

**ALLOCATIONS FOR MUNICIPAL PUBLIC WATER
TOWN OF NORTH EAST, MARYLAND
POLICIES AND PROCEDURES**

I. Purpose

The purpose of this document is to provide policy and procedures for the allocation of water capacity for the Town of North East's water distribution, recognizing that it is in the Town's best interest to establish procedures for requesting allocations and to establish policies that are equitable and serve the economic development and growth management goals established by the Town.

II. Definitions

For the purpose of this document, the following definitions or statements shall be understood.

Allocation – A prescribed amount of water from the Town's water system expressed in Equivalent Residential Units (ERU) necessary for a particular building or project. Allocations are to be granted to the property owner and shall run with the land.

Building Permit - An official certificate of permission issued by Cecil County Department of Permits & Inspections to construct, enlarge, or alter a structure, including a building, fence, deck and/or shed. Within the Corporate limits of the Town, a Construction Authorization shall be obtained prior to Building Permit application.

Connection Fee – A fee paid to the Town, normally when applying for Construction Authorization (in Town limits) or Building Permit (outside of Town limits), to cover the costs associated with owning and operating the equipment required to serve the property or project in question. This equipment includes the meter, backflow preventers, vault, etc. The Connection Fee includes the cost of a 1-inch meter. Meters up to 1-inch in size will be provided by the Town through the water department. Meters greater than 1-inch in size will be provided by the developer or owner's utility contractor. The Connection Fee is adopted by the Mayor and Commissioners, by a Resolution, on an annual basis, pursuant to the Code of Ordinances of the Town of North East, Section 7-505. There will be no refund on Connection Fees.

Construction Authorization – An official certificate of permission issued by the Town of North East to construct, move, enlarge, or otherwise alter any structure, including a change in use. Structures shall include buildings, fences, decks, and sheds. Note: An approved Construction Authorization does not eliminate the need for nor guarantee the issuance of a Building Permit, issued by Cecil County Department of Permits & Inspections.

Equivalent Residential Unit (ERU) – A unit of measure used to equate flow demand to an equivalent of one single family home. An ERU is assumed to be equal to 91,250 gallons per year

(average of 250 gallons per day) of water use. The ERU amount will be reviewed by the Town periodically.

Existing Home – A residential dwelling that exists and is legally occupied.

Gallons per Day (gpd) – A unit of measure of the demand for water.

Major Facilities Fee – A fee paid to the Town, when applying for a Construction Authorization (in Town limits) or Building Permit (outside of Town limits), to help offset the capital costs of new treatment facilities, major water distribution mains, elevated storage tanks, etc. The Major Facilities Fee is charged on an Equivalent Residential Unit (ERU) basis projected for the project. The Major Facilities Fee is separate from any costs the applicant may have with private contractors for the actual connection to the water distribution system. All new connections to the Town's water system must pay a Major Facilities Fee, as do any expanded uses which result in additional water services and/or usage. The Major Facilities Fee is adopted by the Mayor and Commissioners, by a Resolution, on an annual basis, pursuant to the Code of Ordinances of the Town of North East, Section 7-505. Major Facilities Fees are non-refundable.

Ready to Serve Charge – The Town's water plant will be prepared to serve a prospective customer upon receipt of Water Allocation from the Town Commissioners. The costs associated with Town's readiness to serve is reimbursed through a quarterly Ready to Serve Charge. The quarterly Ready to Serve Charge will be implemented upon execution of the Water Service Agreement and will continue until water meters are installed. Specific details regarding the Ready to Serve Charge will be outlined in the Water Service Agreement. The Ready to Serve Charge is adopted by the Mayor and Commissioners, by a Resolution, on an annual basis, pursuant to the Code of Ordinances of the Town of North East, Section 7-505. Ready to Serve Charges are non-refundable.

Water Service Agreement – An agreement between the Town of North East and an Owner where the Town agrees to provide allocation of water to a property and the Owner agrees to the conditions outlined in the Water Service Agreement. Each Water Service Agreement and the conditions therein will be specific to the individual project, and will include, but not be limited to, required Major Facilities Fees, Connection Fees, Ready to Serve Charge, Review Fees, and infrastructure improvements, etc.

