

FINAL

AMENDED
January 4, 2016

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2015, Legislative Day No. 38

Bill No. 111-15

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

By the County Council, November 16, 2015

Introduced and first read on November 16, 2015
Public Hearing set for and held on December 21, 2015
Bill AMENDED January 4, 2016
Public Hearing on AMENDED BILL set for and held on January 19, 2016
Bill Expires February 19, 2016

By Order: Elizabeth E. Jones, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Utilities – Allocation of Water and
2 Wastewater Capacity, Charges and Fees for Properties Subject to Adequate Public
3 Facilities, and Capital Facility Connection Charges
4

5 FOR the purpose of changing the sewer surcharge due date and removing the allocation
6 relinquishment charge for the Odenton Town Center Sanitary Subdistrict; defining
7 “prime rate”; providing for a certain rate of annual interest on deferred allocation
8 reservation charges and the capital facility connection charge; removing the
9 requirement to pay a capital facility connection deferral fee; providing for certain
10 refunds of the capital facility connection charge in certain situations; providing for a
11 certain fee that is due upon a lapse of allocation; amending the capital facility
12 connection charge for connection to the County’s water and wastewater systems; and
13 generally relating to allocation of water and wastewater capacity, and capital facility
14 connection charges.
15

16 BY repealing and reenacting, with amendments: §§ 13-5-112(g); 13-5-402(b); 13-5-403
17 (as amended by Bill 78-15); 13-5-405(b); 13-5-813(d) and (f); and 13-5-814(d)
18 Anne Arundel County Code (2005, as amended)
19

20 By repealing: § 13-5-112(h)
21 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.

1 BY renumbering: § 13-5-112(i) through (k) to be § 13-5-112(h) through (j), respectively
2 Anne Arundel County Code (2005, as amended)

3
4 BY adding: § 13-5-401(5)
5 Anne Arundel County Code (2005, as amended)

6
7 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland*
8 That § 13-5-112(h) of the Anne Arundel County Code (2005, as amended) be and is
9 hereby repealed.

10
11 SECTION 2. *And be it further enacted,* That § 13-5-112(i) through (k) of the Anne
12 Arundel County Code (2005, as amended) is hereby renumbered to be § 13-5-112(h)
13 through (j), respectively.

14
15 SECTION 3. *And be it further enacted,* That Section(s) of the Anne Arundel County
16 Code (2005, as amended) (and as amended by Bill No. 78-15) read as follows:

17
18 **ARTICLE 13. PUBLIC WORKS**

19
20 **TITLE 5. UTILITIES**

21
22 **13-5-112. Odenton Town Center Sanitary Subdistrict.**

23
24 (g) **Time for payment.** The sewer service surcharge shall be paid in full at the time
25 and as a condition of building permit issuance or [five] EIGHT years from the date of
26 allocation, whichever is earlier.

27
28 [(h)**Allocation relinquishment charge.** There is an allocation relinquishment charge
29 imposed on a property subject to the sewer service surcharge that received an allocation
30 of available capacity in conjunction with approval by the Office of Planning and Zoning
31 for adequacy of public sewerage facilities as described in § 13-5-402(b) as follows:

32
33 (i) 5% of the sewer service surcharge for each equivalent dwelling unit by which
34 the allocation is reduced because of a recalculation of the allocation required to serve the
35 property; or

36
37 (ii) 5% of the sewer service surcharge for each equivalent dwelling unit of an
38 allocation that lapses by operation of law as described in § 13-5-405(a).]

39
40 **13-5-401. Definitions.**

41
42 In this subtitle, the following words have the meanings indicated.

43
44 (5) "PRIME RATE" MEANS THE PRIME INTEREST RATE THAT IS PUBLISHED BY THE
45 WALL STREET JOURNAL AS OF THE FIRST BUSINESS DAY IN JUNE EACH YEAR, TO BE
46 APPLIED UNDER THIS SUBTITLE BEGINNING ON JULY 1 EACH YEAR.

