§101-4 and 101-4.1, the Old Town Utility District consists of all  
76 properties that abut or have access from the following streets, except that as of April 13, 2005 the  
77 Old Town Utility District does not include those properties or portions of those properties that are  
78 located in the ((town's)) TOWN'S CBT Central Business Transition zoning district on that date:

- 79 (1) West Hawthorne Drive to the town limits as of January 9, 1990;
- 80 (2) Pine Street;
- 81 (3) East Hawthorne Drive;
- 82 (4) U.S. Route 301 from Maryland Route 225 to Glen Albin (formerly Patuxent)  
83 Drive;
- 84 (5) Maryland Route 6 west of U.S. Route 301, to and including the Archbishop Neale  
85 property on the north side and to and including the United Methodist Church property on the south  
86 side;
- 87 (6) Maryland Route 6 east of U.S. Route 301 to Willow Lane;
- 88 (7) Washington Avenue to the town limits as they existed as of January 9, 1990;
- 89 (8) Harford Street;
- 90 (9) Cecil Street;
- 91 (10) Kent Avenue;
- 92 (11) Spruce Street;
- 93 (12) Prospect Street;
- 94 (13) Caroline Drive from Washington Avenue to the railroad tracks;
- 95 (14) Centennial Street;
- 96 (15) Baltimore Street;
- 97 (16) North Maple Avenue;
- 98 (17) South Maple Avenue from Charles Street to Carroll Street;
- 99 (18) North Oak Avenue;
- 100 (19) Anne Arundel Avenue;
- 101 (20) Severn Drive;
- 102 (21) Calvert Street;
- 103 (22) Howard Street;
- 104 (23) St. Mary's Avenue to Glen Albin (formerly Patuxent) Drive;
- 105 (24) Wills Street;
- 106 (25) La Grange Avenue;
- 107 (26) Queen Anne's Street;
- 108 (27) Carroll Street;
- 109 (28) Graves Avenue;
- 110 (29) Oak Avenue;
- 111 (30) Del Ray Circle;
- 112 (31) Concord Circle;
- 113 (32) Arlington Drive;

- 114 (33) Worcester Street;
- 115 (34) Wicomico Street;
- 116 (35) Garrett Avenue;
- 117 (36) Somerset Street;
- 118 (37) Willow Lane South;
- 119 (38) Prince George’s Street;
- 120 (39) Forest Lane;
- 121 (40) Patuxent Court;
- 122 (41) Glen Albin (formerly Patuxent) Drive from U.S. Route 301 to Willow Lane
- 123 South.

125 J. (1) All moneys in the ((town’s)) TOWN’S major facilities fund as of October 1, 2003  
 126 may be expended for and on behalf of the financing of major improvements to the ((town’s))  
 127 TOWN’S water and sanitary sewer systems that are undertaken anywhere in the ((town)) TOWN.

128 (2) All moneys generated from major facilities fees paid to the ((town)) TOWN  
 129 between October 1, 2003 and April 12, 2005 may not be expended for any improvements to the  
 130 ((town’s)) TOWN’S water and sanitary sewer systems that are located in or intended primarily to  
 131 serve properties located in the Old Town Utility District as that district existed on April 12, 2005.

132 (3) All moneys generated from major facilities fees paid to the ((town)) TOWN from  
 133 and after April 13, 2005 may not be expended for any improvements to the ((town’s)) TOWN’S  
 134 water and sanitary sewer systems that are located in or intended primarily to serve properties located  
 135 in the Old Town Utility District as that district existed on April 13, 2005.

136 (4) ALL MONIES GENERATED FROM MAJOR FACILITIES FEES PAID TO  
 137 THE TOWN FROM AND AFTER SEPTEMBER 28, 2006 MAY BE EXPENDED FOR AND ON  
 138 BEHALF OF THE FINANCING OF MAJOR IMPROVEMENTS TO THE TOWN’S WATER  
 139 AND SANITARY SEWER SYSTEMS THAT ARE UNDERTAKEN ANYWHERE IN THE  
 140 TOWN.

142 **101-4.1 Major facilities fee for commercial and industrial properties.**

144 A. This section applies to the payment of major facilities fees for commercial and  
 145 industrial facilities(( located outside the Old Town Utility District)).

147 \* \* \*

149 C. (1) If a base major facilities fee is calculated pursuant to Subsection B(2) of this  
 150 section, an additional major facilities fee shall be charged when the actual user of the facility becomes  
 151 known if the estimated water consumption for such user will be greater than the estimated water  
 152 consumption upon which the base major facilities fee was calculated. This additional major facilities  
 153 fee shall be known as an incremental major facilities fee. The amount of the incremental major  
 154 facilities fee shall be calculated based upon the formula set forth in §101-4F.

