

**CITY OF WESTMINSTER**  
**WATER AND SEWER**  
**ALLOCATIONS POLICY 2018-2024**

(Amended 8/24/2020, Resolution No. 20-06)

**Purpose**

The Mayor and Common Council of Westminster and the State of Maryland are stewards of limited public resources. The safety and predictability of the water supply and wastewater disposal systems are of the utmost value to the entire community, both in the present and future. The City operates a public water utility and a public sewerage utility as part of its obligations to serve the community. These systems serve the public both inside the City limits and beyond its boundaries. The Maryland Department of the Environment (MDE) is the primary regulatory agency for the water and sewerage systems throughout Maryland. MDE acts to promote and ensure the public safety of these systems.

The purpose of water and wastewater allocations, specifically, is to account for anticipated-future, regular-daily consumption in conjunction with the permitted property uses of new projects, so that the regulatory capacities are not exceeded. Regulatory capacities are critically important, since they are designed by MDE to provide adequate safety and backup resources in times of emergency as well as for everyday use. The City's allocation policy is specifically designed to comply with the regulatory capacities of these public systems to ensure their safety and reliability.

**Approach**

This policy addresses current conditions and desired approaches for water allocations, sewer allocations, and the overall process in three sections. The first two sections highlight the unique aspects of each resource. The third section establishes a single approach and overall process for allocating those resources. The center of the process is the **Master Distribution Chart**, which is contained in Section III. The underlying basis for the chart's contents are described in Sections I and II.

**I. WATER ALLOCATIONS**

**A. Current Context and Overarching Goal**

The City is currently under a Consent Order with the Maryland Department of the Environment (MDE) regarding its water resources. The City may allocate new water for future uses only when permitted water is available. Allocatable capacity is determined by MDE. As a result, MDE maintains a running count of how much water remains to be allocated by the City. Subdivision approvals and building permits for projects that require new water cannot be granted without an allocation that is approved by both MDE and the City.

In order to promote stable growth in the City and to provide a highly predictable development environment, the City has chosen to create an allocation system which spreads the amount of water to be allocated evenly across a number of years. The goal of this allocation system is to support specific public projects, provide for projects that have been waiting for allocations, and maintain a public reserve to provide for contingencies as part of good management practice.

## **B. Water Supply Capacity Management Plan (WSCMP)**

In addition to the allocation system, the City monitors actual water being withdrawn from the public system. Water use is measured on a regular basis, and the data is evaluated by the City as part of the WSCMP update process. Capacity for uses actively withdrawing water within the current cycle of the WSCMP process has already been counted. If water is not counted as a current use, then a new water allocation is required. For projects with an entry on the MDE running count, a new water allocation is not required.

In the past, the Water Supply Capacity Management Plan (WSCMP) update reviewed current water use versus estimated construction over a set number of years. Updates performed prior to the most recent update in 2018 used estimates by City staff of anticipated, future construction. Since the most recent allocation policy in 2015 effectively capped what could be permitted, the WSCMP update in 2018 assumed a flat rate of maximum possible development and thus allocations. For future WSCMP updates, the **Master Distribution Chart** and this policy will set allocation limits.

## **C. Status of Former Applications for Allocations**

The City maintains various records related to water and sewer allocations. The history of the applications and related allocations is currently incomplete. With adoption of the allocation policy set forth in Resolution No. 15-02, a new record-keeping system was implemented. For those applications for allocations submitted prior to March 23, 2015, the record is partial. In some cases, there are no known copies of some of the early applications for allocations.

There is, however, a chart in the 2012 Wastewater Capacity Management Plan (2012 WWCMP), which itemizes all known applications for allocations at that time, based on whether or not the applications were considered to be approved by the City or pending (not approved by the City).

The City recognizes from the 2012 WWCMP chart that there were applications on file, which date from before March 23, 2015, which have been approved by the City but for which no permits may have been issued to date. Some of these City- approved applications for allocations are represented on the MDE running count (totaling 2,825 GPD), and some of these City-approved applications for allocations are not represented on the MDE running count (totaling 4,802 GPD). There are also a number of applications for allocations which appear to have never been approved by the City.

