

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2010, Legislative Day No. 29

Bill No. 71-10

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

By the County Council, July 19, 2010

Introduced and first read on July 19, 2010
Public Hearing set for August 16, 2010
Bill Expires October 22, 2010

By Order: Judy C. Holmes, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Utilities - Odenton Town Center Sanitary Subdistrict

2

3 FOR the purpose of establishing the Odenton Town Center Sanitary Subdistrict; describing
4 the boundaries and purpose of the Subdistrict; creating a means for financing certain
5 improvements to the County's wastewater system within the Subdistrict; imposing and
6 establishing the basis for and manner of calculating the rate of a sewer service surcharge;
7 specifying the time for payment of the sewer service charge; establishing an allocation
8 relinquishment charge; specifying the applicability of other fees, charges, and provisions
9 of law; providing for certain provisions in a Development Rights and Responsibilities
10 Agreement; adopting a map of the Odenton Town Center Sanitary Subdistrict; excluding
11 certain projects from the sewer service surcharge; and generally relating to the Odenton
12 Town Center Sanitary Subdistrict.

13

14 BY adding: § 13-5-112
15 Anne Arundel County Code (2005, as amended)

16

17 WHEREAS, the 2009 Odenton Town Center Master Plan was adopted by Bill No.
18 90-09, and includes a Vision and Goals for developing the Odenton Town Center as
19 one of the County's three "Town Centers" that embrace the State's "Smart Growth"
20 principles by creating a compact, mixed-use urban area that is designed so that jobs,
21 housing, and daily needs are within walking distance of each other; and

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

22

WHEREAS, the federal Base Realignment and Closure (BRAC) program has made

1 the implementation of the Odenton Town Center Master Plan even more crucial, with
2 a dramatic influx of jobs and households to the area expected over the next five
3 years; and

4
5 WHEREAS, expansion of the capacity of public wastewater facilities is needed
6 before the Vision and Goals of the Odenton Town Center Master Plan can be
7 achieved, and the absence of common ownership of parcels of land within the
8 Odenton Town Center makes existing methods for financing the expansion of that
9 capacity impractical; now, therefore

10
11 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
12 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

13
14 **ARTICLE 13 PUBLIC WORKS**

15
16 **TITLE 5. UTILITIES**

17
18 **13-5-112. Odenton Town Center Sanitary Subdistrict.**

19
20 (A) **Establishment.** THERE IS AN ODENTON TOWN CENTER SANITARY SUBDISTRICT, THE
21 BOUNDARIES OF WHICH ARE SET FORTH ON A MAP ENTITLED "MAP OF ODENTON TOWN
22 CENTER SANITARY SUBDISTRICT" DATED JULY 12, 2010. A CERTIFIED COPY OF THAT MAP
23 SHALL BE PERMANENTLY KEPT ON FILE BY THE ADMINISTRATIVE OFFICER TO THE COUNTY
24 COUNCIL AND THE OFFICE OF PLANNING AND ZONING, AND A COPY SHALL BE INCLUDED IN
25 THE ANNE ARUNDEL COUNTY MASTER PLAN FOR WATER SUPPLY & SEWERAGE SYSTEMS.
26

27 (B) **Purpose.** THE PRIMARY PURPOSE OF THE ODENTON TOWN CENTER SANITARY
28 SUBDISTRICT IS TO PROVIDE A MEANS FOR THE COUNTY TO FINANCE ONE OR MORE CAPITAL
29 PROJECTS IN ORDER TO MAKE IMPROVEMENTS TO THE COUNTY'S WASTEWATER SYSTEM
30 REQUIRED TO PROVIDE 9,000 EQUIVALENT DWELLING UNITS OF ADDITIONAL WASTEWATER
31 CONVEYANCE CAPACITY ESTIMATED TO BE NECESSARY TO SUPPORT DEVELOPMENT OF THE
32 ODENTON GROWTH MANAGEMENT AREA IN ACCORDANCE WITH THE ODENTON TOWN
33 CENTER MASTER PLAN.
34

35 (C) **Means of financing; imposition of sewer service surcharge.** THE COUNTY SHALL
36 RECOVER THE COSTS OF CAPITAL PROJECTS FINANCED BY THE MEANS DESCRIBED IN THIS
37 SECTION, INCLUDING THE COSTS OF INTEREST PAID ON COUNTY BONDS, BY IMPOSING A
38 SEWER SERVICE SURCHARGE ON ALL PROPERTIES WITHIN THE ODENTON TOWN CENTER
39 SANITARY SUBDISTRICT NEWLY CONNECTING TO THE COUNTY'S WASTEWATER SYSTEM,
40 AND ON EACH RESIDENTIAL, COMMERCIAL OR INDUSTRIAL PROPERTY WITHIN THE
41 ODENTON TOWN CENTER SANITARY SUBDISTRICT THAT HAS AN EXISTING CONNECTION
42 AND UNDERGOES AN EXPANSION OR ADDITION TO THE IMPROVEMENTS ON THE PROPERTY,
43 OR A CHANGE IN USE, THAT THE DIRECTOR DETERMINES WILL REQUIRE AN INCREASE IN
44 WASTEWATER FLOW.
45

46 (D) **Basis of surcharge.** THE SEWER SERVICE SURCHARGE IMPOSED ON A PROPERTY
47 SHALL BE BASED ON THE NUMBER OF EQUIVALENT DWELLING UNITS REQUIRED BY THE
48 CONNECTION OR BY THE EXPANSION OR ADDITION OR CHANGE IN USE AS DESCRIBED IN
49 SUBSECTION (C).
50

