

**ORDINANCE NO. 267
OF THE
CITY OF FRUITLAND**

**AN ORDINANCE OF THE CITY OF FRUITLAND, MARYLAND
DISCONTINUING THE COLLECTION OF IMPACT FEES BY THE
IMPOSITION OF A MORATORIUM ON THE ENFORCEMENT OF
CERTAIN PROVISIONS OF CHAPTER 54 OF THE CITY CODE OF
ORDINANCES.**

WHEREAS, the City Council of the City of Fruitland has heretofore passed Ordinance No. 197, effective October 8, 2001, which established an impact fee for municipal water service and an impact fee for municipal sewer service, and further established a framework for the implementation, collection, and administration of the impact fees; and

WHEREAS, the City Council did amend Ordinance No. 197 by the passage of Ordinance No. 203 dealing with the timing and collection of the aforesaid impact fees, effective September 10, 2002; and

WHEREAS, the City Council determined that there was a need to set forth an official interpretation of Ordinance No. 203 as to the timing of the collection of fees as a three-step process, and did so by the adoption of such interpretation on April 7, 2004; and

WHEREAS, the City Council is aware that the rate of construction of commercial, industrial, and residential structures within the City has slowed dramatically in the last few years; and

WHEREAS, the City Council is informed that the wastewater treatment plant and the water treatment plant would each operate more efficiently and at a lower cost per unit were they to operate nearer their capacity; and

WHEREAS, the City Council is desirous of increasing the use of each plant so as to bring that use nearer to the capacity of both the wastewater treatment plant and the water treatment plant so as to render more efficient use at a lower cost per unit for the citizens and residents of

the City; and

WHEREAS, the City Council is aware that there are a number of vacant "infill" lots located within the City in existing neighborhoods and subdivisions, and further that there are a number of subdivisions for which an allocation of capacity or assignment of equivalent dwelling units of water and sewer capacity have been made, but which are not built out and for which few, if any, building permits have been requested; and

WHEREAS, the City Council is aware that planning for growth is enhanced by the build out of infill lots and the completion of previously approved subdivisions; and

WHEREAS, the City Council, upon discussion and consideration, is of the corporate opinion that construction of commercial, industrial, and residential structures within the City is likely to create more jobs for City citizens and residents, increase the tax base of the City thereby potentially lowering the tax burden on existing citizens and residents of the City, and increase the use of the wastewater treatment plant and the water treatment plant, thereby rendering each more efficient; and

WHEREAS, the City Council is of the corporate opinion that were the City to absorb in its General Fund the financial impact upon the City's water and sewer services of development, in the short term, that the overall long term benefit to the City in the current economic climate and with the considerations set out above would benefit the citizens and residents of the City over and above the benefit which would be lost by the collection of impact fees.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE CITY COUNCIL OF THE CITY OF FRUITLAND, MARYLAND, as follows:

- I. The City hereby imposes a moratorium on the enforcement of the provisions of Chapter 54: Impact Fees of the Fruitland Code of Ordinances, to wit:

A. The provisions of Chapter 54: Impact Fees, including the imposition and collection of an impact fee for municipal water service and the imposition and collection of an impact fee for municipal sanitary sewer service, shall not apply to any commercial, industrial, or residential structure for which an occupancy permit or equivalent authorization is issued by the City of Fruitland on or before June 30, 2016.

B. The provisions of this moratorium shall become effective with the passage of this Ordinance.

C. No provision of this Ordinance shall entitle the owner of a lot to a refund in any amount for an impact fee which has been paid prior to the effective date hereof.

D. The owner of any lot upon which a portion of an impact fee has been collected pursuant to Chapter 54, but for which a portion has not been collected, shall not be required to pay the balance of the impact fee, PROVIDED THAT the requirements of paragraph I.A. above are met.

II. Any owner of a lot or parcel of land who by reason of a Public Works Agreement, contract, Memorandum of Understanding, or Annexation Agreement has heretofore made payment of impact fees or committed to pay certain impact fees transfers land, gives easements or rights-of-way, or otherwise provides value to the City in lieu of impact fees shall be bound by the terms of such agreement, notwithstanding the provisions of this Ordinance nor that the timeframe set forth in such agreement may have expired.

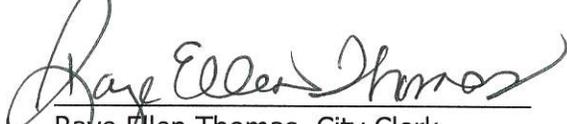
III. The City has hereby imposed a moratorium on the imposition and collection of impact fees for municipal water and municipal sanitary sewer service for purposes not related to the financial impact that development has on its public utilities, and therefore acknowledges that as of the passage of this Ordinance the actual financial impact on the City of supplying the aforesaid services for development is at least the same as that set forth in

the most recent City budget by which the impact fee for water and sanitary sewer service were set.

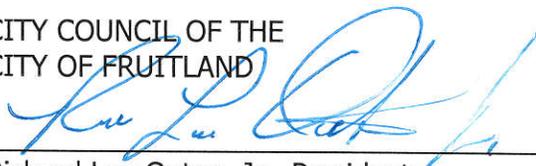
- IV. Nothing contained herein shall prevent this Council or a future Council from repealing, amending, or otherwise altering the moratorium imposed hereby.

The above Ordinance was introduced and first read to the Fruitland City Council at its regularly scheduled meeting held on the 11th day of February, 2014 and passed at a regularly scheduled meeting of the Fruitland City Council held on the 11th day of March, 2014, having been published and a public hearing having been held as required by law in the meantime.

ATTEST:


Raye Ellen Thomas, City Clerk

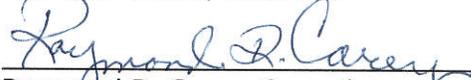
CITY COUNCIL OF THE
CITY OF FRUITLAND


Richard Lee Outen, Jr., President


Darlene Kerr, Treasurer


Gloria J. Ortiz, Councilor


Edwin A. Cowell, Councilor


Raymond D. Carey, Councilor

Effective Date: March 12, 2014