47
48 **13-5-402. Allocation.**

1 (b) **Property required to pass tests for adequacy of public facilities.** For a property
2 that is required to pass the test for adequate public water supply facilities or adequate
3 public sewerage facilities, the Department shall make an allocation on the date of
4 approval by the Office of Planning and Zoning for adequacy of public WATER SUPPLY
5 FACILITIES OR ADEQUACY OF PUBLIC SEWERAGE facilities as provided in § 17-5-202 of
6 this Code.

7
8 **13-5-403. Charges and fees for property subject to adequate public facilities.**

9
10 (a) **Fees and charges.** For property receiving an allocation in conjunction with
11 approval by the Office of Planning and Zoning for adequacy of public WATER SUPPLY
12 FACILITIES OR ADEQUACY OF PUBLIC SEWERAGE facilities, the owner of the property
13 shall pay, for each equivalent dwelling unit:

14
15 (1) an allocation reservation charge equal to 40% of the average cost of water and
16 wastewater, as computed by the Department of Public Works, that would be used if the
17 development on the property were complete and the property was receiving water or
18 wastewater service from the County; AND

19
20 (2) [a capital facility connection deferral fee of 8% of the capital facility
21 connection charge in effect when the capital facility connection deferral fee is paid; and

22
23 (3)]the capital facility connection charge established in §§ 13-5-813 and 13-5-814
24 subject to any exemption contained in those sections.

25
26 (b) **Properties not on the waiting list.** For a property that is not on the waiting list
27 provided for in § 17-5-503 of this Code:

28
29 (1) the allocation reservation charge shall be paid as follows:

30
31 (i) quarterly from the date of allocation until the lot is connected to the
32 County's water or wastewater system; or

33
34 (ii) at the option of the property owner:

35
36 1. one-half of the 40% paid per quarter and one-half of the 40% deferred
37 per quarter until the eighth anniversary of allocation or connection, whichever occurs
38 first;

39
40 2. on the eighth anniversary of allocation or connection, whichever
41 occurs first, a lump sum consisting of the one-half of the 40% deferred per quarter plus
42 interest at [a rate of 8% per annum] AN ANNUAL RATE EQUAL TO THE APPLICABLE PRIME
43 RATE PLUS AN ADDITIONAL 2% on the deferred amounts; and

44
45 3. after the eighth anniversary of the allocation, if the property is not
46 connected, 40% per quarter; and

47

1 (2) [the capital facility connection deferral fee,] the capital facility connection
2 charge[,] and the accumulated interest calculated in accordance with subsection (f) shall
3 be paid in full within the earlier of eight years after the date of allocation, or prior to or in
4 conjunction with the issuance of a building permit.

5
6 (c) **Properties on the waiting list.** For a property that is on the waiting list provided
7 for in § 17-5-503 of this Code:

8
9 (1) the allocation reservation charge shall be paid as follows:

10
11 (i) quarterly from the date the property is removed from the waiting list until
12 the lot is connected to the County's water or wastewater system; or

13
14 (ii) at the option of the property owner:

15
16 1. one-half of the 40% paid per quarter and one-half of the 40% deferred
17 per quarter until the eighth anniversary of removal from the waiting list or connection,
18 whichever occurs first;

19
20 2. on the eighth anniversary of removal from the waiting list or
21 connection, whichever occurs first, a lump sum consisting of the one-half of the 40%
22 deferred per quarter plus interest at [a rate of 8% per annum] AN ANNUAL RATE EQUAL
23 TO THE APPLICABLE PRIME RATE PLUS AN ADDITIONAL 2% on the deferred amounts; and

24
25 3. after the eighth anniversary of removal from the waiting list, if the
26 property is not connected, 40% per quarter; and

27
28 (2) [the capital facility connection deferral fee and] the capital facility connection
29 charge[,] and the accumulated interest calculated in accordance with subsection (f) shall
30 be paid in full within the earlier of eight years after the date the property is removed from
31 the waiting list, or prior to or in conjunction with the issuance of a building permit.

32
33 (d) **Allocations prior to November 13, 2015; prior payments.**

34
35 (1) For any property that received an allocation prior to November 13, 2015, the
36 allocation reservation charge shall be paid as set forth in subsection (b)(1) or (c)(1).

