



*Gregory J. Swain, County Attorney*

## MEMORANDUM

**To:** Council Members, Anne Arundel County Council

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

**Through:** Lori L. Blair Klasmeier, Deputy County Attorney /s/

**Date:** July 20, 2020

**Subject:** Bill No. 61-20 (Public Works – Utilities)

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### 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. 61-20, a Bill related public works, utilities, and metered and water and wastewater procedures.

**Purpose.** The purpose of the Bill is to make corrections and changes to various provisions of Article 13 pertaining to utilities and water and wastewater procedures.

The following changes are made in **SECTION 1.** of the Bill.

In §§ **13-5-107 and 13-5-306**, the term “backflow prevention device” is replaced with “backflow preventer”, as that is the correct technical term. Backflow preventers inhibit the contamination of potable water with non-potable water, solids, or gasses by preventing water from flowing backwards into supply lines at points where cross connections occur in piping fixtures.

Currently, § **13-5-108** refers to only backflow preventers for irrigation systems and allows DPW to turn off the water if there is not a backflow preventer on an irrigation system. The section is revised to allow DPW to turn off the water to any property that does not have a backflow preventer where one is required by the International Plumbing Code (as adopted and amended by the County), which includes beverage dispensing machines, ice machines, and fire suppression systems. New language is added to provide that after the water service is turned off, it may only be restored after the backflow preventer is repaired or replaced and certified by a licensed plumber to be functioning and upon payment of the service charge set forth in § 13-5-811.

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

Subsection **13-5-806(c)** is revised to change the time frame for replacement of a water meter on a private water source from every ten years to every fifteen years.

Subsection **13-5-809(b)** is revised to delete language that authorizes back billing for water or wastewater usage only where there is an omission or mistake of a customer and would allow back billing for a period not to exceed three years for any billing that is incorrect or not made.

The changes in § **13-5-809(c)** revise the provisions allowing for waivers of water and wastewater usage bills for uninhabitable and certain unoccupied properties. Bill 5-13, which added a waiver for properties that were unoccupied due to military deployment, limited that waiver to residential properties only, but inadvertently also limited the waiver for uninhabitable property to residential properties. Prior to Bill 5-13, waivers were allowed for any type of property that became uninhabitable. In the Bill, the language limiting the waiver for uninhabitable properties to “residential” properties is removed. (The waiver for properties unoccupied due to military deployment remains restricted to residential properties.) New language is added to require an application be submitted to request either waiver, and to provide that the waiver may be granted in increments of up to six months, for a maximum of ten years. New language also establishes application criteria for the waiver.

In § **13-5-809(f)**, the amount that DPW may reimburse to a residential customer for property damage as a result of a sewer system backup into a customer’s home is increased from \$500 to \$1,000.

New language is added in § **13-5-811** to require that whenever water service is turned off for a lack of a backflow preventer (in accordance with § 13-5-108), a service charge of \$50 shall be paid in order to restore the water service after the backflow preventer is repaired or replaced. In § **13-5-812**, “meter test” is added to the list of items that are subject to a charge of \$35. New language is also added to allow the \$35 charge (for meter reading, special billing or a meter test) to be waived by the Office of Finance in accordance with a written policy of DPW.

**SECTION 2.** (uncodified) provides that the bill takes effect 45 days after it becomes law.

The Office of Law is available to answer any additional questions regarding this Bill.

Thank you.

cc: Honorable Stuart Pittman, County Executive  
Matthew Power, Chief Administrative Officer  
Dr. Kai Boggess-de Bruin, Chief of Staff  
Peter Baron, Legislative Liaison  
Jim Beauchamp, Budget Officer  
Christopher J. Phipps, Director, Department of Public Works  
Karen Henry, Assistant Director, Department of Public Works