

ARTICLE XVI

SCHEDULE OF FEES

Section 1. Purpose

The purpose of this ARTICLE XVI is to establish a comprehensive and easily understandable schedule of fees for applications made to the Town in furtherance of its governmental functions. The Town Council finds these fees to be the minimum reasonably necessary to cover costs that may be incurred by the Town in connection therewith.

Section 2. Collection of Fees, Refunds

With the exception of Section 9 hereof regarding limited licenses for use of Town facilities which shall be paid at the time of issuance of a license for such use, the fees as set forth herein shall be collected by the Clerk at the time of any application, petition or request for permit filed. The Clerk shall not accept any such application, petition or request for permit without the appropriate fee. The schedule of fees set forth herein is for the purpose of processing the application, request or petition, and not for any permit or authorization, for which no fee is required, and are nonrefundable in the event of the denial or withdrawal or dismissal of any such application, request or petition, except as set forth in ARTICLE VII, Section 13.24. Amendments to any application, request or petition shall be allowed without the payment of an additional filing fee, so long as the amendment does not substantially alter the nature of the original filing. In the event of payment by check, and the check is dishonored or returned for any reason, the entire application, petition or request for permit shall not be considered filed until good and sufficient replacement payment has been received, together with any returned check charge imposed.

Section 3. Building Permit Applications

(a) Minor building permit. A minor building permit is defined as a building permit that does not require approval by the government of Montgomery County, Maryland and only requires approval by the Planning Commission of the Town of Washington Grove. The filing fee for an application for a minor building permit is \$ 10.00.

(b) Major building permit. A major building permit is defined as a permit for demolition or construction which requires approval not only by the Planning Commission of the Town of Washington Grove, but also by one or more offices of the Montgomery County Government. The filing fee for an application for a major building permit is \$100.00.

(c) Other Expenses. In addition to the foregoing application fees, the Planning Commission may require the posting of a bond in an amount determined by the Planning Commission after application but before approval of any major building permit, to protect the Town for required public improvements and/or the repair of existing public improvements which may be damaged in connection with the development of any proposed subdivision, which bond shall be posted at the sole cost and expense of the Applicant.

Section 4. Sign Permit

The filing fee for an application for a sign permit is \$ 10.00.

Section 5. Business License

The filing fee for an application for a business license is \$ 25.00.

Section 6. Subdivision Plans

(a) Minor Subdivision. A minor subdivision is defined as a plat of subdivision for a single lot that previously was a parcel described by metes and bounds, the combination of two or more lots or parcels into a single lot, or the transfer of property between adjacent lots, and in any event so long as no additional buildable lot is being created. The filing fee for an application for a minor subdivision is \$ 100.00.

(b) Major Subdivision. A major subdivision is defined as a plat of subdivision for the creation of two or more buildable lots from an existing lot or parcel, or any combinations of existing lots or parcels that may yield more than the original number of buildable lots for the sum of said property. The filing fee for an application for a major subdivision is \$ 100.00 for the first lot, including any existing improved lot or parcel, plus the sum of \$ 100.00 for each additional lot proposed to be created, including outlots.

(c) Other Expenses. In addition to the foregoing application fees, the Planning Commission may require the posting of a bond in an amount determined by the Planning Commission after application but before approval of any plan of subdivision, to protect the Town for required public improvements and/or the repair of existing public improvements which may be damaged in connection with the development of any proposed subdivision, which bond shall be posted at the sole cost and expense of the Applicant.

Section 7. Zoning Map and/or text Amendments

The filing fee for an application for a zoning map and/or text amendment is \$1,100.00.

Section 8. Administrative Appeals and Requests for Variances or Special Exceptions

(a) Administrative Appeals. The filing fee for an administrative appeal to the Board of Zoning Appeals is \$ 150.00.

(b) Variances. The filing fee for a request for a variance to the Board of Zoning Appeals is \$ 150.00.

(c) Special Exceptions. The filing fee for a petition for a special exception to the Board of Zoning Appeals is \$ 150.00.

(d) In some cases an applicant may desire to have a Certified Court Reporter record the proceedings. For example, this is required for a judicial appeal of a Board of Zoning Appeals judgment. Applicants desiring such a recording will be assessed actual costs. A deposit equivalent to 4 hours at prevailing rates for such services must be paid at least one (1) week prior to the hearing and the balance, if any, will be returned after the hearing.

Section 9. Licenses for Private Use of Town Facilities

Fees, utility charges and security deposit, if required, for a limited license for the use of Town facilities by private individuals or groups shall be as established from time-to-time by duly adopted Resolution of the Town Council. All such fees, utility charges and security deposit, if required, shall be paid in care of the Clerk prior to issuance of such license.

Section 10. Transcripts

The Town and its administrative bodies do not normally maintain a verbatim record of its proceedings. An applicant, appellant or interested person may desire to have a court reporter prepare a record of the proceedings and a transcript. For example, a transcript of proceedings is normally required for any judicial review of an administrative decision. Upon written request to the Town Clerk, received not less than ten (10) days prior to a scheduled public hearing, the Town Clerk will arrange for a court reporter to be present; provided, however, that the requestor provide a deposit, not less than five (5) days prior to the scheduled public hearing, equivalent to the charges for four (4) hours at the prevailing rates for such services, which shall include charges for the preparation of the original transcript and (3) copies thereof, the original and two (2) copies to be provided to the requesting party. If the amount of the deposit exceeds the actual cost thereof, the balance, if any, will be returned within thirty (30) days following the Town's receipt of the transcript and statement therefore. In the event that the deposit is not sufficient to cover the costs of the preparation of the original transcript and required copies thereof, the requesting party shall be responsible for payment of any balance within thirty (30) days of the receipt of the transcript and copies, and the Town shall be under no obligation to transmit the administrative record to any court in the event of a judicial appeal, unless and until full payment is received by the Town for any balance due.

Section 11. Public Ways and Property Permit Fees

(a) Application Fee -

1. For proposed work in a public way or on Town property that is adjoining real property owned by the applicant, the public ways and property permit application fee is \$10.00.
2. For all other proposed work in a public way or on Town property, the public ways and property permit application fee is \$100.00.

(b) Agreement Fee - The public ways and property agreement fee is \$500.00 for a single agreement that includes up to five communications facilities, with an additional \$100.00 for each communication facility beyond five.

(c) Use Fee - The public ways and property use fee is \$270.00 per communication facility recurring on an annual basis.