37
38 (2) Except as provided in subsection (d)(3), for any property that received an
39 allocation prior to November 13, 2015, the [capital facility connection deferral fee and]
40 capital facility connection charge shall be paid when due as set forth in subsection (b)(2)
41 or (c)(2) at the rates for the [capital facility connection deferral fee and] capital facility
42 connection charge in effect at the time payment is made, plus the accumulated interest
43 calculated in accordance with subsection (f) and late interest in accordance with
44 subsection (h)(2), if any.

45
46 (3) For any property that received an allocation prior to November 13, 2015, and
47 for which one or more annual installment payments of the capital facility connection
48 deferral fee and capital facility connection charge have been paid, the remainder of the
49 [capital facility connection deferral fee and] capital facility connection charge shall be

1 due as set forth in subsection (b)(2) or (c)(2) at the rates for the [capital facility
2 connection deferral fee and] capital facility connection charge in effect at the time that
3 payment is made, less the capital facility connection deferral fees and capital facility
4 connection charges previously paid, plus the accumulated interest calculated in
5 accordance with subsection (f) and late interest in accordance with subsection (h)(2), if
6 any.

7
8 **(e) Additional charges and refunds.**
9

10 (1) If payment of the capital facility connection charge is made before
11 application for a building permit, an additional capital facility connection charge shall be
12 paid in conjunction with a building permit only if the number of equivalent dwelling units
13 determined during building permit review exceeds the number of equivalent dwelling
14 units determined at the time of the prior payment.
15

16 (2) If an allocation is reduced after payment of the capital facility connection
17 charge because of a recalculation of the allocation required to serve the property, the
18 owner may obtain a refund of the difference between the capital facility connection
19 charge paid and the amount of the charge due as a result of the recalculation. The owner
20 shall pay any unpaid allocation reservation charges.
21

22 (3) If an allocation is reduced before payment of the capital facility connection
23 charge because of a recalculation of the allocation required to serve the property, the
24 owner shall pay[:

25
26 (i)] all allocation reservation charges[; and
27

28 (ii) all capital facility connection deferral fees that would have been due for
29 each equivalent dwelling unit by which the allocation is reduced].
30

31 (4) (I) THE OWNER MAY OBTAIN A REFUND OF THE DIFFERENCE BETWEEN THE
32 CAPITAL FACILITY CONNECTION CHARGE AND CAPITAL FACILITY CONNECTION
33 DEFERRAL FEE PAID AND THE AMOUNT OF THE CAPITAL FACILITY CONNECTION CHARGE
34 SET FORTH IN § 13-5-813 (D) OR (F) IN EFFECT AS OF THE EFFECTIVE DATE OF BILL NO. 111-
35 15 IF:

36
37 1. PAYMENT OF ALL OR A PORTION OF THE CAPITAL FACILITY
38 CONNECTION CHARGE AND CAPITAL FACILITY CONNECTION DEFERRAL FEE WAS MADE
39 PRIOR TO THE EFFECTIVE DATE OF BILL NO. 111-15; AND
40

41 2. PAYMENT WAS MADE PRIOR TO THE FIFTH ANNIVERSARY OF THE DATE
42 OF ALLOCATION OR IN CONJUNCTION WITH A BUILDING PERMIT PRIOR TO ISSUANCE;
43 AND
44

45 3. THE FIFTH ANNIVERSARY OF THE DATE OF ALLOCATION IS AFTER THE
46 EFFECTIVE DATE OF BILL NO. 111-15; AND
47

48 4. THE BUILDING PERMIT HAS NOT BEEN ISSUED AS OF THE EFFECTIVE
49 DATE OF BILL NO. 111-15.
50

51 (II) THE OWNER MAY OBTAIN A REFUND OF THE DIFFERENCE BETWEEN THE
52 CAPITAL FACILITY CONNECTION CHARGE PAID IN ACCORDANCE WITH § 13-5-404 AND
53 THE AMOUNT OF THE CAPITAL FACILITY CONNECTION CHARGE SET FORTH IN § 13-5-813

1 (D) OR (F) IN EFFECT AS OF THE EFFECTIVE DATE OF BILL NO. 111-15 IF THE CAPITAL
2 FACILITY CONNECTION CHARGE WAS PAID IN CONJUNCTION WITH A BUILDING PERMIT
3 NOT YET ISSUED AS OF THE EFFECTIVE DATE OF BILL NO. 111-15.
4