III. Water Allocation Request Form

Water allocations are a necessary component prior to the Final Site Plan approval or subdivision Final Plat approval. Applicants wishing to be served by the Town of North East Water Works shall request water allocations in accordance with the Policies and Procedures outlined in this

document utilizing the Water Allocation Request Form. In addition, the Town will require applicants to complete, at the time of building Permit application, an application for Town Water for commercial, industrial, industrial, institutional, or residential facilities. (see Water Allocation Request Form, attached as Appendix B)

IV. Preliminary Water Allocation Request Form

Often, property owners or potential purchasers conducting due diligence understandably wish to determine the likelihood of obtaining an allocation for water for immediately forthcoming subdivision projects or site plan submittals. Such parties are welcome to utilize the Preliminary Water Allocation Request Form. The Town will endeavor to provide whatever insight possible at the time, recognizing that an allocation is not implied or granted by any such pre-information that is provided. (see Preliminary Water Allocation Request Form, attached as Appendix C)

V. Allocation Request Eligibility

An applicant must meet several eligibility criteria before an allocation request can be considered:

Requests for Out of Town Water Allocation:

- For a proposed commercial, industrial, or institutional facility, a Minor or Major Site Plan must be under review of the various Cecil County departments (Planning and Zoning, Public Works, etc.) and considered administratively complete. For projects where a site plan is not required by the Cecil County Zoning Ordinance, an administratively complete Building Permit must be under review. For a proposed residential Major Subdivision, as defined by the Cecil County Subdivision Regulations, Preliminary Plat approval must be received from the Cecil County Planning Commission.
- For a proposed residential Minor Subdivision, as defined by the Cecil County Subdivision Regulations, the application for Minor Subdivision must be under review by the various Cecil County departments and considered administratively complete.
- For an existing lot of record, an administratively complete Cecil County Building Permit application must be under review.
- For an existing residential structure which is not currently served by Town water, the property must abut an existing water main or be able to access the main through easements.

Requests for In Town Water Allocation:

- For a proposed commercial, industrial or institutional facility, a Minor or Major Site Plan must be under review by the Town of North East Planning Commission and considered administratively complete. Where a site plan is not required by the Town of North East

Zoning Ordinance, an administratively complete Construction Authorization application must be under review.

- For a proposed residential Major Subdivision, as defined by the Town of North East Subdivision Regulations, preliminary plat approval must be received from the Town of North East Planning Commission.
- For a proposed residential Minor Subdivision, as defined by the Town of North East Subdivision Regulations, the application for Minor Subdivision must be under review by the Town of North East Planning Commission and considered administratively complete.
- For an existing Lot of Record, an administratively complete Construction Authorization application must be under review.

Exception (for both In Town and Out of Town Requests): A potential buyer of a property may request Water Allocation based on a future project, which is to be described in the Water Allocation Request Form (see Section III). If Water Allocation is granted, a Water Service Agreement shall be executed within 30 days. If the Water Service Agreement is not executed within 30 days, the commitment to provide municipal water will be considered null and void.

VI. Ownership of Allocations

Property Owners who are granted allocations do not own the allocations and may not transfer, trade, or sell them. Allocations may not be assigned by Owner without the prior written consent of the Town unless said assignment is to subsequent owners of the subject Property. The new property owners shall be subject to the terms of the Water Service Agreement by virtue of the fact that it shall bind all successors, assigns, heirs and personal representatives and shall run with the land.

VII. Typical Conditions of Allocations

Applicants should anticipate some or all of the following conditions if an allocation is granted. This list is not inclusive and not all of these will apply to a given allocation, but this list is intended to better prepare the applicant.

- Users are prohibited from knowingly exceeding their allocated amount without permission from the Town
- Utilization of the allocation is dependent upon available production and treatment capacity and distribution ability available at the time of Construction Authorization of building permit application and may be limited by the Maryland Department of the Environment requirements.

- Connection Fees in effect at the time will apply to all connections, based on equivalent residential units (ERU's) (250 gallons per day) and shall be payable at the time of Construction Authorization or building permit application.

VIII. Allocation Request Procedure

Eligible applicants (see above) must submit a completed Water Allocation Request Form. Incomplete Water Allocation Forms will not be processed.

Submit Water Allocation Request Forms and Preliminary Water Allocation Request Forms to:

ATTENTION: PLANNING OFFICE

Mayor and Commissioners

Town of North East

P.O. Box 528

North East, MD 20901-0528

IX. Flow Projection Guidance

The allocation request must include a properly estimated design flow, both average and maximum flow, for the project, including the detailed basis for the estimates. This requirement does not apply to a residential ERU. In many instances, this is best developed by the project engineer; indeed, the Town reserves the ability to require that the estimate for a project be prepared by a Professional Engineer or Architect, licensed in the State of Maryland.

