



The City of Frederick
Water and Sewer Allocation
and
Impact Fee
Administrative Regulations

Adopted September 19, 2012

Revised February 4, 2019

City of Frederick Water & Sewer Service
Committee

FREDERICK, MARYLAND, USA

www.cityoffrederick.com

.01 GENERAL

- A. Authority.** The Water and Sewer Service Committee of The City of Frederick adopts these regulations pursuant to the authority of Chapter 25, Article IX of the Frederick City Code, 1966 (as amended), commonly known as the Water and Sewer Allocation and Impact Fees Ordinance (hereinafter the "Ordinance").
- B. Purpose.** The purpose of these regulations is to provide for the effective implementation and administration of the Ordinance.
- C. Time.** In computing any period of time prescribed by the Ordinance or these regulations, the day of the act, event, or default after which the designated period of time begins to run is not included but intermediate Saturdays, Sundays, and City holidays are counted. The last day of the period so computed is included unless it is a Saturday, Sunday, or City holiday, in which event the period runs until the end of the next day that is not a Saturday, Sunday, or City holiday. In any case in which a date certain is given as a deadline, if such date certain is a Saturday, Sunday, or City holiday, the actual deadline will be deemed to be the next day that is not a Saturday, Sunday or City holiday.
- D. Application for Action by Committee.** Any person wishing to appeal a decision to the Committee or have any matter of business placed on a Committee meeting agenda shall do so in accordance with any Committee rules of procedure in effect at the time of application and in accordance with the procedures and submission requirements established by the Engineering Department.
- E. Notice.** Any notice issued pursuant to these regulations is deemed to be properly served if a copy thereof is delivered personally to the person to be served or the person's authorized agent, or is sent by first class mail to the person's last known mailing address. The last known mailing address is that given on the building permit/allocation application, or as updated by the property owner. Notice is deemed received when it is personally delivered or on the third business day after it is mailed.

.02 DEFINITIONS

As used in these regulations, the following words have the meanings indicated:

"CO" means a certificate of occupancy.

"DED" means the City's Department of Economic Development.

- * "Multi-family Age Restricted" means any development project or redevelopment project involving the creation or alteration of apartment-style dwelling units which are intended to house, by deed restriction or other legal covenant, elderly occupants. The definition of elderly occupation is that the head-of-household, or primary tenant, is 62 years of age or older.

.03. CAPACITY AND TRACKING
(Reference Ordinance § 25-84.)

A. Determination of Available Capacity.

1. **Water.** Available water capacity will be determined by subtracting the current 24-month average water daily production rate and all allocated water (for projects that have not received certificates of occupancy) from the safe yield value (divided by the current peaking factor = 1.6) of all sources available to the City. This figure will be divided according to the category percentages as determined below for each sewer basin.
2. **Sewer.** Available sewer capacity will be determined by subtracting the current 24-month average daily sewer treatment rate and all allocated sewer (for projects that have not received certificates of occupancy) from the allowable treatment/transport system capacity for each of the following three basins individually:
 - a. **City Basin 1:** All sewage collected and treated at the City's Gas House Pike Wastewater Treatment Plant (GHP WWTP) and limited by the capacity thereof and that of the collection interceptors.
 - b. **County Basin 2:** All sewage collected, transferred to, and treated at the County's Ballenger/McKinney Wastewater Treatment Plant and limited to the capacity thereof and the collection interceptor. This flow is measured at the Parshall Flume (less contributions from Non-City County customers) and pumped from the City's equalization basin to the County through the Monocacy Interceptor.
 - c. **County Basin 3:** Sewage from properties within the City boundary which are located south of the intersection of Route 340/15 and Route 40/270 including Centergate and Ballenger Creek Center developments. These properties are allocated and served by sewer directly by Frederick County and are not limited by sewer capacity provided by City facilities.

B. Limiting Capacity. The amount of water and sewer capacity available for allocation within each basin above shall be the lesser of the water or the sewer capacity available within the basin as determined above. No more capacity of either system shall be allocated than the amount which is determined to be the lesser, or limiting, amount within each basin, unless other arrangements have been made between the City and County for providing additional capacity within the limited basin.

C. Tracking. The City Engineer will track the allocation of water and sewer capacity and will make allocation information available to the public periodically. The amount of capacity available from the limiting system will be published on the City web page and updated quarterly. To the extent practicable, each development project which has been granted an allocation will be transferred from the allocation listing to the existing average daily rate to determine available capacity.

.04. REDISTRIBUTION.

(Reference Ordinance § 25-85(b).)

The Committee may choose to redistribute capacity in accordance with the Ordinance.

.05 ELIGIBILITY

(Reference Ordinance § 25-86(d) (1))

- A. **Business Retention Projects.** To be eligible to receive an allocation from the business retention, institutional and infill category, a business retention project must be certified by the DED and receive a score of at least 15 based on the following scoring system:
- B. **Infill Projects.** To be eligible to receive an allocation from the business retention, institutional and infill category, an infill project must meet the following additional criteria:
 - 1. The project is proposed to be built on an existing lot of record or site plan with all conditions met;
 - 2. The lot is located within the downtown zoning districts, or the lot was platted at least 15 years ago and 60% of the surrounding structures are at least ten years old;
 - 3. The lot is served by utilities including water, sewer and electricity; and
 - 4. Except for properties in the downtown zoning districts, no further subdivision to create lots is associated with the development project.