51 (E) **Calculation of rate of surcharge.** THE INITIAL RATE OF THE SEWER SERVICE
52 SURCHARGE SHALL BE CALCULATED BY DIVIDING THE FINAL COSTS OF THE CAPITAL
53 PROJECTS NECESSARY TO PROVIDE THE 9,000 EQUIVALENT DWELLING UNITS OF

1 ADDITIONAL WASTEWATER CAPACITY BY 9,000, WITH THE RESULTING QUOTIENT
2 CONSTITUTING THE SEWER SERVICE SURCHARGE IMPOSED FOR EACH EQUIVALENT
3 DWELLING UNIT OF CAPACITY REQUIRED BY A PROPERTY IN ACCORDANCE WITH
4 SUBSECTION (D). THE CALCULATION OF THE INITIAL RATE SHALL BE BASED ON THE FINAL
5 COSTS OF THE CAPITAL PROJECTS AS DETERMINED BY THE DIRECTOR AND APPROVED BY
6 THE COUNTY BUDGET OFFICER.

7
8 **(F) Periodic increase in rate of surcharge.** THE RATE IN EFFECT BEFORE JANUARY 1,
9 2016 SHALL INCREASE ON JANUARY 1, 2016 BY 6% OR SUCH OTHER PERCENTAGE
10 DETERMINED BY THE COUNTY COUNCIL, AND ON EACH SUBSEQUENT JANUARY 1ST THE
11 RATE THEN IN EFFECT SHALL INCREASE BY 6% OR SUCH OTHER PERCENTAGE DETERMINED
12 BY THE COUNTY COUNCIL.

13
14 **(G) Time for payment.** THE SEWER SERVICE SURCHARGE SHALL BE PAID IN FULL AT
15 THE TIME AND AS A CONDITION OF BUILDING PERMIT ISSUANCE OR FIVE YEARS FROM THE
16 DATE OF ALLOCATION, WHICHEVER IS EARLIER.

17
18 **(H) Allocation relinquishment charge.** THERE IS AN ALLOCATION RELINQUISHMENT
19 CHARGE IMPOSED ON A PROPERTY SUBJECT TO THE SEWER SERVICE SURCHARGE THAT
20 RECEIVED AN ALLOCATION OF AVAILABLE CAPACITY IN CONJUNCTION WITH APPROVAL BY
21 THE OFFICE OF PLANNING AND ZONING FOR ADEQUACY OF PUBLIC SEWERAGE FACILITIES
22 AS DESCRIBED IN § 13-5-402(B) AS FOLLOWS:

23
24 (I) 5% OF THE SEWER SERVICE SURCHARGE FOR EACH EQUIVALENT DWELLING UNIT
25 BY WHICH THE ALLOCATION IS REDUCED BECAUSE OF A RECALCULATION OF THE
26 ALLOCATION REQUIRED TO SERVE THE PROPERTY; OR

27
28 (II) 5% OF THE SEWER SERVICE SURCHARGE FOR EACH EQUIVALENT DWELLING UNIT
29 OF AN ALLOCATION THAT LAPSES BY OPERATION OF LAW AS DESCRIBED IN § 13-5-405(A).

30
31 **(I) Other fees and charges.** A PROPERTY SUBJECT TO SEWER SERVICE SURCHARGE
32 UNDER THIS SECTION SHALL BE SUBJECT TO ALL OTHER ASSESSMENTS, FEES, AND CHARGES
33 IMPOSED UNDER THIS TITLE, AND TO ALL OTHER PROVISIONS OF THIS TITLE, EXCEPT AS
34 EXPRESSLY STATED OTHERWISE IN THIS SECTION.

35
36 **(J) Development Rights and Responsibilities Agreement.** A DEVELOPMENT RIGHTS
37 AND RESPONSIBILITIES AGREEMENT APPROVED IN ACCORDANCE WITH § 17-7-805 OF THIS
38 CODE MAY INCLUDE PROVISIONS MODIFYING THE MANNER IN WHICH CAPACITY IS
39 RESERVED FOR DEVELOPMENT AND THE MANNER IN WHICH THE DATE OF ALLOCATION IS
40 DETERMINED FOR THE PURPOSE OF ESTABLISHING WHEN FEES AND CHARGES BECOME DUE
41 AND PAYABLE.

42
43 SECTION 2. *And be it further enacted,* That the map entitled "Map of Odenton Town
44 Center Sanitary Subdistrict", dated July 12, 2010, a copy of which is attached as Exhibit 1
45 and incorporated by reference to this Ordinance, is hereby approved and adopted.

46
47 SECTION 3. *And be it further enacted,* That the sewer service surcharge enacted by this
48 Ordinance shall not apply to a property in the Odenton Town Center Sanitary Subdistrict that
49 was required to pass the test for adequate public sewerage facilities and for which an
50 allocation of wastewater capacity was made before the effective date of this Ordinance,
51 subject to the requirement that all fees and charges imposed by § 13-5-403 of the Anne
52 Arundel County Code (2005, as amended) shall be timely paid. In the event that such fees
53 are not timely paid, the allocation shall be deemed forfeited, and the property shall be subject
54 to the sewer service surcharge for any subsequent allocation.

55

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