

**COUNCIL OF THE TOWN OF LEONARDTOWN**

**Ordinance No. 132**

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**Date Introduced on First Reading: February 11, 2008**

**Amendments Adopted: March 10, 2008**

**Date Adopted on Second Reading: March 10, 2008**

**Date Effective: March 31, 2008**

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**AN ORDINANCE concerning**

**SEWER ALLOCATIONS FOR NEW CONSTRUCTION WHICH WOULD  
RESULT IN NEW AND ADDITIONAL CONNECTIONS TO THE TOWN  
SEWER SYSTEM.**

**WHEREAS**, the Leonardtown Wastewater Collection and Treatment Plant (the "Plant") providing sanitary sewer service to the Town of Leonardtown (the "Town") and surrounding area has a design capacity of 680,000 gallons per day and the Town has allocated 588,250 gallons per day; and

**WHEREAS**, the remaining capacity of the Plant is less than 14% of the Plant's total capacity; and

**WHEREAS**, the expansion of the Plant to accept additional wastewater requires at least an additional \$18 Million in public debt and would result in annual debt service of approximately \$1.5 Million; and

**WHEREAS**, the Town desires to minimize the financial impact and burden on existing Leonardtown residents that would be generated by the proposed expansion of the Plant; and

**WHEREAS**, today there is an absence of sufficient sewer connection financial commitments to be able to repay the loan needed to construct the expansion; and

**WHEREAS**, the Town is aware that certain public projects to serve an identified public need are planned for the near future; projects which will require additional allocation of public sewer service from the Plant; and

**WHEREAS**, the Town desires the completion of infill development, which will require allocations of the Plant, in accordance with Chapter 155, Section 34.1, *et seq.* of the Town code and the Leonardtown Comprehensive Land Use Plan before extension of new service; and

**WHEREAS**, the Town further desires to implement Part III of the Leonardtown Comprehensive Land Use Plan, which requires the management of public services and facilities, to provide sewerage service for projects that have a reasonable expectation of being a catalyst for revitalization in designated areas of the Town; and

**WHEREAS**, the Town currently allocates sewer capacity at the time of building permit approval; and

**WHEREAS**, the Town finds that the controlled allocation of the remaining capacity of the Treatment Plan is necessary to protect the health, welfare, safety and future economic viability of the Town; and

**NOW, THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Town Council of the Town of Leonardtown, Maryland as follows:

1. Until such time as this Ordinance is repealed by the Town, the Town shall not review Site Plans or Plans of Subdivision or approve any building permits for new construction which would result in any new or additional connections to the Plant for any property situated within the municipal boundaries of Leonardtown except in accordance with this Ordinance.
2. The allocation of the remaining capacity of the Plant shall be reserved for:
  - a. The Leonard's Grant Subdivision, in accordance with the sewer connection financial commitment by and between the owner and the Town regarding sewer allocations for this Subdivision; and
  - b. Projects that: (1) are located within those areas identified upon the map attached hereto as Exhibit A and incorporated herein by reference; and (2) have a reasonable expectation of being a catalyst for revitalization; and (3) that provide an economic development benefit to the Town; and
  - c. Infill development in accordance with Town Code 155.34.1, *et seq.*; and
  - d. Projects deemed by the Town Council, upon a majority vote, and with the concurrence of the Mayor, as necessary to protect the health, welfare, safety or future economic viability of the Town; and
  - e. Public projects within the municipal boundaries of Leonardtown.
3. Completed applications shall be placed in a queue by order in which the completed application was received.
4. The Town Administrator shall provide, at least monthly, a list of all applications requiring allocation of Plant capacity, identifying those placed within the queue and those determined to meet the foregoing criteria to the Mayor and Town Council. For good cause, the Town Council may, upon a majority vote and with the approval of the Mayor, amend the list to change the designation of any application from that presented by the Town Administrator.
5. Following presentation to the Mayor and Town Council, applications meeting the foregoing criteria will then be processed according to Chapter 155 of the Leonardtown Code.
6. Any application that requires an allocation of Plant capacity and not meeting the foregoing criteria shall remain in the queue.

7. Upon repeal of this Ordinance, all projects within the queue shall be allowed to proceed for review and approval, if appropriate, in the order in which the completed application was received.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that this Ordinance shall not be considered a contract, express or implied, for the extension or supply of utilities to the area set forth in Exhibit A hereto.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that, if any section, subsection, sentence, clause, phrase, or other portion of this Ordinance, or its application to any person, is, for any reason, declared invalid, in whole or in part by any court or agency of competent jurisdiction, said decision shall not affect the validity of the remaining portions hereof.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED** that the foregoing recitals are adopted as if fully written herein.

**BE IT FURTHER RESOLVED, ENACTED AND ORDAINED**, that this Ordinance shall become effective twenty (20) days following the approval of the Mayor or passage by the affirmative vote of four-fifths of the whole Council after veto of the Mayor.

**COMMISSIONERS OF THE TOWN OF  
LEONARDTOWN**

  
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**Walter Wise, Vice President**

  
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**Thomas R. Collier, Councilmember**

  
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**Robert Combs, Councilmember**

  
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**J. Maguire Mattingly, III, Councilmember**

  
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**Leslie E. Roberts, Councilmember**


**ATTEST:**

  
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**Laschelle E. Miller, Town Administrator**


**Date:** 3/10/08

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This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this 11<sup>th</sup> Day of March, 2008.

  
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**Laschelle E. Miller, Town Administrator**

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve of Disapprove) Approve this Ordinance this 11<sup>th</sup> day of March, 2008.

  
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**J. Harry Norris, III, Mayor**