Per this policy, the City will honor City-approved applications for allocations, whether or not they appear on the MDE running count and whether or not a written application is on file with the City, as long as such City-approved applications for allocations are indicated as approved on the summary chart in Appendix D of the 2012 WWCMP. In order to honor these applications, a one- time category for such properties is provided on the **Master Distribution Chart**.

The City recognizes that there are also applications on file from before March 23, 2015 as to which no action has been taken by the property owners since then to bring the applications to approval. These applications are therefore deemed to have been abandoned. These applications represent a total of 123,353 GPD per the information in the 2012 WWCMP. Finally, as part of the 2018 WWCMP update, staff reviewed all of the projects in Appendix D to determine which projects were built. This inventory is staff's best estimate of what is complete.

Additionally, there are three known allocations prior to March 23, 2015 which do not appear in Appendix D. Two were acted upon, and one has expired. No other outstanding applications for water or sewer allocations are known. Any documentation submitted by a potential applicant or a property owner, which alleges the existence of other water and sewer applications and/or allocations, will be reviewed by staff and may be presented to Mayor and Common Council; however, no water and sewerage capacity is being set aside to address such contingencies.

Projects on properties with expired allocations may apply for new allocations under this policy. All requirements as set forth in this allocation policy will apply to such projects as new projects.

#### **D. Projects subject to Temporary Water Suspension**

On June 23, 2017, the City initiated a temporary water suspension via Resolution No. 11-2017, to pause the processing of applications which would require net new water allocations through March 23, 2018. As a result, there are a number of projects currently on hold at a variety of stages in the development process including plats, site plans, and building permits.

The City recognizes that projects with applications under review on June 23, 2017, and subject to the temporary water suspension are differently-situated than new projects submitted during or after the time that the temporary suspension was in effect. Therefore, a one-time category of allocations for projects on hold is provided on the **Master Distribution Chart**.

#### **E. Annexations**

Per the joint policy of the City and Carroll County, set forth in the *Carroll County Water and Sewer Master Plan*, property owners who desire to connect to the City's public water system must either be annexed into the City or be granted a Good Cause Waiver by the Mayor and Common Council to connect to the system and thus be eligible to apply for water allocations.

The City recognizes that those properties annexed into the City prior to the adoption of this policy and in the expectation of a water connection and water allocation are differently-situated than those that have not yet been annexed. Therefore, a one-time category of allocations for properties annexed prior to 2018 is provided on the **Master Distribution Chart**.

Additionally, properties that are to be annexed into the City in the future may also be considered to be in a different category. Therefore, a category for future annexations is provided on the **Master Distribution Chart**.

#### **F. Good Cause Waivers**

For properties located outside the City limits but inside the water service area that are not eligible for annexation under State law because they are not currently contiguous to and adjoining the City or because the annexation of those properties will create an enclave, the City developed a process via Resolution No. R02-06.

The City also requires an *Irrevocable Consent to Annexation* to be recorded in the land records for any property granted a Good Cause Waiver. When such properties become eligible for annexation under State law and the City desires them to be annexed, then such properties can be annexed by the City

at the City's discretion. The recorded consent runs with the land. Pursuant to the temporary water suspension mentioned above, all applications related to Good Cause Waivers were put on hold.

The circumstances relating to two properties already granted Good Cause Waivers in 2016 and a single property with a tentative water allocation subject to approval of a Good Cause Waiver, are different than other properties with pending applications for Good Cause Waivers. A one-time category for such properties is provided on the **Master Distribution Chart**.

Additionally, a permanent category for properties that are approved for Good Cause Waivers by the City in the future may also be considered in a different category. Therefore, a category for a limited number of future Good Cause Waivers is provided on the **Master Distribution Chart**.

#### **G. Existing Obligations and Agreements**

Over the years, the City has entered into various agreements with certain property owners in order to secure substantial, additional water capacity for all users of the public water system. As part of these negotiations, some water was reserved for specific properties and projects. Such allocations are provided for in various agreements that are independent of this allocation policy. Therefore, a category for such agreements is provided on the **Master Distribution Chart**.