5 (f) **Capital facility connection charge; interest rate.** The outstanding principal
6 balance of the [capital facility connection deferral fee and] capital facility connection
7 charge shall be subject to an annual interest rate [of 8%] EQUAL TO THE APPLICABLE
8 PRIME RATE PLUS AN ADDITIONAL 2%, calculated and assessed annually, beginning on
9 the first of the month of the sixth anniversary of the date of allocation. The accumulated
10 interest charges, and late interest in accordance with subsection (h)(2), if any, shall be
11 due within the earlier of eight years after the date of allocation, or prior to or in
12 conjunction with the issuance of a building permit.
13

14 (g) **Payment in conjunction with a building permit.** When the [capital facility
15 connection deferral fee and] capital facility connection charge [become] BECOMES due in
16 conjunction with a building permit, the amount due for each equivalent dwelling unit
17 shall be the total unpaid principal balance of the [capital facility connection deferral fee
18 and] capital facility connection charge, plus the interest accumulated in accordance with
19 subsections (f) and (h)(2), if any, divided by the number of equivalent dwelling units
20 remaining.
21

22 (h) **Penalty; interest.**
23

24 (1) If an allocation reservation charge is not paid within 30 days after the date of
25 billing, a penalty charge equal to 10% of the amount due is owed. The Controller may
26 waive the penalty charged under this subsection no more than once during a calendar year
27 if a bill for an allocation reservation charge is not received due to incorrect owner or
28 address information, or for other reasons as approved by the Controller in consultation
29 with the Director.
30

31 (2) An overdue capital facility connection charge [and capital facility connection
32 deferral fee] shall accrue interest in accordance with § 4-1-103 of this Code. The
33 Controller may waive the interest accrued in accordance with § 4-1-103 of this Code on a
34 capital facility connection charge [and capital facility connection deferral fee] no more
35 than once during a calendar year if a bill for the capital facility connection charge [and
36 capital facility connection deferral fee] is not received due to incorrect owner or address
37 information, or for other reasons as approved by the Controller in consultation with the
38 Director.
39

40 (i) **Default.**
41

42 (1) A default occurs if any fee or charge set forth in this section in an amount of
43 \$250 or more is not paid when required and remains unpaid 90 days after a notice of
44 default and lapse of allocation is sent to the property owner.
45

46 (2) Upon default, the allocation lapses and the amount set forth in § 13-5-405(b)
47 becomes due. A record of the default and lapse of allocation shall be sent to the property
48 owner and to the DEPARTMENT OF INSPECTIONS AND PERMITS AND THE Office of
49 Planning and Zoning, where the record shall be maintained and available to the public.

1 **13-5-405. Lapse.**

2
3 (b) **Amount due upon lapse; collection.** If an allocation lapses by operation of law,
4 all allocation reservation charges that have been paid are forfeited and the following fees
5 and charges, along with any interest that has accrued on the fees and charges,
6 immediately become due and payable and shall be collected as provided in § 1-9-101 of
7 this Code:

8
9 (1) any unpaid allocation reservation charges, including deferred allocation
10 reservation charges; and

11
12 (2) ~~[the capital facility connection deferral fee] A LAPSING FEE IN THE AMOUNT~~
13 ~~OF THE SUM OF THE APPLICABLE PRIME RATE PLUS AN ADDITIONAL 5% OF MULTIPLIED~~
14 ~~BY THE CAPITAL FACILITY CONNECTION CHARGE IN EFFECT AS OF THE DATE OF THE~~
15 ~~LAPSE, except that if an allocation lapses by operation of law under subsection (a)(2)~~
16 ~~because of unpaid allocation reservation charges, and an allocation may be restored in~~
17 ~~accordance with subsection (d), [8% of the amount] A LAPSING FEE IN THE AMOUNT OF~~
18 ~~THE APPLICABLE PRIME RATE PLUS AN ADDITIONAL 5% of THE unpaid allocation~~
19 ~~reservation charges that caused the lapse, if paid in accordance with subsection (d)(3).~~
20

