

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 28

Bill No. 85-20

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, October 5, 2020

Introduced and first read on October 5, 2020
Public Hearing set for and held on November 2, 2020
Public Hearing on AMENDED bill set for and held on November 16, 2020
Bill Expires January 8, 2021

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Utilities – Water and Wastewater System
2 Connections and Charges

3
4 FOR the purpose of eliminating the water and wastewater user connection charge;
5 requiring a licensed utility contractor to submit and maintain a security with the
6 Department; requiring work performed under a tap connection permit be subject to a
7 warranty and security; adding a certain definition; eliminating the option to connect to
8 the water or wastewater system under a private contract administered by the
9 Department; establishing connection methods for water and wastewater system
10 connections; requiring a tap connection permit and payment of a permit fee; providing
11 for exceptions to the application of this Ordinance; and generally relating to public
12 works.

13
14 BY repealing: § 13-5-813(c), (e), and (s)
15 Anne Arundel County Code (2005, as amended)

16
17 BY renumbering: §§ 13-5-813(j) through (q), (t), and (u), respectively, to be § 13-5-813(i)
18 through (p), (r), and (s), respectively
19 Anne Arundel County Code (2005, as amended)

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Asterisks *** indicate existing Code provisions in a list or chart that remain unchanged.

1 BY repealing and reenacting, with amendments: §§ 13-5-110(a)(3); 13-5-404; 13-5-813(a),
2 (d), (f), (g), (h), (i), and (r); 13-5-815(b); and 13-5-815.1(b), (c), (d), and (e)(i)
3 Anne Arundel County Code (2005, as amended)

4
5 BY adding: § 13-5-113; and 13-5-813(f)
6 Anne Arundel County Code (2005, as amended)

7
8 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
9 *That § 13-5-813(c), (e), and (s) of the Anne Arundel County Code (2005, as amended) be*
10 *repealed.*

11
12 SECTION 2. *And be it further enacted,* That § 13-5-813 (j) through (q), (t), and (u),
13 respectively, of the Anne Arundel County Code (2005, as amended) is hereby renumbered
14 to be § 13-5-813 (i) through (p), (r), and (s), respectively.

15
16 SECTION 3. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
17 *That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:*

18
19 **ARTICLE 13. PUBLIC WORKS**

20
21 **TITLE 5. UTILITIES**

22
23 **13-5-110. Agreements with developers.**

24
25 (a) **Generally.** The County may enter into agreements that:

26
27 ***

28
29 (3) waive front foot benefit charges *[[and user connection charges]]* when lateral
30 lines are installed by a developer within or abutting properties that are being improved by
31 the developer.

32
33 **13-5-113. Annual security for licensed utility contractors.**

34
35 A LICENSED UTILITY CONTRACTOR ENGAGING IN THE INSTALLATION OF WATER OR
36 SEWER SERVICES BY PERFORMING A TAP CONNECTION TO A WATER OR WASTEWATER
37 MAINLINE SHALL SUBMIT AND MAINTAIN WITH THE DEPARTMENT A SECURITY IN THE
38 AMOUNT OF \$50,000, WHICH MAY SERVE AS SECURITY FOR MULTIPLE PERMITS AS LONG
39 AS A CONSTANT BALANCE OF \$50,000 IS MAINTAINED. THE WORK PERFORMED UNDER A
40 TAP CONNECTION PERMIT SHALL BE SUBJECT TO THE SAME WARRANTY PERIOD AND
41 WARRANTY TERMS THAT EXIST FOR WORK IN A COUNTY RIGHT-OF-WAY AS SET FORTH IN
42 § 13-3-208 AND THE SAME REQUIREMENTS FOR A SECURITY THAT EXISTS FOR WORK IN A
43 COUNTY RIGHT-OF-WAY AS SET FORTH IN § 13-3-301(C) THROUGH (E).

44
45 **13-5-404. Fees and charges for property otherwise connecting.**

46
47 For property receiving an allocation otherwise than in conjunction with approval of
48 adequacy of public facilities by the Office of Planning and Zoning, the owner of the
49 property shall pay, for each equivalent dwelling unit, *[[the user connection charge and]]*
50 the capital facility connection charge as provided in §§ 13-5-813 and 13-5-814.