#### **H. Public Projects and Not-for-Profit Projects**

The City recognizes there are projects that provide for the public good in specific and unique ways. These include projects undertaken by the City itself to spur economic growth, such as joint-ventures, as well as projects by not-for-profit organizations intended to serve the general public good, such as safe shelters and social services facilities. Therefore, a category for public projects and a category for not-for-profit projects are provided on the **Master Distribution Chart**.

#### **I. Water-only Emergency Reserve**

The City recognizes there are instances when Carroll County's Health Department issues a letter declaring certain situations to be emergencies. The existing development is then immediately connected to the public water system to protect the public health, safety, and general welfare. Therefore, a category for an emergency reserve is provided on the **Master Distribution Chart**, equivalent to the allocation sufficient for two residential dwelling units.

#### **J. Water-only General Reserve**

The City recognizes that unused allocations in any category and year can be used for other needs. Therefore, a General Reserve is provided on the **Master Distribution Chart**, which will be assigned unused allocations at the end of every year. Unused allocations from 2015, 2016, or 2017 will also revert to the General Reserve at the end of calendar year 2021. At the beginning of each calendar year, unused allocations in the General Reserve will be re-distributed across all categories and all remaining years based on the principles set forth in Section III, B(3).

## II. SEWER ALLOCATIONS

### A. Current Context

The City is currently under a Consent Order with the Maryland Department of the Environment (MDE) regarding its wastewater resources. This is related to a State requirement for Enhanced Nutrient Removal (ENR). Additionally, the City's wastewater treatment plant is operating above 80% of its capacity, which requires monitoring via a Wastewater Capacity Management Plan.

In order to promote stable growth in the City and to provide a highly predictable development environment, the City has chosen to create an allocation system which spreads the amount of remaining sewerage capacity evenly across a number of years in coordination with the system for water allocations. That being said, there are distinct service areas for water and sewerage.

Although most properties serviced by City utilities are located in both the water service area and the sewer service area, there are some properties located in the sewer service area only. These properties were placed in the sewer service area as part of negotiations for pipeline connections across wide areas of land. For projects in such areas, sewer-only allocations will be needed, as the City does not intend to extend the water service area to such properties in the future. These sewer-only properties are addressed by separate categories on the **Master Distribution Chart**.

### B. Wastewater Capacity Management Plan (WWCMP)

In addition to the allocation system, the City monitors actual wastewater being delivered to the public system and the flows out of the Wastewater Treatment Plant (WWTP). Wastewater flows are measured on a regular basis, and the data is evaluated by the City as part of the WWCMP update process. This process is different from the evaluation of the water system but related.

In the past, the Wastewater Capacity Management Plan (WWCMP) update reviewed current flows versus anticipated flows based on water allocations issued by the City (as opposed to an estimate of future, anticipated development). The most current WWCMP update in 2018 re-evaluated water allocations based on whether or not allocations appeared on the MDE running count. This information, along with the water update information, has been considered in the creation of the **Master Distribution Chart** to regulate all allocations from 2018 to 2024.

### C. Current Allocations by MDE

As part of the WWCMP, the City identified a significant number of projects for which water was allocated by MDE and which are considered permanent allocations. These projects will need to be served by the WWTP, accounting for a significant amount of existing WWTP capacity.

The City recognizes that existing water allocations for properties located in both the water and sewer service areas will be served by the WWTP. Therefore, a sewer-only category for allocated water projects on the MDE running count is provided on the **Master Distribution Chart**.

### D. Combined Water and Wastewater Allocations

The City recognizes that most applications for new allocations are submitted for both water and sewer service, since most properties requesting new service are in the combined service areas. Therefore, column for sewerage capacity is provided on the **Master Distribution Chart**, and capacity is deducted for projects in the water and sewer service areas when water is allocated.

#### **E. Sewer-only Annexations**

The City's sewer-only service area is larger than the combined water and sewer services areas. As a result, it is likely that there will be sewer-only developments that could be annexed into the City and granted allocations for sewerage independently of water. Therefore, a category for a limited number of sewer-only annexations is provided on the **Master Distribution Chart**.

