

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2019, Legislative Day No. 6

Bill No. 17-19

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

By the County Council, March 18, 2019

Introduced and first read on March 18, 2019
Public Hearing set for April 15, 2019
Bill Expires June 21, 2019

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Utilities – Allocation of Water and
2 Wastewater Capacity

3
4 FOR the purpose of requiring payment of certain interest and penalty charges and
5 allocation reservation charges upon a reduction of an allocation in certain situations;
6 clarifying the time for accumulation of certain interest charges on the capital facility
7 connection charge; requiring payment of certain interest and penalties on the capital
8 facility connection charge upon a lapse of allocation; and generally relating to charges
9 and fees for the allocation of water and wastewater capacity.

10
11 BY repealing and reenacting, with amendments: §§ 13-5-403(e)(2), (e)(3), and (f); and 13-
12 5-405(a) and (b)
13 Anne Arundel County Code (2005, as amended)

14
15 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
16 That Section of the Anne Arundel County Code (2005, as amended) reads as follows:

ARTICLE 13. PUBLIC WORKS

TITLE 5. UTILITIES

21
22 **13-5-403. Charges and fees for property subject to adequate public facilities.**

23
24 **(e) Additional charges and refunds.**

EXPLANATION: CAPITALS indicate new matter added to existing law.
[Brackets] indicate matter stricken from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.

1 (2) If an allocation is reduced after payment of the capital facility connection charge
2 because of a recalculation of the allocation required to serve the property, the owner may
3 obtain a refund of [the difference between] the capital facility connection charge paid [and
4 the amount of the charge due as a result of the recalculation] FOR EACH EQUIVALENT
5 DWELLING UNIT BY WHICH THE ALLOCATION IS REDUCED, LESS ANY ACCUMULATED
6 INTEREST AND PENALTIES CALCULATED IN ACCORDANCE WITH SUBSECTIONS (F) AND (H).
7 ADDITIONALLY, FOR EACH EQUIVALENT DWELLING UNIT BY WHICH THE ALLOCATION IS
8 REDUCED, [The] THE owner shall pay any unpaid allocation reservation charges,
9 INCLUDING ANY INTEREST AND PENALTIES ACCUMULATED IN ACCORDANCE WITH
10 SUBSECTION (H), DEFERRED ALLOCATION RESERVATION CHARGES AND ANY INTEREST
11 ON DEFERRED ALLOCATION RESERVATION CHARGES.

12
13 (3) If an allocation is reduced before payment of the capital facility connection
14 charge because of a recalculation of the allocation required to serve the property, FOR EACH
15 EQUIVALENT DWELLING UNIT BY WHICH THE ALLOCATION IS REDUCED, the owner shall
16 pay:

17
18 (I) all UNPAID allocation reservation charges, INCLUDING ANY INTEREST AND
19 PENALTIES ACCUMULATED IN ACCORDANCE WITH SUBSECTION (H), DEFERRED
20 ALLOCATION RESERVATION CHARGES AND ANY INTEREST ON DEFERRED ALLOCATION
21 RESERVATION CHARGES; AND

22
23 (II) ANY ACCUMULATED INTEREST OR PENALTIES ON THE CAPITAL FACILITY
24 CONNECTION CHARGES CALCULATED IN ACCORDANCE WITH SUBSECTIONS (F) AND (H).

25
26 (f) **Capital facility connection charge; interest rate.** The outstanding principal
27 balance of the capital facility connection charge shall be subject to an annual interest rate
28 equal to the applicable prime rate plus an additional 2%, calculated and [assessed]
29 ACCUMULATED annually[, beginning] on the first of the month of the sixth, SEVENTH, AND
30 EIGHTH anniversary of the date of allocation. The accumulated interest charges, and late
31 interest in accordance with subsection (h)(2), if any, shall be due within the earlier of eight
32 years after the date of allocation, or prior to or in conjunction with the issuance of a building
33 permit.

34
35 **13-5-405. Lapse.**

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37 (a) **Lapse by operation of law.** An allocation lapses by operation of law if:

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39 (1) any development application for which the County has granted an allocation
40 becomes void, expires, or is revoked;

41
42 (2) there is a default on the requirement to pay fees and charges as described in §
43 [13-5-403(f)(2)] 13-5-403(I)(1); or

44
45 (3) the property is sold at tax sale.

46
47 (b) **Amount due upon lapse; collection.** If an allocation lapses by operation of law,
48 all allocation reservation charges that have been paid are forfeited and the following fees
49 and charges, along with any interest AND PENALTIES that [has accrued] HAVE
50 ACCUMULATED on the fees and charges, immediately [become] BECOMES due and payable
51 and shall be collected as provided in § 1-8-101 of this Code:

1 (1) any unpaid allocation reservation charges, including deferred allocation
2 reservation charges AND ANY INTEREST ON DEFERRED ALLOCATION RESERVATION
3 CHARGES; [and]

4
5 (2) ANY ACCUMULATED INTEREST AND PENALTIES ON THE CAPITAL FACILITY
6 CONNECTION CHARGES CALCULATED IN ACCORDANCE WITH § 13-5-403(F) AND (H); AND

7
8 [(2)] (3) a lapsing fee in the amount of the sum of the applicable prime rate plus 5%
9 multiplied by the capital facility connection charge in effect as of the date of the lapse,
10 except that if an allocation lapses by operation of law under subsection (a)(2) because of
11 unpaid allocation reservation charges and an allocation may be restored in accordance with
12 subsection (d), a lapsing fee in the amount of the applicable prime rate plus an additional
13 5% of the unpaid allocation reservation charges that caused the lapse, if paid in accordance
14 with subsection (d)(3).

15
16 SECTION 2. *And be it further enacted*, That this Ordinance shall take effect 45 days
17 from the date it becomes law.