

PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 27

Bill No. 80-20

Introduced by Ms. Haire

By the County Council, September 21, 2020

Introduced and first read on September 21, 2020
Public Hearing set for October 19, 2020
Bill Expires December 25, 2020

By Order: JoAnne Gray, Administrative Officer

A BILL ENTITLED

1 AN ORDINANCE concerning: Public Works – Utilities – Assessments – Water and
2 Wastewater Facilities

3
4 FOR the purpose of authorizing assessments to recover the County’s cost of constructing
5 certain water and wastewater facilities; defining certain terms; providing for the
6 calculation, imposition, payment, and collection of assessments to recover the County’s
7 cost of constructing water and wastewater facilities; establishing a method of
8 determining the assessable amount for a lot; requiring the payment and forfeiture of
9 certain assessments upon development; requiring notice of an assessment and
10 opportunity to appeal an assessment; establishing a rate for assessment for properties
11 connecting to capital projects extending water or wastewater facilities; prohibiting the
12 application of this Ordinance to certain properties; and generally relating to public
13 works.

14
15 BY repealing: §§ 13-5-601 through 13-5-606 and the subtitle “Subtitle 6. Front Foot
16 Assessments”
17 Anne Arundel County Code (2005, as amended)

18
19 BY adding: §§ 13-5-601 through 13-5-605 to be under the new subtitle “Subtitle 6.
20 Assessments”
21 Anne Arundel County Code (2005, as amended)

22
23 SECTION 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*
24 That §§ 13-5-601 through 13-5-606 and the subtitle “Subtitle 6. Front Foot Assessments”
25 of the Anne Arundel County Code (2005, as amended) be repealed.

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.

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

3
4 **ARTICLE 13. PUBLIC WORKS**

5
6 **TITLE 5. UTILITIES**

7
8 **SUBTITLE 6. ASSESSMENTS**

9
10 **13-5-601. Definitions.**

11
12 IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED:

13
14 (1) "EQUIVALENT DWELLING UNIT" HAS THE MEANING STATED IN § 13-5-401(4).

15
16 (2) "LOT" MEANS THOSE PARCELS OF REAL PROPERTY THAT HAVE SEPARATE TAX
17 ACCOUNT NUMBERS ACCORDING TO THE PROPERTY ACCOUNT IDENTIFICATION NUMBERS
18 ASSIGNED BY THE MARYLAND DEPARTMENT OF ASSESSMENTS AND TAXATION, WHETHER
19 OR NOT IMPROVED, BUT THE TERM DOES NOT INCLUDE A LOT THAT THE OWNER CAN
20 PROVE TO THE SATISFACTION OF THE COUNTY IS NON-BUILDABLE UNDER ANY
21 CIRCUMSTANCE.

22
23 (3) "NONRESIDENTIAL LOT" MEANS ANY LOT OTHER THAN A RESIDENTIAL LOT.

24
25 (4) "PROJECT COST" MEANS ALL COSTS OR EXPENSES REQUIRED TO COMPLETE A
26 WATER OR WASTEWATER EXTENSION OR UPGRADE, INCLUDING THE COMBINED COST OF
27 DESIGN, ENGINEERING, SURVEYING, CONSTRUCTION, RIGHT-OF-WAY OR PROPERTY
28 ACQUISITION, AND CONNECTIONS.

29
30 (5) "RESIDENTIAL LOT" MEANS A LOT THAT IS ZONED RESIDENTIAL AS SHOWN ON
31 THE ANNE ARUNDEL COUNTY DIGITAL ZONING LAYER ADOPTED IN ACCORDANCE WITH §
32 18-2-106 OF THIS CODE, OR A LOT UPON WHICH THERE IS AT LEAST ONE DWELLING UNIT,
33 AS DEFINED IN ARTICLE 18.

34
35 **13-5-602. Authority to impose; liability; lien.**

36
37 (A) **Authority to impose.** THE COUNTY MAY IMPOSE ASSESSMENTS TO RECOVER THE
38 PROJECT COST TO THE COUNTY OF CONSTRUCTING WATER OR WASTEWATER FACILITIES
39 OR THE PROJECT COST OF BRINGING PRIVATE WATER OR WASTEWATER FACILITIES UP TO
40 COUNTY STANDARDS SO THAT THE COUNTY MAY ACCEPT OWNERSHIP OF THE PRIVATE
41 FACILITIES.

42
43 (B) **Duty to pay.** THE OWNERS OF REAL PROPERTY, INCLUDING THE COUNTY, WHO
44 CONNECT TO THE COUNTY'S WATER OR WASTEWATER FACILITIES OR WHOSE PROPERTY
45 IS BENEFITED BY THE COUNTY'S WATER OR WASTEWATER FACILITIES SHALL PAY THE
46 APPLICABLE ASSESSMENTS SET FORTH IN THIS SUBTITLE.