#### **F. Sewer-only Good Cause Waivers**

For properties located outside the City limits but inside the sewer service area, which are not eligible for annexation under State law because they are not currently contiguous to and adjoining the City or because the annexation of those properties will create an enclave, the City developed a process via Resolution No. R02-06.

The City also requires an *Irrevocable Consent to Annexation* to be recorded in the land records for any property granted a Good Cause Waiver. When such properties become eligible for annexation under State law and the City desires them to be annexed, then such properties can be annexed by the City at the City's discretion. The recorded consent runs with the land.

In addition to the temporary water suspension, the City also paused the processing of sewer-only Good Cause Waivers. There is one pending application for a subdivision with approximately 23 home sites in the sewer-only service area. Therefore, a one-time allocation for this project is provided on the **Master Distribution Chart**.

A permanent category for properties that are approved for Good Cause Waivers in the sewer-only service area may also be considered in a different category. Therefore, a category for a limited number of future Good Cause Waivers is provided on the **Master Distribution Chart**.

#### **G. Sewer-only Emergency Reserve**

The City recognizes there are instances when Carroll County's Health Department issues a letter declaring certain situations to be emergencies. The existing development is then immediately connected to the public sewer system to protect the public health, safety, and general welfare. Therefore, a category for an emergency reserve is provided on the **Master Distribution Chart**, equivalent to the allocation sufficient for two residential dwelling units.

#### **H. Sewer-Only General Reserve**

The City recognizes that unused allocations in any category and year can be used for other needs. Therefore, a General Reserve is provided on the **Master Distribution Chart**, to which will be assigned unused allocations at the end of every year. Unused allocations from 2015, 2016, or 2017 will also revert to the General Reserve at the end of calendar year 2021. At the beginning of each calendar year, unused allocations in the General Reserve will be re-distributed across all categories and all remaining years based on the principles set forth in Section III, B(3).

### III. ALLOCATION PROCESS

#### A. Master Distribution Chart

The City hereby adopts the attached **Master Distribution Chart** for calendar years 2018 through 2024, establishing the categories and total amounts of available allocations for both water and wastewater systems. The chart is intended to implement the policies set forth in this policy document. The *initial maximums* on the chart may be updated from time to time by the Mayor and Common Council. The *allocated amounts* will be updated by staff every time a water and/or wastewater allocation is granted. The latest version will be available at the City's Administrative Offices.

#### B. Allocation Control

The City hereby establishes the following general principles. The City has applied these principles in the creation of the attached chart (please see attached **Master Distribution Chart**).

##### 1. Public Utility

The City serves as a public utility in the operation of the water supply and wastewater disposal systems. As a public utility, the City strives for fairness to all, including current and future recipients of public services and users of public resources. The creation and adoption of this allocation policy and **Master Distribution Chart** are a means to this end.

##### 2. Hydrologic Circumstances

The City currently operates its public utilities under the burden of systemic, long-term shortages related to both water supply and wastewater disposal. Therefore, the City developed this allocation policy and **Master Distribution Chart** in order to fairly and equitably ration these limited resources in the most responsible manner possible, while advancing the Mayor and Common Council's policy objectives for the economic growth of the community.

##### 3. Municipal Responsibility

As part of its obligation to protect the public health, safety and general welfare, the City must also provide for the public good by furthering economic development, supporting shelters and social services, and reserving capacity for future unanticipated needs due to emergencies and other contingencies. The following principles are hereby adopted:

- (a) Current Obligations – The Master Distribution Chart will include allocations for all known projects related to annexations, good cause waivers, existing agreements, public projects, not-for-profit projects, emergency reserves, and general reserves. Future Opportunities– The **Master Distribution Chart** may include allocations for targeted annexations by the City related to its long-term goals in the Strategic Plan, future annexations by adjacent property owners, and pending good cause waivers.
- (b) Annual Increments – The **Master Distribution Chart** will evenly divide the remaining allocatable water and sewer capacity over the remaining calendar years of 2018-2024.
- (c) Historical Continuity – The **Master Distribution Chart** will include three previous years of allocations in order to illustrate the balance of uses across multiple years.

