

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 25

Bill No. 61-20

Introduced by Ms. Pickard, Chair
(by request of the County Executive)

By the County Council, July 20, 2020

Introduced and first read on July 20, 2020
Public Hearing set for and held on September 8, 2020
Bill AMENDED on September 21, 2020
Public Hearing on AMENDED bill set for and held on October 5, 2020
Bill Expires October 23, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Utilities – Backflow Preventers – Water
2 and Wastewater

3
4 FOR the purpose of replacing the term “backflow prevention device” with “backflow
5 preventer”; requiring repair or replacement of a backflow preventer in certain
6 situations; requiring payment of a service charge for restoration of water service after
7 it is turned off for an improperly functioning backflow preventer; modifying the
8 timeframe for the replacement of a water meter on a private water source; allowing for
9 back billing for water or wastewater charges for a period not to exceed three years for
10 any billings that are incorrect or not made; allowing a waiver of water or wastewater
11 usage bills for any property that becomes uninhabitable or certain unoccupied
12 residential property; increasing the amount of reimbursement to a residential customer
13 for property damage as a result of a sewer system backup; establishing a charge for a
14 meter test; and generally relating to public works.

15
16 BY repealing and reenacting, with amendments: §§ 13-5-107(a)(1), (d), (f) and (k)(1); 13-
17 5-108; 13-5-306(a); 13-5-806(c); 13-5-809(b), (c) and (f); 13-5-811; and 13-5-812
18 Anne Arundel County Code (2005, as amended)

19
20 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
21 That Section(s) of the Anne Arundel County Code (2005, as amended) read as follows:

EXPLANATION: CAPITALS indicate new matter added to existing law.
[[Brackets]] indicate matter deleted from existing law.
Captions and taglines in **bold** in this bill are catchwords and are not law.
Underlining indicates amendments to bill.
~~Strikeover~~ indicates matter stricken from bill by amendment.

1 **ARTICLE 13. PUBLIC WORKS**

2
3 **TITLE 5. UTILITIES**

4
5 **13-5-107. Fire hydrants.**

6
7 (a) **Definitions.** In this section, the following words have the meanings indicated.

8
9 (1) “Backflow [[prevention device]] PREVENTER” means a device or means used to
10 prevent the flow of gas, liquids, solids, or other substances into the public water supply.

11
12 (d) **Water meters.** If a fire hydrant connection permit is issued, the permit holder shall
13 use only the water meter and backflow [[prevention device]] PREVENTER approved by the
14 Department in the permit. A permit holder may rent a water meter from the County upon
15 payment of the rental and deposit rates set forth in §§ 13-5-904 and 13-5-905, or may use
16 a privately-owned meter if the meter is inspected and approved by the Department. If the
17 Director determines it is in the best interest of the County, the Department may prohibit
18 the use of privately-owned meters for connection to fire hydrants and may establish a
19 policy under which the County may purchase privately-owned meters to rent to permit
20 holders.

21
22 (f) **Permit display; backflow preventer.** A person may not make a connection to or
23 draw water from a fire hydrant unless that person possesses a copy of a valid fire hydrant
24 permit and uses a water meter with a tag matching the permit. A person may not make a
25 connection to or draw water from a fire hydrant without using a properly functioning
26 backflow [[prevention device]] PREVENTER approved by the Department.

27
28 (k) **Sanctions; penalties.**

29
30 (1) If a permit holder fails to use a backflow [[prevention device]] PREVENTER on
31 a water meter connected to a fire hydrant or if the Department determines a backflow
32 [[prevention device]] PREVENTER is in disrepair or malfunctioning, all fire hydrant
33 connection permits issued to that permit holder shall be suspended until a backflow
34 [[prevention device]] PREVENTER is repaired or installed on the water meter and approved
35 by the Department.

36
37 **13-5-108. Backflow preventers.**

38
39 If [[the owner or user of an irrigation system]] A PROPERTY connected to public water
40 does not have a properly functioning backflow [[device]] PREVENTER as required by
41 Article 15 of this Code, THE DEPARTMENT SHALL ISSUE THE OWNER A NOTICE TO
42 INSTALL, TEST, REPAIR, OR REPLACE THE BACKFLOW PREVENTER WITHIN 90 DAYS OF THE
43 DATE OF THE NOTICE. IF THE OWNER FAILS TO COMPLY, THE DEPARTMENT SHALL ISSUE
44 A SECOND NOTICE TO INSTALL, TEST, REPAIR, OR REPLACE THE BACKFLOW PREVENTER
45 WITHIN 30 DAYS OF THE DATE OF THE NOTICE. IF THE OWNER FAILS TO COMPLY WITH THE
46 SECOND NOTICE, the Department may turn off public water SERVICE to the [[owner or
47 user]] PROPERTY. PUBLIC WATER SERVICE TO THE PROPERTY MAY ONLY BE RESTORED
48 AFTER THE BACKFLOW PREVENTER HAS BEEN INSTALLED, REPAIRED, OR REPLACED; HAS
49 BEEN CERTIFIED BY A LICENSED PLUMBER TO BE FUNCTIONING PROPERLY IN

1 ACCORDANCE WITH ARTICLE 15 OF THIS CODE; AND UPON PAYMENT OF THE SERVICE
2 CHARGE SET FORTH IN § 13-5-811.

3
4 **13-5-306. Unlawful connection.**

5
6 (a) **Requirements.** A person may not make connection to a County water or wastewater
7 line without permission from the Director and without having complied with connection
8 permit and other connection application requirements of this Code. A person may not turn
9 on a water valve or restore water service that has been disconnected or turned off without
10 permission from the Director. A person may not use County water other than through a
11 water meter with a required backflow [[prevention device]] PREVENTER.

