

FINAL

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2013, Legislative Day No. 43

Bill No. 104-13

Introduced by Mr. Grasso, Chairman
(by request of the County Executive)

By the County Council, December 16, 2013

Introduced and first read on December 16, 2013
Public Hearing set for January 21, 2014
Public Hearing rescheduled and held on February 3, 2014
Bill AMENDED on February 18, 2014
Public Hearing on AMENDED Bill set for March 3, 2014
Public Hearing rescheduled and held on March 10, 2014
Bill Expires March 21, 2014

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Finance, Taxation, and Budget – Subdivision and
2 Development – Developer Street Light Special Fund
3

4 FOR the purpose of establishing the Developer Streetlight Special Fund as a special,
5 nonlapsing fund; specifying the purposes of the Fund; requiring that certain fees be
6 paid by certain developers for the purchase, construction, and installation of street
7 lighting; requiring that certain energy and maintenance fees be paid by certain
8 developers for street lighting; establishing a certain payment requirement for certain
9 fees; rescinding an existing fund and transferring the balance; ~~providing for the~~
10 ~~application of this Ordinance~~; and generally relating to the Developer Streetlight
11 Special Fund and street lighting.
12

13 BY adding: §§ 4-11-119; and 17-11-301 to be under the new subtitle “Subtitle 3.
14 Developer Street Light Fee”
15 Anne Arundel County Code (2005, as amended)
16

17 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*
18 *Maryland,* That Section(s) of the Anne Arundel County Code (2005, as amended) read as
19 follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 **ARTICLE 4. FINANCE, TAXATION, AND BUDGET**

2
3 **TITLE 11. BUDGET**

4
5 **4-11-119. Developer Street Light Special Fund.**

6
7 **(A) Definitions.** IN THIS SECTION, THE TERMS "DEVELOPER" AND "DEVELOPMENT"
8 HAVE THE MEANINGS SET FORTH IN § 17-1-101 OF THIS CODE.
9

10 **(B) Fund established.** THERE IS A DEVELOPER STREET LIGHT SPECIAL FUND INTO
11 WHICH SHALL BE PAID THE REVENUE COLLECTED IN ACCORDANCE WITH ~~§ 17-11-103(C)~~ §
12 17-11-301(C) OF THIS CODE.
13

14 **(C) Special fund.** THE DEVELOPER STREET LIGHT SPECIAL FUND IS A SPECIAL,
15 NONLAPSING FUND.
16

17 **(D) Purposes.** THE REVENUE PAID INTO THE DEVELOPER STREET LIGHT SPECIAL
18 FUND SHALL BE APPROPRIATED FOR THE PURCHASE, CONSTRUCTION, AND
19 INSTALLATION OF STREET LIGHTING ASSOCIATED WITH A DEVELOPMENT FOR WHICH A
20 DEVELOPER PAID A FEE IN ACCORDANCE WITH ~~§ 17-11-103(C)~~ § 17-11-301(C) OF THIS CODE,
21 AND FOR THE COSTS OF THE COUNTY IN ADMINISTERING THE FUND.
22

23 **ARTICLE 17. SUBDIVISION AND DEVELOPMENT**

24
25 **TITLE 11. FEES AND SECURITY**

26
27 **SUBTITLE 3. Developer Street Light Fee**

28
29 **17-11-301. Street lighting and fees.**

30
31 **(A) Definitions.** IN THIS SECTION, THE FOLLOWING TERMS HAVE THE MEANINGS
32 INDICATED.
33

34 (1) "INSTALLER" MEANS THE PERSON WHO INSTALLS STREET LIGHTING IN A
35 DEVELOPMENT AT THE DIRECTION OF THE DEPARTMENT OF PUBLIC WORKS.
36

37 (2) "STREET LIGHTING" MEANS THE COMPONENTS NECESSARY TO PROVIDE
38 LIGHTING TO PUBLIC OR PRIVATE ROADS OR STREETS, AND INCLUDES POLES, CABLES,
39 WIRING, TRANSFORMERS, AND FIXTURES.
40