- (d) Share by Use – The **Master Distribution Chart** will apportion approximately 70% of allocatable water for projects that include primarily commercial or industrial uses. New commercial and industrial development and redevelopment, including changes of use and commercial special exception uses, would be allocated from this category.
- (e) Commercial Share – The **Master Distribution Chart** will apportion more allocatable water to projects inside the City than outside, and the **Master Distribution Chart** will apportion approximately 1/8 of commercial allocatable water to food and beverage-related uses.
- (f) Share by Location – The **Master Distribution Chart** will apportion approximately 30% of allocatable water for projects that include primarily residential uses. The chart will apportion approximately 90% of residential allocations for multi-family residential projects inside the City limits and 10% for single-family projects outside the City’s boundaries. In addition to the above, water sufficient to allow one, new single-family residence per year within the City limits will also be provided as part of this location share.
- (g) Reversion and Re-assignment – The **Master Distribution Chart** will apportion unused allocations at the start of each calendar year based on the principles set forth herein.
- (h) Closeout – The **Master Distribution Chart** is intended to provide for allocations during calendar years 2018 through 2024. The final year on the chart will be 2024, unless revised by the Mayor and Common Council by amendment to this allocation policy.

### C. Allocation Process

In accordance with the requirements of the City Code and State Law, the City establishes the following process for the timely review of water and/or wastewater allocations. Applicants are required to comply with all other applicable laws, codes, regulations, processes, and procedures.

The City’s process is a *first-come, first-served* process that uses specific categories of allocations to meet municipal objectives for the public good and for health, safety, and general welfare. The process is designed to prevent allocation-banking by applicants and to direct available resources to current projects. This process uses the **Master Distribution Chart** to achieve these objectives.

There are a variety of categories for which applicants may apply. Some categories only allow for allocations in specific years. There are also cumulative categories, where available water under a specific category is combined over a number of years. For example, in the multi-family residential category, allocations are only available every third year, but they comprise three years of water resources.

The process is designed to operate in calendar-year increments. Although applications may be submitted at any time, the process is re-started on January 1st of each year for most of the categories. Applications may be submitted in advance of the next calendar year for categories with available allocatable capacity as indicated on the **Master Distribution Chart**.

#### 1. Application by Property Owner

- (a) Property owners seeking to obtain a water and/or sewer service allocation under this policy will file an application with the City’s Department of Community Planning and Development on a form provided by the Director of Community Planning and Development (the Director) and will pay any applicable fees in conformance with the most current fee schedule.

- (b) The application will be accompanied by all supporting documents, information, and other relevant details establishing the project's eligibility for allocation. The Director may also request that the applicant provide whatever information is necessary to make a final determination, which will be provided at the expense of the applicant.
- (c) Applications must include an original and notarized signature by the property owner(s) or a letter acceptable to the City confirming property-owner consent.
- (d) Applications may be filed by property owners at any time; however, applications will only be processed by the City pursuant to this policy, City Code, and applicable law.
- (e) Applications that are deemed incomplete, or for which insufficient allocatable water is available, will be returned to applicants prior to the close of each calendar year.
- (f) Applications for which staff time has been expended will not be eligible for a refund of any application review fees. Applications for which no staff time is expended may be eligible for a refund, pursuant to review by the Director and the City's Director of Finance and Administrative Services.
- (g) For applications related to emergencies, as evidenced by a letter from the Carroll County Health Department, the Director will waive the application review fee. All other fees, benefit assessments, bonding, and any other expenses will still apply.

