

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2009, Legislative Day No. 7

Bill No. 20-09

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

By the County Council, April 6, 2009

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Introduced and first read on April 6, 2009  
Public Hearing set for May 4, 2009  
Bill Expires July 10, 2009

By Order: Judy C. Holmes, Administrative Officer

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A BILL ENTITLED

1  
2 AN ORDINANCE concerning: Utilities – Front Foot Benefit Assessments

3  
4 FOR the purpose of permitting owners of private water and wastewater facilities to  
5 petition for projects under certain circumstances; permitting the Director to set the  
6 front foot assessment below the statutory minimum under certain circumstances;  
7 making a certain technical change; permitting the Director to impose front foot  
8 assessments for improvement of water and wastewater systems under certain  
9 circumstances; expanding the application of basic front foot assessment rates beyond  
10 new construction; defining the projects subject to a certain calculation of certain front  
11 foot assessments; providing for the imposition of certain rates for properties not  
12 required but permitted to connect to certain water and wastewater projects; and  
13 generally relating to water and wastewater facility projects and front foot benefit  
14 assessments.

15  
16 BY repealing and reenacting, with amendments: §§ 13-5-303(a) and (o); 13-5-601(a); 13-  
17 5-602(a); and 13-5-603(a)  
18 Anne Arundel County Code (2005, as amended)

19  
20 BY renumbering: §§ 13-5-303(o) through (s), 13-5-604 and 13-5-605 to be §§ 13-5-  
21 303(p) through (t), 13-5-605 and 13-5-606, respectively  
22 Anne Arundel County Code (2005, as amended)

23  
24 BY adding: §§ 13-5-303(o); and 13-5-604  
25 Anne Arundel County Code (2005, as amended)

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

1 SECTION 1. *Be it enacted by the County Council of Anne Arundel County,*  
2 *Maryland, §§ 13-5-303(o) through (s), 13-5-604 and 13-5-605 of the Anne Arundel*  
3 *County Code (2005, as amended) are hereby renumbered to be §§ 13-5-303(p) through*  
4 *(t), 13-5-605 and 13-5-606, respectively*

5  
6 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County  
7 Code (2005, as amended) read as follows:

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9 **ARTICLE 13 PUBLIC WORKS**

10  
11 **TITLE 5. UTILITIES**

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13 **13-5-303. Extension on initiation by property owners.**

14  
15 (a) **Petition.**

16  
17 (1) The majority of the owners of real property in a defined area within the County  
18 that is not served by public water or wastewater facilities may petition the Department for  
19 the establishment of water or wastewater facilities within the area[.], [The] THE  
20 boundaries of [the area] WHICH shall be [specified] SPECIFICALLY DESCRIBED in the  
21 petition.

22  
23 (2) THE MAJORITY OF THE OWNERS OF PRIVATE WATER OR WASTEWATER  
24 FACILITIES MAY PETITION THE DEPARTMENT TO BRING THE PRIVATE WATER OR  
25 WASTEWATER FACILITIES UP TO COUNTY STANDARDS SUCH THAT THE PRIVATE  
26 FACILITIES CAN BECOME OWNED BY THE COUNTY.

27  
28 (O) **Rate that is less than the minimum basic rate.** IF THE DIRECTOR DETERMINES  
29 THAT THE RATE TO MAKE THE PROJECT SELF-SUSTAINING IS LESS THAN THE MINIMUM  
30 BASIC RATE SET FORTH IN § 13-5-602(A), THEN THE FRONT FOOT ASSESSMENT SHALL BE  
31 THE RATE TO MAKE THE PROJECT SELF-SUSTAINING AND NOT THE MINIMUM BASIC  
32 RATE.

33  
34 [(o)](P) **Rate that exceeds maximum rate.** If the Director determines that the rate  
35 will exceed the maximum rate set forth in [§ 13-5-602(b)] § 13-5-602(A), the project may  
36 not be considered self-sustaining.

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38 **13-5-601. Authority to impose; liability; lien.**

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40 (a) **Authority to impose.** Except in the Mayo Reclamation Subdistrict, the County  
41 may impose front foot assessments to recover the cost to the County of constructing  
42 [lateral] water and wastewater [lines and appurtenances] FACILITIES AND OF BRINGING  
43 PRIVATE WATER AND WASTEWATER FACILITIES UP TO COUNTY STANDARDS SUCH THAT  
44 THE PRIVATE FACILITIES CAN BECOME OWNED BY THE COUNTY.

45  
46 **13-5-602. Determination of basic rate.**

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48 (a) **Generally.** The basic rates for front foot benefit assessments THROUGH JUNE 30,  
49 2004, TO BE ADJUSTED ANNUALLY ON AND AFTER JULY 1, 2004, AS PROVIDED IN  
50 SUBSECTION (C), for [new] construction of [lateral] water and wastewater [lines and

1 appurtenances] FACILITIES AND FOR BRINGING PRIVATE WATER AND WASTEWATER  
2 FACILITIES UP TO COUNTY STANDARDS SUCH THAT THE PRIVATE FACILITIES CAN  
3 BECOME OWNED BY THE COUNTY [through June 30, 2004, to be adjusted annually on and  
4 after July 1, 2004 as provided in subsection (c),] are:

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6 (1) for water, the minimum basic rate is \$1.89 and the maximum basic rate is  
7 \$6.19 for each front foot assessed; and

8  
9 (2) for wastewater, the minimum basic rate is \$3.77 and the maximum basic rate  
10 is \$9.29 for each front foot assessed.

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12 **13-5-603. Determination of assessable amount.**

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14 (a) **Requirement.** FOR PROPERTIES REQUIRED TO CONNECT TO PROJECTS INITIATED  
15 IN ACCORDANCE WITH §§ 13-5-302 AND 13-5-303 OR TO PROJECTS BRINGING PRIVATE  
16 WATER OR WASTEWATER FACILITIES UP TO COUNTY STANDARDS SUCH THAT THE  
17 PUBLIC SYSTEM CAN BECOME OWNED BY THE COUNTY, [The] THE Director shall  
18 calculate, in accordance with this section, the rate of front foot benefit assessment to be  
19 levied in order to recover the costs for each individual project.

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21 **13-5-604. Properties permitted to connect.**

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23 FOR PROPERTIES NOT REQUIRED BUT PERMITTED TO CONNECT TO PROJECTS  
24 CONSTRUCTED BY THE COUNTY SOLELY AT COUNTY EXPENSE, THE COUNTY SHALL  
25 IMPOSE THE MINIMUM BASIC RATES FOR FRONT FOOT ASSESSMENT IN EFFECT AT THE  
26 TIME OF THE CONNECTION.

27  
28 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days  
29 from the date it becomes law.