1 **13-5-813. Water and wastewater system connection charges and assessments.**

2
3 (a) **Definitions.** In this section, the following words have the meanings indicated.

4
5 (1) "CPI" MEANS THE CONSUMER PRICE INDEX - ALL URBAN CONSUMERS FOR THE
6 UNITED STATES - (CPI), PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR,
7 BUREAU OF LABOR STATISTICS.

8
9 ~~[[1]]~~ (2) "Properties with existing improvements" means improved properties that
10 are supplied water by means of a private well system when County water becomes
11 available or improved properties that have wastewater service by means of a private septic
12 system when County wastewater becomes available.

13
14 ~~[[2]]~~ (3) "Properties with new improvements" means properties with new
15 construction that do not have water supplied by means of a private well system when
16 County water becomes available or properties with new construction that do not have
17 wastewater service by means of a private septic system when County wastewater service
18 becomes available.

19
20 ~~[[d]]~~ (C) **Water system capital facility connection charge.** Except as provided in
21 subsections ~~[[q], (t), and (u)]~~ (P), (R), AND (S) for connections to the County's water
22 system, the capital facility connection charge for each equivalent dwelling unit is:

23
24 (1) ~~[[7,729;~~

25
26 (2) ~~]] \$8,501[[, beginning on July 1, 2020]]];~~

27
28 ~~[[3]]~~ (2) \$9,351, beginning on July 1, 2021; and

29
30 ~~[[4]]~~ (3) \$10,286, beginning on July 1, 2022.

31
32 ~~[[f]]~~ (D) **Wastewater system capital facility connection charge.** Except as provided
33 in subsections ~~[[q], (t), and (u)]~~ (P), (R), AND (S) for connections to the County's
34 wastewater system, the capital facility connection charge for each equivalent dwelling unit
35 is:

36
37 (1) ~~[[7,729;~~

38
39 (2) ~~]] \$8,501[[, beginning on July 1, 2020]]];~~

40
41 ~~[[3]]~~ (2) \$9,351, beginning on July 1, 2021; and

42
43 ~~[[4]]~~ (3) \$10,286, beginning on July 1, 2022.

44
45 ~~[[g]]~~ (E) **Properties with new improvements.**

46
47 ~~[[1]]~~ For properties with a connection constructed under a private contract
48 administered by the Department, whether residential or non-residential the user connection
49 charge shall be paid as follows:

1 (i) A deposit in the amount of the certified cost of a connection as determined
2 by the Director in accordance with subsection (s) shall be paid when an application for
3 connection is made.

4
5 (ii) The Department shall provide an estimate of the cost of the connection, and
6 prior to connection, the difference between the deposit paid in accordance with subsection
7 (g)(1)(i) and the estimated cost shall be paid.

8
9 (iii) After the connection is completed, if the actual cost of the connection is
10 less than the total amount paid under subsections (g)(1)(i) and (g)(1)(ii), the difference
11 shall be refunded by the Department. If an application for connection, or payment under
12 subsections (g)(1)(i) or (ii), is made for connections to both the water and wastewater
13 system, the costs of both connections shall be totaled for purposes of determining whether
14 a refund is owed under this subsection.

15
16 (2)] For [[a property]] PROPERTIES WITH NEW IMPROVEMENTS receiving an
17 allocation under § 13-5-403, the capital facility connection charge shall be paid as provided
18 in that section.

19
20 **(F) Connection methods for water and wastewater services; tap connection fee.**
21 EXCEPT FOR A COUNTY CAPITAL PROJECT OR PETITION PROJECT INITIATED IN
22 ACCORDANCE WITH § 13-5-303, CONNECTIONS TO THE COUNTY'S WATER OR WASTEWATER
23 SYSTEM SHALL BE MADE IN ACCORDANCE WITH ONE OF THE FOLLOWING METHODS:

24
25 (1) AN OWNER SHALL BE REQUIRED TO ENTER INTO A PUBLIC WORKS AGREEMENT
26 WITH THE COUNTY TO AUTHORIZE CONNECTION TO THE COUNTY'S WATER OR
27 WASTEWATER SYSTEM IF:

28
29 (I) THE WATER OR WASTEWATER SERVICE IS TO BE INSTALLED WITHIN A
30 RIGHT-OF-WAY OWNED BY THE STATE;

31
32 (II) THE WATER SERVICE PIPE SIZE IS GREATER THAN TWO INCHES IN
33 DIAMETER OR THE WASTEWATER SERVICE PIPE SIZE IS GREATER THAN SIX INCHES IN
34 DIAMETER;

35
36 (III) THERE ARE THREE OR MORE SERVICE CONNECTIONS TO BE INSTALLED
37 WITHIN 500 FEET;

38
39 (IV) THE DEPTH OF THE WATER OR WASTEWATER DISTRIBUTION MAIN IS 18
40 FEET OR GREATER; OR

41
42 (V) AN EASEMENT IS NEEDED FOR ANY PART OF THE WATER OR WASTEWATER
43 SERVICE CONNECTION.

44
45 (2) IF A PUBLIC WORKS AGREEMENT IS NOT REQUIRED IN ACCORDANCE WITH
46 PARAGRAPH (1), THE OWNER SHALL APPLY FOR A WATER OR WASTEWATER SERVICE TAP
47 CONNECTION PERMIT BEFORE MAKING A CONNECTION TO THE COUNTY'S WATER OR
48 WASTEWATER SYSTEM. THE FEE FOR A TAP CONNECTION PERMIT SHALL BE \$225 FOR
49 EACH WATER OR WASTEWATER CONNECTION FOR EACH EQUIVALENT DWELLING UNIT.
50 BEGINNING ON JULY 1, 2021, AND EACH JULY 1 THEREAFTER, THE DIRECTOR MAY ADJUST
51 THE FEE BY A PERCENTAGE CHANGE CALCULATED BY DIVIDING THE CPI FOR APRIL OF
52 THAT CALENDAR YEAR BY THE CPI FOR APRIL FOR THE IMMEDIATELY PRECEDING
53 CALENDAR YEAR. THE DIRECTOR SHALL GIVE WRITTEN NOTICE OF THE ANNUAL
54 ADJUSTMENT TO THE OFFICE OF FINANCE AND TO THE COUNTY COUNCIL. THE ANNUAL
55 ADJUSTMENT SHALL BE AUTOMATICALLY EFFECTIVE ON JULY 1 OF EACH YEAR.

1 ~~[(h)]~~ (G) **Residential properties with existing improvements.** Except for payments
2 partially deferred in accordance with § 13-5-815.1, for residential properties with existing
3 improvements, the applicable ~~[[user connection charge and]]~~ capital facility connection
4 charge shall be paid as follows:

5
6 (1) ~~[[Both charges shall be paid in]]~~ IN full when application for connection is made;
7 or

8
9 (2) Any portion ~~[[of either charge]]~~ may be paid when an application for connection
10 is made and the remainder shall be financed in 30 annual installments, or for connections
11 eligible for partial deferment under § 13-5-815.1, in 40 annual installments. The
12 installments shall accrue annual interest at the bond rate established by the Controller as of
13 the date of issuance of a construction contract notice to proceed for a petition project or,
14 for all other connections, the date of issuance of a connection permit. Any installments
15 shall be paid within 60 days of the billing date.

16
17 ~~[(i)]~~ (H) **Nonresidential properties with existing improvements.** For nonresidential
18 properties with existing improvements and for which a connection is constructed under a
19 County capital project or a petition project initiated in accordance with § 13-5-303, ~~[[the~~
20 ~~user connection charge and]]~~ the capital facility connection charge shall be paid in full
21 when application for connection is made.

22
23 ~~[(r)]~~ (Q) **Exemption for volunteer fire companies.** A fire station on property owned
24 by a volunteer fire company formed pursuant to § 12-1-201 of this Code is exempt from
25 the capital facility connection charges ~~[[and user connection charges describe]]~~ DESCRIBED
26 in this section.

27 28 **13-5-815. Exemption for elderly or disabled.**

29
30 (b) **Exemption.** Any single-family dwelling owned and occupied by any person 60
31 years of age or older with a combined gross income that is less than the maximum income
32 level, or a surviving spouse with a combined gross income that is less than the maximum
33 income level, or a person receiving disability benefits as a result of a finding of permanent
34 and total disability under the Social Security Act, the United States Civil Service
35 Commission, Veterans' Administration, or the Railroad Retirement Act shall be exempt
36 from ~~[[the user connection charges,]]~~ capital facilities connection charges, capital facilities
37 assessment charges, and front foot assessment charges until the sale or transfer of the
38 property, at which time the above charges become due and payable by the property owner.