155 (2) An incremental major facilities fee shall be paid prior to the issuance of a certificate  
 156 of occupancy for the use of the facility pursuant to §191-48B of this Code. The ((town)) TOWN shall  
 157 maintain records of the name of the person who pays any incremental major facilities fee and the  
 158 location for which such incremental major facilities fee is paid. The payer of an incremental major  
 159 facilities fee shall receive a credit in the amount of the incremental major facilities fee paid.

161 D. An incremental major facilities fee credit may be assigned, sold, otherwise lawfully  
 162 conveyed, or transferred, as provided in this Subsection D. An incremental major facilities fee credit  
 163 issued to a property located in the Old Town Utility District prior to October 1, 2003 also may be  
 164 assigned, sold, otherwise lawfully conveyed, or transferred as provided in this Subsection D.

165 \* \* \*

166  
 167  
 168 (4) A transfer, sale, assignment or conveyance of all or part of an incremental major  
 169 facilities fee credit is not effective unless undertaken as hereafter provided:

170 (a) A person seeking to transfer, sell, assign or convey all or any part of an  
 171 incremental major facilities fee credit shall file an application under oath on forms provided by the  
 172 ((town)) TOWN for this purpose. If the applicant is not the owner of the property on which the  
 173 business is located, the application also shall be consented to, in writing, by the property owner. The  
 174 application shall be accompanied by such application fee as may be prescribed by the Town Council  
 175 by resolution. In addition to such other information and documentation as may be required by the  
 176 ((town's)) TOWN'S Chief Executive Officer, an application shall be accompanied by documentary  
 177 proof acceptable to the Chief Executive Officer:

178 [1] As to the amount of incremental major facilities fee credit available  
 179 for transfer, sale, assignment or conveyance; and

180 [2] That such fee was paid to the ((town)) TOWN by the person  
 181 applying for the transfer, sale, assignment or transfer.

182 The burden is on the applicant to prove the amount of incremental major  
 183 facilities fee credit available for transfer, sale, assignment or conveyance, and that the applicant is the  
 184 person who paid such fee to the ((town)) TOWN.

185 (b) If the ((town)) TOWN approves an application to transfer, sell, assign or  
 186 convey all or a part of an incremental major facilities fee credit, the ((town)) TOWN shall deliver to  
 187 the applicant, to the property owner if different from the applicant, and to the person to whom the  
 188 credit will be transferred, sold, assigned or conveyed, a certificate of approval which contains at least  
 189 the following information:

190 [1] Names of the parties;

191 [2] The address for which the incremental major facilities fee had been  
 192 paid;

193 [3] The address to which the incremental major facilities fee credit is  
 194 being transferred;

195 [4] The amount of such transferred, sold, assigned or conveyed  
196 incremental major facilities fee credit which will be available for future transfer, sale, assignment or  
197 conveyance in accordance with § 101-4.1D(2); and

198 [5] The name of the person who will be entitled to apply for such future  
199 transfer, sale, assignment or conveyance in accordance with § 101-4.1D.(2).

200 The ((town’s)) TOWN’S approval of the application is not effective  
201 until a certificate of approval is issued.

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203  
204 **SECTION 2: AND BE IT FURTHER ENACTED**, That if any provision of this Ordinance, or  
205 the application thereof to any person or circumstance is held invalid for any reason, such invalidity shall not  
206 affect the other provisions or any other application of this Ordinance which can be given effect without the  
207 invalid provisions or application, and to this end, all the provisions of this Ordinance are hereby declared to  
208 be severable.

209  
210 **SECTION 3: AND BE IT FURTHER ENACTED**, That this Ordinance shall become  
211 effective on September 28, 2006.

212  
213 **SEAL:** **COUNCIL OF THE TOWN OF LA PLATA**

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216 \_\_\_\_\_  
217 **Gene Ambrogio, Mayor**

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219 \_\_\_\_\_  
220 **R. Wayne Winkler, Councilman**

221  
222 \_\_\_\_\_  
223 **C. Keith Back, Councilman**

224 **ATTEST:** \_\_\_\_\_  
225 **Paretta D. Mudd, Councilwoman**

226  
227  
228 \_\_\_\_\_  
229 **Judith T. Frazier, Town Clerk** **Vic E. Newman, Councilman**  
**Date** \_\_\_\_\_

**EXPLANATION:**  
CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.  
((Double Parenthesis)) indicate matter deleted from existing law.  
Underlining indicates amendments to bill.  
~~Strike Out~~ indicates matter stricken from bill by amendment or deleted from the law by amendment.