## 2. Review and Tentative Allocation

- (a) The Director will review all submittals towards an application for completeness to determine if other information is needed. When an application is determined to be complete as a submission, a year-based file number will be assigned by the Director.
- (b) Applications with a file number will be reviewed in the order received, based on the date when the application was determined as complete and a file number assigned.
- (c) Applications must be for actual projects, e.g., as signified by a submitted plan or completed building permit application and the payment of fees related to reviews.
- (d) The Director will compare the type of request with the allocations available on the **Master Distribution Chart** under the corresponding category within the chart. The Director will use professional judgement in determining eligibility for categories on the **Master Distribution Chart**. Applicants may apply for any category; however, only the Director will determine which category is correct for an evaluation.
- (e) Applications will be evaluated by the Director for their consistency with the goals and objectives of the City's adopted Comprehensive Plan in determining their suitability.
- (f) Applications for projects that do not meet the objectives of this allocation policy or the goals and objectives of the City's adopted Comprehensive Plan will be declined.
- (g) For applications that are not declined, the Director will review available capacity.
- (h) If there is available capacity in the corresponding category, then the Director may approve the application noting a tentative allocation and deduct the corresponding allocatable amount from the appropriate category on the **Master Distribution Chart** in the current year.
- (i) Tentative allocations serve to hold capacity while the appropriate process for an approval is in progress (for example, review of a proposed plat by the Planning and Zoning Commission, review of a County building permit application by staff, etc.)
- (j) For multiple-year categories, allocations may only be tentatively granted in the year which they become available. Applicants may only apply in a year with capacity or the preceding year.
- (k) For applications where insufficient capacity is available, the Director will inform the applicants that no capacity is available and close the file for the applications.

- (l) Following file closure, applications may be immediately applied for the next calendar year. For multiple-year categories, applications may only be accepted in those years with an *annual maximum* amount indicated on the **Master Distribution Chart** or the preceding year. For only the annual, single-unit-residential allocations for one single-family residential unit inside the City, applications may be made at any time and are rolled forward each time a final allocation is secured within the current calendar year. This allows for a policy-long queue to form in this one category only. When the queue for these applications exceeds the policy timeframe, the Director will alert the Mayor and Common Council.
- (m) Tentative allocations are only recognized until the end of the year immediately following the year in which the Director noted them in (g) above. Tentative allocations without a resolution within this timeframe, which were granted in the previous calendar year, revert to the General Reserve(s).
- (n) Depending on the time of tentative allocation notation by the Director, tentative allocations are recognized for between 12 and 24 months, which is sufficient for City approval processes. For Good Cause Waiver applications that span two years for two residential units, the first recognized unit will be recognized an additional 12 months.
- (o) Although extensions will not be considered, tentative allocations for applications that are scheduled for a review by a City board, for which board approval is required, remain recognized until the board concludes its deliberations and renders its decision.

### 3. Timing of Approval

#### (a) Annexations

For allocations related to any annexation after 2017, the Director may approve an allocation in conjunction with passage and approval of a City Resolution for an annexation by the Mayor and Common Council.

Annexations are effective 45 days after adoption of a resolution. Upon passage and approval, the Director will record the allocation on the **Master Distribution Chart**.

#### (b) Good Cause Waivers

The Director may approve an allocation upon approval by the Mayor and Common Council of the Good Cause Waiver application, if the application was determined complete. In the case of emergency connections, pursuant to Section III.C.3.(h), Emergencies, the Director may approve an allocation, subject to water or sewer availability.

Good Cause Waivers, including the required Irrevocable Consent for Annexation, are completed by signature of the Mayor. Upon signature, the Director will record the allocation on the **Master Distribution Chart**.

#### (c) Subdivisions

For allocations related to any plat, allocations are assigned via the recordation of the plat. The specific allocations will be noted on the plat under General Notes.

Subdivisions within the City are complete following approval by the Planning and Zoning Commission. Upon approval by the Planning and Zoning Commission, the Director will

record the allocation on the **Master Distribution Chart**.

(d) Site Plans

For allocations related to any site plan, the necessary allocations will be noted on the site plan; however, allocations are only granted at the building permit stage.

Site plans for property within the City are complete following the approval of the Planning and Zoning Commission. Upon such approval, tentative allocations are recognized for an additional six months to allow for the building permit review process.

(e) Temporary location use of assigned water and/or sewer allocation.

