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**RESOLUTION ADOPTING AN
ADEQUATE PUBLIC FACILITIES ORDINANCE
FOR THE TOWN OF
KEEDYSVILLE, MARYLAND**

RECITAL

WHEREAS, the Mayor and Council of the Town of Keedysville, as the duly constituted legislative body of said municipality finds that it is in the best interest of the citizenry of said community, and surrounding environs, to reiterate the policies in reference to development and growth in the Town and in reference to development and growth in the surrounding environs.

It has consistently been the policy of the Town and the Planning Commission to consider all elements of its Comprehensive Plan, Subdivision Ordinance, Zoning Ordinance, the County Comprehensive Plan, and the Development Policies and availability of public facilities.


In order to participate in the benefits of the excise tax authority granted to the County Commissioners by the Legislature of the State of Maryland and the enactment of House Bill 1272 which becomes effective July 1, 2005, the Mayor and Council have determined that it is appropriate and in the best interest of the Town to enact this Adequate Public Facilities Ordinance in the spirit of cooperation and in order to qualify for benefiting under the provisions of the same.


NOW THEREFORE, BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Council of the Town of Keedysville, that Chapter 25 entitled "ADEQUATE PUBLIC FACILITIES ORDINANCE" is hereby enacted.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that said Ordinance shall be effective as of the date of this enactment and that same is hereby passed as an emergency ordinance.

WITNESS AND ATTEST

TOWN OF KEEDYSVILLE


Amy Simmons, Clerk


K. Lee Brandenburg, II, Mayor

Introduced: June 6, 2005

Passed: June 6, 2005

Effective: June 6, 2005

DN MAG2
Jun 14 2005 02:12 PM

MAIL TO: Ms. Amy Simmons, Town of Keedysville, P.O. Box 359, Keedysville, MD 21756

Liber 10 Folio 0710

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ADEQUATE PUBLIC

FACILITIES

ORDINANCE

OF THE

TOWN OF KEEDYSVILLE,

**WASHINGTON COUNTY,
MARYLAND**

EFFECTIVE: June 6, 2005

DN WAB2
Jun 14, 2005 02:12 PM

**ADEQUATE PUBLIC FACILITIES ORDINANCE
TOWN OF KEEDYSVILLE, MARYLAND**

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CHAPTER _____

ADEQUATE PUBLIC FACILITIES ORDINANCE**ARTICLE I – PURPOSE****1.1 SHORT TITLE**

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

1.2 PURPOSE

It is the purpose of the Mayor and Council of the Town of Keedysville, Maryland 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 Town 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**

For the purpose of the 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,” “occupied for.” The word “individual” shall mean natural person, joint venture, joint stock company, partnership, association, club, company, corporation, business trust, trustee of any kind, or the manager, lessee, agent, servant, officer of employee of any of them, or legal entity of whatsoever nature of kind. 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.

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.

2.3.2 **Board of County Commissioners** - The legislative body of Washington County, Maryland.

2.3.3 **Board of Education** - The elected members of the Washington County Board of Education.

2.3.4 **Comprehensive Plan** - The Comprehensive Plan of the Town.

2.3.5 **County** - Washington County, Maryland

2.3.6 **County Health Department** - The Washington County Health Department.

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

2.3.8 **Engineer** - The duly designated Engineer of the Town or, if designated by the Mayor and Council as Engineer, the County Engineer.

2.3.9 **Extraordinary Hardship** - Extraordinary hardship is a condition that exists when strict compliance with this Ordinance would result in an unusually and extraordinary 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** – 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.

2.3.13 **Mayor and Council** - The legislative body of the Town.

2.3.14 **New Development** – New development consists of new subdivision and site plans for new construction received for approval by the Planning Commission of the Town after the effective date of this Ordinance. New development also consists of construction activity requiring a building and/or zoning permit.

2.3.15 **Original Tract of Land** – A parcel of real estate unsubdivided as of the date of adoption of this Ordinance.

2.3.16 **Planning Commission** – The Planning Commission of the Town.

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

2.3.18 **Remaining Land** – the residual portion or tract of land which remains after lots or parcels have been subdivided from the original tract of land.

2.3.19 **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 residential nature for the individuals residing in said units.

2.3.20 **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.

2.3.21 **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.