39 40 **13-5-815.1. Partial deferral of residential wastewater system connection charges and** 41 **assessments.**

42
43 (b) **Partial deferral.** For connections to an extension of the County's wastewater
44 system within an eligible area, the owner of a residential property with existing
45 improvements may choose to defer payment of up to 50%, separately or in total, of the
46 assessment~~[[,]]~~ AND the capital facility connection charges~~[[, and the user connection~~
47 ~~charges]]~~ imposed under § 13-5-813 until the earlier of 40 years after the date of connection
48 or upon a title transfer by deed of the property. The portion of any charge or assessment

1 that is not deferred shall be paid in accordance with §§ 13-5-601 et seq. and [[13-5-813(h)]]
2 13-5-813(G).

3
4 (c) **Interest rate.** The capital facility connection charges [[and user connection
5 charges]] deferred under subsection (b) shall accrue annual interest at the bond rate
6 established by the controller as of the date of issuance of a construction contract notice to
7 proceed for the wastewater extension project.

8
9 (d) **Lien enforcement.** The capital facility connection charges [[and user connection
10 charges]] deferred under subsection (b), any interest accrued under subsection (c), and any
11 assessment charges deferred under subsection (b), shall be a lien on the property,
12 subordinate only to the lien of State and County taxes and special benefit assessments, and
13 payment shall be enforced at the same time and in the same manner as such taxes and
14 assessments.

15
16 (e) **Payment of deferred charges and unpaid balance.** Upon the earlier of 40 years
17 after the date of connection or title transfer by deed, except when at least one record owner
18 remains the same either individually or as a trustee:

19
20 (i) The unpaid balance of the capital facility connection charges [[and user
21 connection charges]], plus any interest accrued under subsection (c) and § [[13-5-813(h)]]
22 13-5-813(G), becomes due and payable;

23
24 ***

25
26 SECTION 4. *And be it further enacted,* That this Ordinance shall not be construed to
27 apply to any connections to the County’s water or wastewater system installed prior to the
28 effective date of this Ordinance or for which a connection permit was issued prior to the
29 effective date of this Ordinance.

30
31 SECTION 5. *And be it further enacted,* That this Ordinance shall not be construed to
32 apply to any user connection charge that was deferred, financed, or assessed prior to the
33 effective date of this Ordinance, and any user connection charge that was deferred,
34 financed, or assessed prior to the effective date of this Ordinance shall continue to be
35 deferred, financed, assessed, and paid and collected in accordance with the provisions of
36 the Anne Arundel County Code in effect prior to the effective date of this Ordinance
37 governing the deferral, financing, assessment, and payment and collection of the user
38 connection charge.

39
40 SECTION 6. *And be it further enacted,* That this Ordinance may not be construed to
41 apply to any real property to be served by the projects known as “Coriander Place –
42 Gingerville Water Project, No. W805901”, “Heritage Harbour Water Takeover, Capital
43 Project Number W805700”, and “Heritage Harbour Sewer Takeover, Capital Project
44 Number S807500” (collectively, the “projects”), and the properties to be served by the
45 projects shall be subject to the applicable user connection charges, at the rate for the user
46 connection charges in effect as of March 1, 2020, to be paid, collected, deferred, financed,
47 or assessed in accordance with the provisions of the Anne Arundel County Code in effect
48 prior to the effective date of this Ordinance governing the deferral, financing, assessment,
49 and payment and collection of the user connection charge.

1 SECTION ~~6~~ 7. *And be it further enacted*, That this Ordinance shall take effect 45
2 days from the date it becomes law.

AMENDMENTS ADOPTED: November 2, 2020

READ AND PASSED this 16th day of November, 2020

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 17th day of November, 2020



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 25th day of November, 2020



Steuart Pittman
County Executive

EFFECTIVE DATE: January 9, 2021

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 85-20. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.



JoAnne Gray
Administrative Officer