12
13 **13-5-806. Wastewater charges for properties with water meters on private water**
14 **sources and for properties without water service.**

15
16 (c) **Same – required replacement.** A water meter on a private water source shall be
17 replaced by the property owner at least once every [[ten]] 15 years.

18
19 **13-5-809. Penalties, back-billing, adjustments, and payments.**

20
21 (b) **Incorrect billings or no billings.** If billings are incorrect or not made ~~due to an~~
22 omission or error by a customer~~}},~~ the Office of Finance may back bill for a period not to
23 exceed three years.

24
25 (c) **Uninhabitable or unoccupied property.** ~~[[At a customer's request,]]~~ A CUSTOMER
26 MAY SUBMIT AN APPLICATION FOR A WAIVER OF A WATER OR WASTEWATER USAGE BILL
27 FOR ANY ~~[[if residential]]~~ property ~~[[on unmetered wastewater service]]~~ THAT becomes
28 uninhabitable, or FOR RESIDENTIAL PROPERTY THAT will be unoccupied for three months
29 or more because an owner of the property is activated to military service pursuant to an
30 Executive Order issued by the President of the United States ~~[[,the Office of Finance]]~~. THE
31 DEPARTMENT may GRANT THE WAIVER AND, IF GRANTED, THE OFFICE OF FINANCE SHALL
32 reduce the bill for usage to zero FOR A PERIOD OF UP TO SIX MONTHS OR until the property
33 is habitable or occupied again. THE WAIVER MAY BE RENEWED IN INCREMENTS OF UP TO
34 SIX MONTHS UPON APPLICATION OF THE OWNER, FOR A MAXIMUM TOTAL OF NO MORE
35 THAN TEN YEARS. THE APPLICATION SHALL BE SUBMITTED TO THE DEPARTMENT WITHIN
36 SIX MONTHS OF THE PROPERTY BECOMING UNINHABITABLE OR THE OWNER BEING
37 ACTIVATED TO MILITARY SERVICE, OR PRIOR TO THE EXPIRATION OF A PREVIOUSLY
38 GRANTED SIX MONTH WAIVER, AND THE ~~[[The]]~~ property owner shall provide the
39 Department with PROOF THAT THE PROPERTY IS UNINHABITABLE OR a copy of the military
40 orders calling the owner to active duty. If there are any costs to the utility to abandon
41 service, even on a temporary basis, or to reestablish service, the customer shall pay these
42 costs.

43
44 (f) **Sewer system backup reimbursement.** The Department may reimburse a
45 residential customer up to ~~[[500]]~~ \$1,000 for property damage sustained as a result of a
46 sewer system backup into the customer's home, after a determination by Risk Management
47 that the backup is not a liability of the County or caused by customer negligence. The
48 customer shall provide receipts of expenses incurred to cleanup or replace damaged
49 property and proof that the customer was not compensated for the damage by insurance.

1 **13-5-811. Charge for restoration of water service.**

2
3 Whenever water service has been turned off in accordance with § 13-5-810, and if the
4 charges remain unpaid 60 days after the billing date, a service charge of \$50 shall be paid
5 in order to restore service after the payment of the previously unpaid charges. WHENEVER
6 WATER SERVICE HAS BEEN TURNED OFF IN ACCORDANCE WITH § 13-5-108, A SERVICE
7 CHARGE OF \$50 SHALL BE PAID IN ORDER TO RESTORE SERVICE AFTER COMPLIANCE WITH
8 § 13-5-108.

9
10 **13-5-812. Charge for meter reading, special billing, and meter test.**

11
12 There is a charge of \$35 for a request for a meter reading, [[and]] A special billing, OR
13 A METER TEST. IN ACCORDANCE WITH WRITTEN POLICY OF THE DEPARTMENT, THE
14 OFFICE OF FINANCE MAY WAIVE THE CHARGE.

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

AMENDMENTS ADOPTED: September 21, 2020

READ AND PASSED this 5th day of October, 2020

By Order:



JoAnne Gray
Administrative Officer

PRESENTED to the County Executive for his approval this 6th day of October, 2020



JoAnne Gray
Administrative Officer

APPROVED AND ENACTED this 12th day of October, 2020



Steuart Pittman
County Executive

EFFECTIVE DATE: November 26, 2020

I HEREBY CERTIFY THAT THIS IS A TRUE AND CORRECT COPY OF
BILL NO. 61-20. THE ORIGINAL OF WHICH IS RETAINED IN THE
FILES OF THE COUNTY COUNCIL.

A handwritten signature in blue ink that reads "JoAnne Gray". The signature is written in a cursive style with a large initial "J" and a long, sweeping underline.

JoAnne Gray
Administrative Officer