



Gregory J. Swain, County Attorney

MEMORANDUM

To: Council Members, Anne Arundel County Council

From: Kelly Phillips Kenney, Supervising County Attorney /s/

Via: Gregory J. Swain, County Attorney /s/

Date: March 15, 2021

Subject: Bill No. 27-21 – Public Works – Permits for Use of County Rights-of-Way – Maintenance Permit and Inspection Fees

Legislative Summary

This summary was prepared by the Anne Arundel County Office of Law for use by members of the Anne Arundel County Council during consideration of Bill No. 27-21. The summary is intended to explain the purposes and legal effects of the bill.

Purpose. The primary purpose of Bill No. 27-21 is to require that a utility be invoiced quarterly for right-of-way maintenance permit and inspection fees and to provide for a penalty on charges unpaid after 30 days.

Background. In § 13-3-101(6) of the County Code, “utility” is defined “as an owner whose facilities in a right-of-way are used to provide electricity, gas, information services, sewer service, steam, telecommunications, traffic controls, transit service, video, water, or other services to customers.” Under § 13-3-201, a permit is required for any activity in a right-of-way, and § 13-3-205 allows the Director of the Department of Public Works (“DPW”) to issue a maintenance permit on an annual basis to a utility instead of issuing individual right-of-way permits.

Under § 13-3-205, a utility is required to pay the permit and inspection fees required by §§ 13-3-302 and 13-3-303 in advance through the posting of a deposit in an amount estimated by the Director to be sufficient to cover the required fees. According to DPW, the utilities are failing to pay their maintenance permit and inspection fees on time. This Bill does away with the deposit account, requires quarterly billing, and allows the County to assess a penalty on late payments of maintenance permit and inspection fees.

Note: This Legislative Summary provides a synopsis of the bill as introduced. It does not address subsequent amendments to the bill.

Bill provisions.

Subection **13-3-205(e)** is revised to remove the language pertaining to the deposit account mentioned above to provide that the maintenance permit and inspection fees shall be paid when billed in accordance with § 13-3-306.

Section **13-3-306** is new and requires that a utility be billed quarterly for maintenance permit and inspection fees. Payment shall be made with 30 days of the date of the invoice. If timely payment is not made, a penalty of 10% of the outstanding maintenance permit and inspection fees shall be assessed.

Section 2 provides that the Bill is effective 45 days from the date it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill. Thank you very much.

cc: Honorable Steuart Pittman, County Executive
Matt Power, Chief Administrative Officer
Lori Rhodes, Deputy Chief Administrative Officer for Land Use
Dr. Kai Boggess-de Bruin, PhD, Chief of Staff
Peter Baron, Legislative Liaison
Christopher J. Phipps, Director, DPW
Karen Henry, Assistant Director, DPW
Alex Baquie, Deputy Director, DPW
Karin McQuade, Controller
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