.06 ALLOCATION AMOUNT

(Reference Ordinance § 25-88. Allocation Amount)

- A. **Residential projects.** The amount of capacity allocated to a residential development project is based on the number of equivalent dwelling units comprising the project, as further described below:

Dwelling Type	Average Daily Use	Maximum Daily Use	Equivalent Dwelling Units (EDU)
Single Family	250	400	1.0
Townhouse	225	360	0.9
Multi-family/Condo	175	280	0.7
*Multi-family Age Restricted	75	120	0.3

B. Non-residential projects - flow factor matrix.

An amount of capacity based on flow factors must be calculated in accordance with the following chart:

Flow Capacity Matrix

TYPE OF DEVELOPMENT	Flow Factor Unit of Measure		Flow Factor		Calculated Flow, gpd
Restaurant > 100 seats	# of Seats	X	18.0	=	
Restaurant < 100 seats	# of Seats	X	13.0	=	
Fast Food/Carryout	Gross Sq. Ft.	X	0.37	=	
General Office Building	Gross Sq. Ft.	X	0.03	=	
Medical Office Building	Gross Sq. Ft.	X	0.07	=	
Laboratory / Office Building	Gross Sq. Ft.	X	0.25	=	
Beauty Salon	Gross Sq. Ft.	X	0.3	=	
Barber Shop	Gross Sq. Ft.	X	0.2	=	
Laundromat	# of Machines	X	180	=	
Hotels/Motel	# of Units	X	100	=	
Garage/Gas Station	Gross Sq. Ft.	X	0.04	=	
Auto Sales/Storage	Gross Sq. Ft.	X	0.03	=	
Warehouse	Gross Sq. Ft.	X	0.005	=	
Bank	Gross Sq. Ft.	X	0.012	=	
Retail Store, stand-alone	Gross Sq. Ft.	X	0.04	=	
Shopping Center	Gross Sq. Ft.	X	0.075	=	
Strip Mall	Gross Sq. Ft.	X	0.085	=	
Supermarket	Gross Sq. Ft.	X	0.1	=	
Day Care Facility	# of Students	X	9.0	=	
Elementary School	# of Students	X	6.0	=	
Middle School	# of Students	X	5.0	=	
High School	# of Students	X	5.0	=	
Church	# of Sanctuary Seats	X	3.0	=	
Club, Social	Gross Sq. Ft.	X	0.02	=	
Domiciliary Care	# of Beds	X	200	=	
Hospital	# of Beds	X	300	=	
Single Family Dwelling (SF)	1 SF	X	250	=	
Town House Dwelling (TH)	1 TH	X	225	=	
Multi Family Dwelling (MF) Apt./Condo	1 MF	X	175	=	
*Multi Family Age Restricted (MFAR)	1 MFAR	X	75	=	

The following conditions will require submittal of proposed water/sewer usage based on an engineering analysis (M.3 below):

- a.) Any use not listed on the above flow matrix and supported with comparable documentation;
- b.) The use of water-intensive equipment, such as cooling towers, irrigation systems, etc.
- c.) Where required as supporting documentation per the City Engineer.

An applicant for non-residential allocation may request that the proposed consumption amount be based on flow factors other than those set forth above. The applicant has the burden of showing why an alternative flow factor should be used and the proposed alternate consumption is applicable. Alternate consumption amounts proposed for any uses not listed above will be reviewed and approved by the Engineering Department. The applicant may appeal the decision of disapproval of the Engineering Department to the Committee through the appeal process as outlined in the Ordinance.

.07 REVOCATION

(Reference Ordinance § 25-94.)

A. **Process.** Allocations may be revoked pursuant to the Ordinance, in accordance with the following process:

1. The City Engineer will notify the property owner that the allocation is to be revoked and will provide the grounds for the revocation.
2. Not more than fifteen days after the mailing of the notice, the property owner may contact the Engineering Department to request a hearing before the Committee. The Engineering Department will schedule the hearing for the next Committee meeting for which the agenda has not yet been published, and will notify the property owner of the date and time of the hearing.
3. If the property owner fails to contact the Engineering Department within the time specified in paragraph (2) of this subsection, the allocation will be revoked. The Engineering Department will notify the property owner that the allocation has been revoked.
4. If the Committee holds a hearing pursuant to paragraph (2) of this subsection, the Committee may hear and consider whatever testimony and other evidence it deems appropriate. The property owner and any agent thereof will have the opportunity to appear and be heard at such hearing.
5. Not later than ten days after a hearing held in accordance with this subsection, the Committee will issue a written decision stating whether the allocation will be revoked and the reasons for the decision. A copy of the decision will be provided to the property owner.

B. **Fees.** Administrative fees associated with an allocation that is revoked will not be refunded.