41 **(B) Street lighting – installation.** STREET LIGHTING SHALL BE PROVIDED IN A
42 DEVELOPMENT AND SHALL BE OF A DESIGN SUBMITTED BY A DEVELOPER AND
43 APPROVED BY THE OFFICE. STREET LIGHTING SHALL BE PLACED IN A LOCATION
44 APPROVED BY THE DEPARTMENT OF PUBLIC WORKS AT THE EXPENSE OF THE
45 DEVELOPER. THE DEPARTMENT OF PUBLIC WORKS SHALL BE RESPONSIBLE FOR
46 ARRANGING FOR THE PURCHASE, CONSTRUCTION, AND INSTALLATION OF STREET
47 LIGHTING IN A DEVELOPMENT.
48

49 **(C) Same – Purchase, construction, and installation fees.** A DEVELOPER SHALL PAY
50 A FEE IN THE AMOUNT OF THE ESTIMATED COSTS OF THE PURCHASE, CONSTRUCTION,
51 AND INSTALLATION OF STREET LIGHTING APPROVED FOR A DEVELOPMENT, BASED ON

1 THE INSTALLER'S RATES AND CHARGES IN EFFECT AT THE TIME OF PAYMENT IN
2 ACCORDANCE WITH THE PUBLIC UTILITIES ARTICLE, §§ 4-201, ET SEQ., OF THE STATE
3 CODE, AND THE FEE SHALL INCLUDE THE COUNTY'S OVERHEAD AND ADMINISTRATIVE
4 COSTS. THE FEE PAID BY A DEVELOPER IN ACCORDANCE WITH THIS SECTION SHALL BE
5 PLACED INTO THE DEVELOPER STREET LIGHT SPECIAL FUND AND USED IN ACCORDANCE
6 WITH § 4-11-119 OF THIS CODE.
7

8 (D) **Same – Energy and maintenance fees.** A DEVELOPER SHALL PAY A FEE IN THE
9 AMOUNT OF THE ESTIMATED COSTS FOR TWO YEARS OF ENERGY AND MAINTENANCE
10 FOR STREET LIGHTING, BASED ON RATES AND CHARGES IN EFFECT AT THE TIME OF
11 PAYMENT IN ACCORDANCE WITH THE PUBLIC UTILITIES ARTICLE, §§ 4-201, ET SEQ. OF
12 THE STATE CODE.
13

14 (E) **Same – Timing of payment.** THE DEPARTMENT OF PUBLIC WORKS SHALL
15 PROVIDE A DEVELOPER WITH THE AMOUNT OF THE FEES REQUIRED TO BE PAID IN
16 ACCORDANCE WITH SUBSECTIONS (C) AND (D) AND PAYMENT SHALL BE MADE BY THE
17 DEVELOPER AT THE TIME THAT A PUBLIC WORKS AGREEMENT IS EXECUTED.
18

19 SECTION 2. *And be it further enacted,* That the special revenue fund that was in
20 existence prior to the enactment of this Ordinance as Fund number 2100, as referenced in
21 Section 17 and Exhibit B in the 2013 2014 Annual Appropriation and Budget Ordinance,
22 Bill Number 46-13, shall cease to exist upon the effective date of this Ordinance and the
23 balance of that fund shall become the starting balance of, and be transferred into, the
24 special revenue fund created by § 4-11-119 as enacted by Section 1 of this Ordinance.
25


26 SECTION 3. ~~*And be it further enacted,* That this Ordinance shall be construed to~~
27 ~~apply retroactively to July 1, 2013.~~
28

29 SECTION 4. 3. *And be it further enacted,* That this Ordinance shall take effect 45
30 days from the date it becomes law.

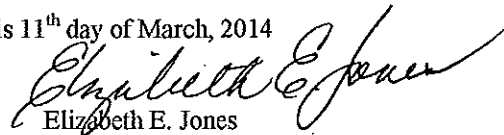
AMENDMENTS ADOPTED: February 18, 2014

READ AND PASSED this 10th day of March, 2014


By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for her approval this 11th day of March, 2014


Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 20 day of March, 2014


Laura Neuman
County Executive

EFFECTIVE DATE: May 4, 2014

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
104-13. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.


Elizabeth E. Jones
Administrative Officer