

ORDINANCE 18-03

AN ORDINANCE OF THE TOWN OF GOLDSBORO ADOPTING A TEMPORARY MORATORIUM FOR A PERIOD OF TWELVE MONTHS ON THE CONSIDERATION OR APPROVAL OF ANY APPLICATIONS FOR ALLOCATION OF WASTEWATER FOR NEW CONSTRUCTION ACTIVITIES

WHEREAS, the Town of Goldsboro is authorized by Md. Code Ann. Local Government Article § 5-202 to enact such ordinances as it deems necessary in order to assure the good government of the municipality, and to protect the health, comfort and convenience of the citizens of the municipality; and

WHEREAS, the Town of Greensboro (“Greensboro”) and the Town of Goldsboro (“Goldsboro”) entered into an Intergovernmental Agreement for Wastewater Services, dated April 18, 2013 (the “Intergovernmental Agreement”), whereby Greensboro agreed to extend its wastewater treatment system and to provide wastewater collection, conveyance and treatment services to properties located within the incorporated limits of Goldsboro; and

WHEREAS, construction of the wastewater treatment system will be commencing in March 2018 and is expected to continue for approximately one year; and

WHEREAS, as part of the extension of the Greensboro Wastewater Disposal System, properties with septic systems will be connected to the Greensboro Wastewater Disposal System and their septic systems will be decommissioned and discontinued;

WHEREAS, pursuant to the Intergovernmental Agreement, the Town of Goldsboro has been allocated total capacity in the Greensboro Wastewater Treatment Plant of approximately 52,000 gallons per day (gpd); and

WHEREAS, the Town of Goldsboro has determined that there will be excess capacity available for undeveloped properties upon the completion of construction of the Wastewater Disposal System after all of the developed Goldsboro properties are connected; and

WHEREAS, the actual amount of excess capacity available for undeveloped properties will be based upon actual flows once the existing properties are connected to the Wastewater Disposal System;

WHEREAS, until such time as all of the existing properties with septic systems are connected, the Town of Goldsboro will not have sufficient information to determine how much capacity will remain;

WHEREAS, the Town of Goldsboro has determined that it is desirable and in the public interest for the Town to establish an allocation policy to ensure vacant properties that are currently paying a wastewater debt service charge have priority over properties which are not paying the debt service; and

WHEREAS, given the limited and finite excess capacity available to the Town of Goldsboro, the Town wants to ensure that it has in place an appropriate allocation policy which enables remaining allocations to be used in a fair and appropriate manner;

WHEREAS, the Town of Goldsboro requires time to ensure that existing developed properties with septic systems are connected to the system and actual remaining capacity can be determined, and to ensure that the appropriate study and desired public input can be obtained before establishing an appropriate excess allocation policy; and

WHEREAS, the acceptance, consideration, review or approval of applications for wastewater allocations for new construction at this time would frustrate the Town's ability to enact meaningful ordinances and regulations to address and regulate the allocation of excess capacity within the Town, thereby protecting the health, safety, and general welfare of the citizens of the Town of Goldsboro;

WHEREAS, the Town of Goldsboro has determined that a temporary moratorium, for a term of twelve months, on wastewater allocations is necessary and in the interest of the present and future residents of the Town of Goldsboro whose health, safety and well-being may be prejudiced by the allocation of excess capacity within the Town of Goldsboro; and

WHEREAS, the Town of Goldsboro believes that twelve months is a reasonable length of time to establish regulations concerning the allocation of excess capacity for new construction.

NOW, THEREFORE, the Town of Goldsboro hereby ordains as follows:

Section 1. A moratorium is hereby imposed for a period of twelve months on the consideration, processing, or approval of any allocation of wastewater for new construction activities.

Section 2. During the moratorium, the Town shall not process, consider, review, or approve any application for connection to the wastewater treatment system for new construction for any property that is not currently served by a septic system and approved for a connection as of the effective date of this Ordinance.

Section 3. The moratorium shall apply to applications currently pending before the Town, as well as applications filed after that date.

Section 4. This moratorium is adopted to allow sufficient time for the Town to accomplish the following:

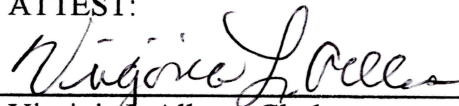
- a. Complete the construction of Phase 5 of the Greensboro Wastewater Disposal System and the connection of existing properties with septic systems.
- b. Consider and adopt ordinances or regulations to address and establish an appropriate wastewater allocation policy for new construction.
- c. Consider all such other matters as the Town of Goldsboro deems appropriate.

Section 5. The Town of Goldsboro shall have and reserves the right to extend or modify this moratorium on the allocation of wastewater for new construction for such additional period or periods and on such terms and conditions as it deems necessary for the health, safety and welfare of the citizens of the Town of Goldsboro.


Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance, which can be given effect without the invalid section, subsection, sentence, clause or phrase, and to that end, all provisions of this Ordinance are hereby declared to be severable.

Section 7. This Ordinance shall become effective on the 10 day of April, 2018.

ATTEST:


Virginia L. Albers, Clerk


Robin L. Cahall, Mayor


Emily Shockley, Councilperson


Eugene Carver, Councilperson