Many projects are straight forward and the Design Flow Estimation Table, attached as Appendix A at the end of this document, can serve as sufficient guidance for domestic (nonindustrial) flow projections. More complex or unusual projects require an engineering analysis based upon well-documented data and accepted engineering literature.

Any allocation granted by the Town will be based on conservative estimates of the flow and the Town may use any and all data sources in its evaluation of the projected flow.

The Town does not differentiate between residential housing types; for example, no modification is made between a single family residence, a mobile home, or an apartment. Each proposed residence is considered an ERU.

Bulk flows (multiple ERU's) must be estimated carefully to ensure that the allocation will not be exceeded except in rare instances; hence, the flow estimate must be conservative.

Commercial or Industrial projects that can anticipate unusual variability in daily flow demands must be examined closely before allocation can be granted. The Town will likely require substantially greater operational information so that the best possible projection can be made.

Commercial, Industrial, and other users that expect to generate water demand for less than seven days per week may not average their flows over seven days or otherwise smooth their usage to suggest a lesser daily demand. The allocation of flow must assume that the flow from a project will be seen by the treatment plant every day (not just five days per week). For example, a manufacturing plant that anticipates operating five days per week and using 5,000 gpd (20 ERU's) would use an estimated 1.3 million gallons per year; it is not permissible to divide this by 365 days to arrive at 3,562 gpd (14.25 ERU's).

X. Additional Flow Demand

A facility may not exceed its allocation without additional water allocation. The Town may audit usage from time to time to ensure that demand is consistent with the allocation issued. A user whose demand exceeds the allocation will be notified of the excursion and directed to reduce the usage or request an expanded flow allocation (anomalous periods of flow not indicative of abuse will generally not be acted upon). Users who plan to expand their operation or change it in a manner that will increase their flow needs must request an additional allocation in the same manner as a new allocation request.

Allocations for a revision or change of use for an existing building may be reviewed for recent historic flow for the previous use. The historic flow shall be determined by examination of actual consumption reflected on water bills from the facility and other information available to the Town. Typically, the previous two year period will be examined to determine trends of the use; if it is deemed appropriate, historic flows will be utilized for flow projections for the expansion of an existing use.

XI. Unauthorized Expanded Use

In the event that additional business or residential units are created without prior authority to increase water allocation, upon notice from the Town, the user will be required to immediately (within 15 calendar days) request water allocation in accordance with Section VIII of this document. Associated fees will be due and payable with the allocation request, including applicable Major Facilities Fees, and applicable Connection Charges. In addition, back charges equal to the minimum water service charge times the number of quarters that the unauthorized units were in service (minimum of 4 quarters). In the event that water allocation is not granted for the subject property, the Major Facilities Fees will be refunded, less 10 percent to cover administrative expenses. Approval of water allocation shall not relieve the

customer from obtaining approvals from other agencies, including but not limited to either Cecil County Planning and Zoning or the Town of North East Planning office; Cecil County Department of Inspections and Permits, Fire Marshall, etc. A Water Service Agreement will be required for the project which will outline additional requirements for water service.

In the event the property owner fails to bring the property into compliance with this policy, the Town reserves the right to assign water allocation, and charge the applicable Major Facility fees, Connection fees. The Town reserves the right to collect unpaid fees by any means necessary, including via tax sale of the subject property.

XII. Authority to Allocate Water Capacity

The Mayor and Commissioners are authorized to allocate capacity for the Town maintained water facilities. No allocations are valid until a signed Water Service Agreement is executed.

XIII. Reservation of Allocations

Allocations cannot be reserved. Allocations are issued on a first come, first served basis.

XIV. Expiry

Upon approval of Water Allocation it is incumbent upon the property owner/applicant to complete a Water Service Agreement within 30 days. If the Water Service Agreement is not executed within 30 days, the commitment to provide municipal water will be considered null and void. The Water Service Agreement shall be the governing document regarding availability and/or expiration of Water Allocations.

If a Water Service Agreement has been executed by the Town and the Land Owner, and water service to the property has not been installed, the Water Service Agreement will expire twenty-four months from the date of issue unless stated otherwise in the Water Service Agreement. One twenty-four month extension is automatically provided unless stated differently in the Water Service Agreement. If the owner wishes to extend the Agreement beyond the aforementioned 4 years, a written renewal request must be made to the Town Administrator at least 90 days prior to the expiration date of the original agreement. If the Land Owner loses eligibility (e.g., the Concept Plat expires), or failure to comply with the terms of the Water Service Agreement, any issued Water Service Agreements for the project will expire and a new application must be submitted. Fees paid associated with expired allocations are non-refundable and cannot be transferred to another property or project. It should be noted that if a Water Service Agreement is executed, the Water Service Agreement shall be the governing document. Nothing in this document shall override the Water Service Agreement.