21 **13-5-813. Water and wastewater system connection charges and assessments.**

22
23 (d) **Water system capital facility connection charge.** Except as provided in
24 subsection (q), for connections to the County's water system, the capital facility
25 connection charge for each equivalent dwelling unit is:

26
27 (1) ~~[\$5,500] \$6,525;~~

28
29 [(2)\$6,300, beginning on July 1, 2012;

30
31 (3) \$7,100, beginning on July 1, 2013;

32
33 (4) \$7,900, beginning on July 1, 2014; and

34
35 (5) \$8,700, beginning on July 1, 2015.]

36
37 (2) \$6,688, BEGINNING ON JULY 1, 2016;

38
39 (3) \$6,855, BEGINNING ON JULY 1, 2017;

40
41 (4) \$7,027, BEGINNING ON JULY 1, 2018; AND

42
43 (5) \$7,202, BEGINNING ON JULY 1, 2019.

44
45 (f) **Wastewater system capital facility connection charge.** Except as provided in
46 subsection (q), for connections to the County's wastewater system, the capital facility
47 connection charge for each equivalent dwelling unit is:

48
49 (1) ~~[\$7,300] \$6,525;~~

50

1 [(2)\$7,600, beginning on July 1, 2012;

2
3 (3) \$7,900, beginning on July 1, 2013;

4
5 (4) \$8,300, beginning on July 1, 2014;

6
7 (5) \$8,700, beginning on July 1, 2015.]

8
9 (2) \$6,688, BEGINNING ON JULY 1, 2016;

10
11 (3) \$6,855, BEGINNING ON JULY 1, 2017;

12
13 (4) \$7,027, BEGINNING ON JULY 1, 2018; AND

14
15 (5) \$7,202, BEGINNING ON JULY 1, 2019.

16
17 **13-5-814. Special charges – Mayo Water Reclamation Subdistrict.**

18
19 **(d) Capital facility connection charges for connection to communal component.**

20 For connections to the large and small communal component of the Mayo System, the
21 capital facility connection charge for each equivalent dwelling unit is \$3,290 for phase 1
22 properties and [\$8,130] THE CAPITAL FACILITY CONNECTION CHARGE SET FORTH IN § 13-
23 5-813 (F) for phase 2 properties.

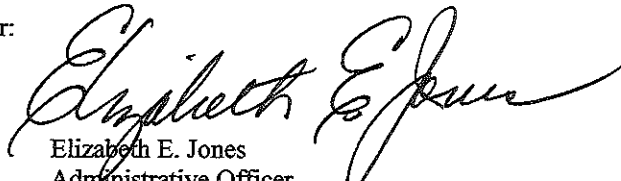
24
25 SECTION 4. *And be it further enacted,* That all references in this Ordinance to “the
26 effective date of Bill No. 111-15”, or words to that effect, shall, upon codification, be
27 replaced with the actual date on which this Ordinance takes effect under Section 307 of
28 the County Charter, as certified by the Administrative Officer to the County Council.

29
30 SECTION 5. *And be it further enacted,* That this Ordinance shall take effect 45 days
31 from the date it becomes law.

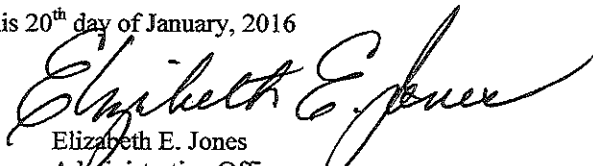
AMENDMENT ADOPTED: January 4, 2016

READ AND PASSED this 19th day of January, 2016

By Order:


Elizabeth E. Jones
Administrative Officer

PRESENTED to the County Executive for his approval this 20th day of January, 2016


Elizabeth E. Jones
Administrative Officer

APPROVED AND ENACTED this 21 day of January, 2016



Steven R. Schuh
County Executive

EFFECTIVE DATE: March 6, 2016

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF BILL NO.
111-15. THE ORIGINAL OF WHICH IS RETAINED IN THE FILES
OF THE COUNTY COUNCIL.



Elizabeth E. Jones
Administrative Officer