2.3.22 **Sewer Board** - The Sewer Board, Commission, or committee of the Town responsible for managing the distribution system.

2.3.23 **Simplified Plat** – The term “simplified plat” as used in this Ordinance is a map, plan, chart or drawing indicating the proposed subdivision or resubdivision of land filed or intended to be filed with the Planning Commission, or as may be required or defined by the Subdivision Ordinance of the Town.

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2.3.24 Site Plan – A drawing that shows all 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 Subdivision Ordinance and/or Zoning Ordinance of the Town for all new development and certain additions and must contain all applicable information as specified in the Subdivision Ordinance and/or Zoning Ordinance and all applicable federal, state, county or municipal acts or ordinances.

2.3.25 Subdivision Ordinance – The Town Subdivision Ordinance of the Town as it exists and/or may be subsequently amended.

2.3.26 Town – The municipal corporation known as the Town of Keedysville, Maryland.

2.3.27 Washington County and Sewer Department – The sewer department of the County.

2.3.28 Water Board – The Water Board, Commission, or committee of the Town responsible for managing the water distribution system.

2.3.29 Zoning Ordinance – The Zoning Ordinance of the Town as it now exists and/or may be amended from time to time.

ARTICLE III – ADMINISTRATION

3.1 ADMINISTRATION OF ORDINANCE

This Ordinance shall be administered by the Planning Commission of the Town. 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.

The Planning Commission of the Town may not approve new development unless there exists adequate public facilities as required by this ordinance or the developer agrees to construct necessary improvements for the purpose of complying with this Ordinance and/or any agreement or applicable subdivision requirements. 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.

3.2 JURISDICTION

This Ordinance does not apply to land outside the municipal corporation.¹

3.3 NEW DEVELOPMENT

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 of Zoning Ordinance by the Town Planning Commission after the effective date of this Ordinance. 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. If the Planning Commission for the Town determines that a site plan contains minor additions to existing development, the site plan is not subject to the requirement of this Ordinance.

3.4 DISAPPROVAL

New development not meeting the requirements for adequate public facilities contained within this Ordinance shall not be approved by the Planning Commission except as hereinafter provided.

3.5 SIMPLIFIED PLATS EXEMPT

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

3.6 APPEALS

Any person or persons, jointly or severally, aggrieved by any decision of the Planning Commission, or any taxpayer of the Town, may appeal the decision to the Circuit Court for Washington County, Maryland. Said appeal shall be taken in accordance with provisions of the applicable Maryland Rules of Procedure.

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 nor 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 Mayor and Council may initiate any appropriate actions or proceedings to compel compliance with this Ordinance.

¹ The Adequate Public Facilities Ordinance of the County does not apply to land within the municipal corporation. See Section 3.2 of County APFO.

ARTICLE IV - ROADS

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

4.1 EXEMPTIONS

4.1.1 Generally speaking, there shall be no exemptions allowed. However, in the event that the Subdivision Ordinance or any other ordinance or regulation applicable to the development provides for an exemption, then and in said event, the Planning Commission may consider granting said exemption as long as it complies with the spirit and intent of the Comprehensive Plan and Town policies and procedures.

4.1.2 The Planning Commission may grant exemptions from the various terms and provisions of this Ordinance if it finds that extraordinary hardship may result from the strict compliance of the provisions of this Ordinance and strict application would unreasonably deprive the applicant of reasonable use of the property. **PROVIDED, HOWEVER,** that if the hardship is general, that is, shared generally by other lands or developments in the Town or the public in general, or if the hardship is self created, the Planning Commission does not have authority to grant exemptions.

The hardship must be unique to the property in question.

If an exemption is not allowed, then relief shall only be obtained by legislation action or judicial review.

The exemptions allowed herein may be granted only if not violative of the spirit and/or intent of the Comprehensive Plan, this Ordinance, or any other land use ordinance of the Town, and provided that the developer shall comply with all other applicable federal, state, county and municipal acts, statutes, ordinances and regulations applicable to the development.

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 Planning Commission, the Planning Commission may approve a subdivision so that substantial justice may be done and the public interest served.