When allocation expires, any unused balance not in substantial use shall expire and can only be re-established with a new allocation request. Unused balances of water allocation may not be retained or transferred to another project. By way of examples:

- Residential subdivision lots established by recorded Final Plats shall be considered in substantial use, even if they remain unimproved at the time of expiry.
- A commercial or industrial facility with an allocation of 5,000 gpd that has been constructed and is operational at, for example, 4,200 gpd as an average shall continue to be entitled to operated up to an average of 5,000 gpd as long as the facility continuously operates.
- A commercial or industrial facility with an allocation of 5,000 gpd that has been constructed and has been operational for two years, for example 2,200 gpd as an average (perhaps the business enterprise didn't develop as was expected or as quickly as expected) will not be able to claim an historic use of 5,000 gpd in a change of use allocation. If such a facility substantially underutilizes its allocation over a period of two years, they may not sharply increase their flow without review by the Town.

XV. Charges/Rates

Rates charged by the Town for water use. Charges are computed quarterly and are established by the Town Commissioners. The current Water Service Charge/—adopted by the Mayor and Commissioners, by a Resolution, on an annual basis, pursuant to the Code of Ordinances of the town of North East, Section 7-505. Water Rates. A copy of the current Resolution is available from the Town of North East.

XVI. Common Misconceptions

Misconceptions, inappropriate assumptions, or poor information exchange can occur. Clearly, the intent of this document is to avoid these situations to the extent possible, as they help no one. Some common misconceptions, in no particular order, are discussed below:

- The Connection Fee I pay the town at the time of Building Permit covers the actual work to install the line from my house to the street. **Incorrect.** The Town does not physically connect your building nor does it pay the costs of you plumber out of the Connection Fee.
- If my property is within a mapped service area, I am guaranteed service for Water. **Incorrect.** The service area maps are but one of several criteria used by the Town to determine eligibility for an allocations. Distribution system capacity is a key factor.

Appendix A – Design Flow Estimates

Flow Projection Based Upon Gallons per Person per Day

<u>Type of Establishment</u>	<u>Gallons Per Person per Day (Unless Otherwise Noted)</u>
Airports (per passenger)	5
Auditorium or Assembly Hall (per seat)	3
Bathhouses and swimming pools	10
Camps:	
Campground with central comfort stations	35
With flush toilets, no showers	25
Day camps (no meals served)	15
Resort camps (night and day) with limited plumbing	50
Luxury camps	100
Country clubs (based on rated capacity)	50
Dwellings:	
Boarding houses (per room)	100
Multiple family dwellings (per apartment)	250*
Single family dwellings (per address)	250*
Factories (gallons per person, per shift, exclusive of industrial wastes)	35
Hospitals (per bed space)	350
Hotels (per room)	120
Institutions other than hospitals (per bed space)	125
Laundries, self-service (per washing machine)	550
Mobile home parks (per space)	220
Motels (per room)	100
Picnic parks (toilet wastes only) (per picnicker)	5
Picnic parks with bathhouses, showers, flush toilets	10
Restaurants, bars, lounges (per seat)	25
Schools:	
Boarding	100
Day, without gyms, cafeterias or showers	15
Day, with gyms, cafeterias and showers	25
Day, with cafeterias, but without gyms or showers	20
Service Stations (per vehicle served)	10
Swimming pools and bathhouses	10
Theaters:	
Indoor (per auditorium seat)	3
Drive-in (per car space)	5
Travel (transient or seasonal) Trailer Parks without individual water and sewer hook-ups (per space)	50
Travel (transient or seasonal) Trailer Parks with individual water and sewer hook-ups (per space)	110

***Note** – The Town of North East ERU is based on the most recent census data

**Guiding Factors For Flow Projection Related with Commercial Establishments,
 Public Service Building or Dwelling Units**