Water and/or sewer runs with each particular property by way of the unique tax account identification number as assigned by the Maryland State Department of Assessments and Taxation. This number is indicated in the Master Distribution Chart of this policy to keep track of each unique property for which such water and/or sewer allocation has been assigned. Property owners that already possess an assigned, tentative water and/or sewer allocation for their property, as recorded in the Master Distribution Chart, may utilize this allocation at a temporary location, subject to the following conditions:

- (i) A site development plan is currently in the development/permit review process or the project is under construction on the property that received the tentative water and/or sewer allocation.
- (ii) Such site development plan has received a Carroll County file number.
- (iii) The property has been assigned a tentative water and/or sewer allocation that has been recorded on the Master Distribution Chart.
- (iv) The temporary location must cease operation before the project constructed on the property with the assigned, tentative water and/or sewer allocation can receive its use and occupancy permit approval.

The Director will record the temporary location allocation on the **Master Distribution Chart**.

(f) Building Permits

For allocations related to a building permit, the Director may approve allocations in conjunction with zoning approval of the County's application for a building permit.

The Director will record the allocation on the **Master Distribution Chart**.

(g) Changes of use

For allocations related to changes of use that do not require a building permit, the Director may approve an allocation in conjunction with approval of the zoning.

In such cases, the Director will provide a copy of the approved application form via email to the property owner(s), the MDE representative at the Carroll County Health Department, and the record file.

The Director will record the allocation on the **Master Distribution Chart**.

(h) Emergencies

The Director may approve an allocation upon receipt of a letter from the Carroll County Health Department declaring the situation to be an emergency. The Director will expedite review of the application.

The Director will provide a copy of the approved application form via email to the property owner(s), the MDE representative at the Carroll County Health Department, and the record file. In the case of Good Cause Waiver approvals for emergency connections, the Director will also inform the Mayor and Common Council of such approval at the subsequent regularly scheduled Mayor and Common Council meeting.

The Director will record the allocation on the **Master Distribution Chart**.

4. Benefit Assessments

The City maintains an expansive network of mains, distribution lines, treatment plants, water tanks, a reservoir and other storage facilities in conjunction with the water and wastewater utilities that the City operates. When new connections are made to these systems, property owners are required to contribute their fair share of the costs to build, maintain, and operate these major components and support system facilities.

To provide for the contribution of a fair share of these long-term costs and the significant investments already made, the City requires the payment of a benefit assessment fee. The processes and procedures are set forth in Chapters 124 and 160 of the City Code.

5. Lapse and Reversion

In the event that an application is approved for a project that is subject to the sunset provisions contained in Sections 164-188. O. 164-199. B., or 164-211. H. of the City Code, or any other such provision in the Carroll County Code or any other applicable law, and the subject plat, site plan, building permit, or any other development approval lapses, then, pursuant to those sections or applicable law, the water and/or wastewater allocation approval also lapses, and any related water and/or wastewater capacity will immediately revert to the General Reserve(s) in the **Master Distribution Chart**.

**D. Attachment**

The *initial maximums* indicated in the attached **Master Distribution Chart** are hereby adopted as part of this policy. The *allocated amounts* will be updated by staff every time a water and/or wastewater allocation is granted. At the beginning of each calendar year, allocatable capacity will be adjusted per the reversion and re-assignment process under Section III A. 3 (h) of this policy.

The attached **Master Distribution Chart** may be also modified to include additional information, allow for alternate format and layouts, and any other changes except for the amounts for the *initial maximums*. *Initial maximums* can only be revised by an amendment to this policy adopted by Resolution of the Mayor and Common Council.

**E. Annual Update**

This allocation policy may be amended by Resolution of the Mayor and Common Council. Each calendar year, prior to the adoption of the City's annual budget, the Mayor and Common Council may review and amend the allocations set forth in the Master Distribution Chart. Allocatable water that has been added to the system as a result of new water sources, conservation measures, and/or changes in permits issued by MDE may be credited to the chart. For new projects that are identified for categories with no water allocations, such categories may be revised, additional years may be added or subtracted, and allocations may be re-calibrated to reflect changes in policy or conditions. Typographical errors, grammatical errors, and any other inadvertent errors in the text or format of this document, which are not substantive in nature, may be corrected without further review by Mayor and Common Council, as may be approved by the City Attorney.