4.2 NEW PUBLIC ROADS

New public roads to be built as part of the new development shall be constructed in accordance with the standards adopted by the Town and set forth in the Subdivision Regulations and/or other applicable acts, statutes and ordinances. In the event that the Subdivision Ordinance and/or other established policies of the Town do not prescribe with any degree of specificity the standards for construction of said roads, the standards

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adopted by 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 shall be applicable. The more stringent of the applicable standards referred to herein shall be utilized as a guideline.

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

4.2.2 The 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 specifications are applicable to the new development. Said studies shall be prepared at the expense of the developer.

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 and applicable provisions of the Subdivision Ordinance and any other ordinances or regulations of the Town as a condition precedent to approval of the proposed new development.

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 for the Town Engineer (or engineer designated by the Mayor and Council), 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.

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 Town Engineer (or engineer designated by the Mayor and Council), 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.

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:

- (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 schedule or approved and funded or being funded,
- (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 Town Engineer (or engineer designated by the Mayor and Council),
- (g) Any other information that may reasonably be required by the Town Engineer (or engineer designated by the Mayor and Council), 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 an existing road is determined to be below the minimum standards as set forth in section 4.3, the Planning Commission shall disapprove any proposed application for new development unless the developer improves same and brings up to standard at its expense in accordance with applicable engineering standards and in accordance with the applicable provisions of the Subdivision Ordinance of the Town, and in the spirit of the Comprehensive Plan requirements.

4.5 GENERAL ADEQUACY

It is the intention of this Ordinance that all subdivisions shall be developed in accordance with the land use ordinances of the Town, to wit: Comprehensive Plan, Subdivision Regulations, Zoning Ordinance, and any other applicable ordinances or statutes. Same shall also be constructed in accordance with all federal, state and county acts, ordinances or regulations.

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ARTICLE V - SCHOOLS

All residential new development shall be served by public schools which are currently adequate or programmed in the Washington County Capital Budget or Six-Year Capital Improvement Program to be adequate within six (6) years of final plat or site plan approval.

5.1 EXEMPTIONS

Article V of this Ordinance does not apply to:

(a) New development to be developed exclusively for non-residential uses; or

(b) New development to be developed according to federal regulations restricting occupancy in the dwelling units to elderly persons.

5.1.1 The Planning Commission may exempt a new development to be developed as a retirement community.

5.2 ADEQUACY DETERMINED

The Planning Commission shall determine whether public school facilities are "adequate" for the proposed new development after evaluating enrollment information provided by the Washington County Board of Education. The Planning Commission shall determine that a school is adequate if the school has the capacity to accommodate student enrollment without exceeding 105% of the Washington County Board of Education's capacity rating for each school.

5.3 RESIDENTIAL BUILDING PERMIT APPROVAL

5.3.1 Adequacy of schools shall be based on the most current monthly school capacity report submitted by the Board of Education to the Planning Commission.

5.3.2 The Mayor and Council shall have the authority to limit the number of building permits in the Town that impact upon any school district. The decision to limit building permits shall be based on the recommendation of the Planning Commission as to the adequacy of the school district, the geographical relationship of a school district to a designated urban growth area or town growth areas as indicated on the Comprehensive Plan of the Town and Washington County, Maryland, and enrollment capacity in immediately adjacent school districts, and based on information furnished to the Planning Commission by the Board of Education.

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ARTICLE VI – SEWAGE DISPOSAL SYSTEMS
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All new subdivisions shall be served by adequate sewage disposal systems. The Town is presently served by the Washington County Water and Sewer Department.

6.1 ADEQUACY DETERMINED

6.1.1 Private, individual, on-site septic disposal systems are prohibited by Ordinance in the Town of Keedysville, and are not allowed in developments pursuant to Town ordinances and Maryland law.

6.1.2 The adequacy of existing community or multi-use sewage disposal systems to accommodate the flow projected to be generated by the new development shall be determined by the Planning Commission after the recommendation and evaluation by the Mayor and Council, and/or a consultant designated by said body, and the Washington County Water and Sewer Department and any other governmental agency charged with the responsibility to construct, maintain, improve and permit hook-up to the disposal system. Adequacy shall be evaluated according to the adopted guidelines, standards, policies or procedures of the aforementioned agencies and any other applicable federal, state, county, or municipal acts, statutes, ordinances or regulations.

6.1.3 The adequacy of new 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 the recommendation and evaluation by the Washington County Water and 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 and sewer service area, and standard specifications for construction of sanitary sewers as amended. In accordance with the provisions of the Subdivision Ordinance, annexation policies, and Town policies, developers are obligated to construct all infrastructure in new developments.