Type of Establishment

Office buildings	Gross Sq. Ft. x 0.09 = gpd
Medical Office Buildings	Gross Sq. Ft. x 0.62 = gpd
Warehouses	Gross Sq. Ft. x 0.03 = gpd
Retail Stores	Gross Sq. Ft. x 0.05 = gpd
Supermarkets (without food preparation)	Gross Sq. Ft. x 0.20 = gpd
Drug Stores	Gross Sq. Ft. x 0.13 = gpd
Beauty Salons	Gross Sq. Ft. x 0.35 = gpd
Barber Shops	Gross Sq. Ft. x 0.20 = gpd
Department Store with Lunch Counter	Gross Sq. Ft. x 0.08 = gpd
Department Store without Lunch Counter	Gross Sq. Ft. x 0.05 = gpd
Banks	Gross Sq. Ft. x 0.05 = gpd
Service Stations	Gross Sq. Ft. x 0.18 = gpd
Laundries & Cleaners	Gross Sq. Ft. x 0.31 = gpd
Laundromats	Gross Sq. Ft. x 3.68 = gpd
Car Wash Without Wastewater Recirculation Equipment	Gross Sq. Ft. x 4.90 = gpd
Dry Goods Stores	Gross Sq. Ft. x 0.05 = gpd
Shopping Centers	Gross Sq. Ft. x 0.18 = gpd

Flow Projection for Country Clubs and Public Parks

<u>Type of Fixture</u>	<u>Gallons Per Day Per Fixture</u>
Showers	500
Baths	300
Toilets	150
Urinals	100
Sinks	50



**TOWN OF NORTH EAST, MARYLAND
WATER ALLOCATION REQUEST FORM
Appendix B**

1. **Applicant** _____

2. **Current Property Owner** _____

3. **Property Address** _____

Tax Map(s) _____ **Parcel Number(s)** _____

4. **Proposed Residential** – Please indicate number of units

Single Family _____

Town Houses _____

Apartments _____

Estimated daily water requirement, based upon average of 250 gallons per day for each unit. _____

Please indicate how you propose to phase in the units, list construction schedule for all units per year until completion.

Single Family _____

Town Houses _____

Apartments _____

5. **Proposed Commercial** – (Please describe use) _____

Estimated daily water requirement. _____

Please indicate how you propose to phase in the units, list construction schedule for all units per year until completion _____

6. **Proposed Industrial** – (Please describe use) _____

Estimated daily water requirement. _____

Please indicate how you propose to phase in the units, list construction schedule for all units per year until completion _____

7. **Proposed Mixed Use** – (Please describe use, be specific, i.e. 2 Commercial with 4 Residential Units)

Estimated daily water requirement. _____

Please indicate how you propose to phase in the units, list construction schedule for all units per year until completion _____

8. **Provide status of project** – Please list what approvals/permits have been granted for your project and what approvals/permits are still needed.

Granted approvals/permits _____

Needed approvals/permits _____

Estimated start of construction _____

9. **Will a sprinkler system be installed with this project?** _____

Signature _____ Date _____

Mailing Address _____

Phone Number _____ Cellphone Number _____

Fax Number _____

E-mail _____

**Submit completed application to the North East Planning Office, 106 South Main Street, North East, MD 21901.
Incomplete applications shall not be processed.**

~OFFICIAL USE ONLY~

Maximum Daily Flow rate for commercial and industrial:

Will a pressure reducing valve required for this project?

Is the amount of water allocation requested, sufficient for the proposed use?

Mayor and Commissioners Meeting Date:

Mayor and Commissioners response:

Water Service Agreement sent to owner on:

Additional comments and/or conditions:

Water Service Agreement to be returned by _____ or request for municipal water will be considered null and void.



TOWN OF NORTH EAST, MARYLAND
PRELIMINARY WATER ALLOCATION REQUEST FORM
Appendix C

1. Applicant _____
2. Current Property Owner _____
3. Property Address _____
Tax Map(s) _____ Parcel Number(s) _____ Grid _____
4. Is property contiguous to Town's Corporate Boundary? _____
5. Is the property vacant? _____
6. If the property is not vacant indicate current use of the property? _____

7. Proposed Use of Property: Check all that apply.

Estimated Gallons per day

Residential	_____	_____
Commercial	_____	_____
Proposed Industrial	_____	_____
Proposed Mixed Use	_____	_____

Signature _____ Date _____

Mailing Address _____

Phone Number _____ Cell Phone Number- _____

Fax Number _____

E-mail _____

Submit completed application to the North East Planning Office, 106 South Main Street, North East, MD 21901.
Incomplete applications shall not be processed.

~OFFICIAL USE ONLY~

Subject property _____ is _____ is not within the Town of North East's water service area.

The Town of North East _____ intends _____ does not intend to serve this project with municipal water.

It shall be noted that the Town of North East can not guarantee future availability of water without the Owner first entering into a Water Service Agreement with the Town of North East.

Additional Comments:

Melissa B. Cook-MacKenzie
Town Administrator
Town of North East, Maryland

Date

CC: C. Smyser, Cecil County Health Department
A. DiGiacomo, Cecil County Office of Planning and Zoning