6.1.4 In evaluating the adequacy of any sewage disposal 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 Planning Commission and 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.²

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.

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 probable of fruition, the development shall not be approved, except if the developer or individual applicant agrees to pay for the construction of all infrastructure necessary to render the system adequate in accordance with town policy or county policy as it now exists or may exist in the future.

ARTICLE VII – WATER SUPPLY AND DISTRIBUTION SYSTEMS

The Town owns and maintains a water distribution system. The Water Board for the Town is charged with the managerial duties pertaining to the system subject to the approval of the Mayor and Council.

The present policy of the Town is that all new developments, and all development in the Town shall be served by an adequate water supply and distribution system that provides sufficient water and service pressure for domestic consumption and fire protection. The Board of Water Commissioners' policies, standards and procedures govern as to the standards to be followed and adequacy determined.

7.1 ADEQUACY DETERMINED

7.1.1 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 Mayor and Council, Planning Commission, any Water Board for review. The engineer shall be

² The Washington County Water and Sewer Department.

provided by the developer. The evaluation of the Capital shall be paid for by the developer. Adequacy of the system shall then be determined by the Planning Commission upon consideration of the recommendations made by the Water Board of the Town or any other properly established agency with the responsibility to construct, improve or permit hook-up to the water supply system. Adequacy shall be determined according to the Water Board's adopted guidelines, standards, policies or procedures, and all other applicable federal, state or county acts, ordinances or regulations.

7.1.2 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 Water Board. Adequacy shall be determined according to the Maryland Department of Environment's adopted guidelines, standards, procedures and policies and the Water Board.

7.1.3 When evaluating the adequacy of any water supply and distribution system for domestic consumption and fire protection, 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.

7.1.4 When evaluating the adequacy of a water supply and distribution system the following matters shall be considered:

- (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;

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(i) The applicable guidelines concerning fire protection provision 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, unless the developer agrees to construct all necessary infrastructure and appurtenances at its expense to bring up to standards.

ARTICLE VIII – FIRE PROTECTION IN ADOPTED AREA 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 Plan of the Town 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

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8.1.2 A public water supply and distribution system is not available or schedule 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

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 Town Water Board, or any other properly established agencies or organizations charged with fire protection with the legal authority and responsibility to construct, maintain, improve or permit hook up to the water supply system. The standards and fire regulations adopted by the Maryland State Fire Marshall pursuant to the Annotated Code of Maryland shall also be considered in determining adequacy.

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 Marshall shall be used in the design, review, approval and installation of the interim fire protection system.

ARTICLE IX – EXCEPTIONS, AGENCY PARTICIPATION

9.1 Nothing under the terms of the Ordinance shall prohibit or prevent a governmental body from reaching an agreement with an individual or a developer concerning the construction of the necessary improvements for the purpose of ensuring that public facilities are adequate as required by this Ordinance.

9.2 With regard to any public facility required to be adequate under the terms of this Ordinance, 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 ensure the adequacy of facilities as required by this Ordinance.

Acts, Ordinances,
Resolutions-Towns
Clerk of the Circuit Court
Washington County

**ARTICLE X – STUDIES AND/OR EVALUATIONS FOR ADEQUACY
DETERMINATION**

In the event that the Planning Commission determines that it is advisable or necessary to have appropriate studies performed in relation to an evaluation of adequacy of any of the facilities referred to in this Ordinance, then they may require and make a condition precedent for approval that the developer prepare same and submit copies of said report(s) to the Planning Commission at the expense of the developer.

ARTICLE XI – ADMINISTRATION FEES

The Mayor and Council of the Town are authorized to establish reasonable fees for the review and administration of this Ordinance to be charged to developers. Said fees may be established by Resolution.

ARTICLE XII – 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 XIII – CONFLICT

In the event that this Ordinance conflicts with any other ordinance or regulation of the Town, then and in said event, the stricter provision of an applicable ordinance shall govern.

ARTICLE XIV – EFFECTIVE DATE

This Ordinance is effective as of June 6, 2005.

MAIL TO: Amy Simmons, Town Clerk
Town of Keedysville
P.O. Box 359
Keedysville, MD 21756