47
48 (C) **Collection.** EXCEPT FOR PROPERTIES THAT QUALIFY FOR THE DEFERRAL
49 DESCRIBED IN § 13-5-815.1, ASSESSMENTS SHALL BE BILLED ANNUALLY OVER A 30-YEAR
50 PERIOD. FOR PROPERTIES THAT QUALIFY FOR THE DEFERRAL DESCRIBED IN § 13-5-815.1,
51 ASSESSMENTS SHALL BE BILLED ANNUALLY OVER A 40-YEAR PERIOD. ASSESSMENTS
52 SHALL BE PAID WITHIN 30 DAYS OF THE DUE DATE ON THE BILLING INVOICE, AND ANY
53 AMOUNT UNPAID 30 DAYS AFTER THE DUE DATE SHALL BE COLLECTED AS PROVIDED IN §
54 1-8-101 OF THIS CODE. EXCEPT AS PROVIDED IN § 13-5-603(H) AND EXCEPT FOR AN ANNUAL
55 ASSESSMENT THAT HAS BEEN BILLED, ASSESSMENTS REMAIN A LIEN AGAINST THE
56 PROPERTY UPON A TRANSFER OF TITLE.

1 **13-5-603. Determination of assessment.**

2
3 (A) **Requirement.** FOR A PROPERTY REQUIRED TO CONNECT TO A PROJECT INITIATED
4 IN ACCORDANCE WITH §§ 13-5-302 AND 13-5-303 OR FOR A PROJECT BRINGING PRIVATE
5 WATER OR WASTEWATER FACILITIES UP TO COUNTY STANDARDS SO THAT THE COUNTY
6 MAY ACCEPT OWNERSHIP OF THE PRIVATE FACILITIES IN ACCORDANCE WITH § 13-5-105,
7 THE DIRECTOR SHALL CALCULATE THE RATE OF THE ASSESSMENT TO BE LEVIED IN
8 ORDER TO RECOVER THE PROJECT COSTS FOR EACH INDIVIDUAL PROJECT IN
9 ACCORDANCE WITH THIS SECTION.

10
11 (B) **Definition of net assessable amount.** THE DIRECTOR SHALL DETERMINE THE NET
12 ASSESSABLE AMOUNT OF A PROJECT BY:

13
14 (1) ESTABLISHING THE PROJECT COST;

15
16 (2) SUBTRACTING ANY COSTS ASSOCIATED WITH MAKING SERVICE AVAILABLE
17 BEYOND THE AREA TO BE SERVED AND ANY STATE AID, FEDERAL AID, OR OTHER
18 CONTRIBUTIONS TOWARDS THE PROJECT; AND

19
20 (3) ADDING THE AMOUNT NECESSARY TO REIMBURSE THE COUNTY FOR THE
21 ESTIMATED INTEREST EXPENSE OF THE COUNTY FUNDS INVESTED IN THE PROJECT, AS
22 DETERMINED BY THE CONTROLLER.

23
24 (C) **Assessment determined by dividing the net assessable amount by the number**
25 **of equivalent dwelling units.** FOR PURPOSES OF THE ASSESSMENT, THE DIRECTOR SHALL
26 DETERMINE EQUIVALENT DWELLING UNITS AS SET FORTH IN § 13-5-804(A), SUBJECT TO
27 THE LIMITATIONS SET FORTH IN SUBSECTION (E). EXCEPT AS PROVIDED IN SUBSECTION
28 (H), EACH LOT SHALL BE ASSIGNED AT LEAST ONE EQUIVALENT DWELLING UNIT. THE
29 DIRECTOR SHALL SET THE ASSESSMENT FOR AN EQUIVALENT DWELLING UNIT BY
30 DIVIDING THE NET ASSESSABLE AMOUNT BY THE TOTAL NUMBER OF EQUIVALENT
31 DWELLING UNITS ATTRIBUTABLE TO ALL OF THE LOTS TO BE SERVED BY THE PROJECT.

32
33 (D) **Assessment; residential lot.** FOR A RESIDENTIAL LOT, THE ASSESSMENT SHALL BE
34 THE EQUIVALENT DWELLING UNIT ASSESSMENT AS CALCULATED IN ACCORDANCE WITH
35 SUBSECTION (C) MULTIPLIED BY THE NUMBER OF EQUIVALENT DWELLING UNITS
36 ATTRIBUTABLE TO THE LOT, LESS ANY STATE AID, FEDERAL AID, OR COUNTY SUBSIDY
37 PROVIDED FOR THE RESIDENTIAL LOT.

38
39 (E) **Assessment; nonresidential lot.** FOR A NONRESIDENTIAL LOT, THE ASSESSMENT
40 SHALL BE:

41
42 (1) THE EQUIVALENT DWELLING UNIT ASSESSMENT AS CALCULATED IN
43 ACCORDANCE WITH SUBSECTION (C) MULTIPLIED BY THE NUMBER OF EQUIVALENT
44 DWELLING UNITS ATTRIBUTABLE TO THE USES ON THE NONRESIDENTIAL LOT, EXCEPT
45 THAT FOR PURPOSES OF THE ASSESSMENT, THE NUMBER OF EQUIVALENT DWELLING
46 UNITS ATTRIBUTABLE TO A NONRESIDENTIAL LOT MAY NOT EXCEED FIVE FOR
47 INDUSTRIAL USES OR THREE FOR ALL OTHER NONRESIDENTIAL USES; AND

48
49 (2) THE COSTS, AS DETERMINED BY THE DEPARTMENT, TO UPGRADE, UPSIZE, OR
50 IMPROVE THE WATER OR WASTEWATER FACILITIES TO SERVE THE SPECIFIC NEEDS OF THE
51 NONRESIDENTIAL LOT THAT EXCEED THE AMOUNT CALCULATED UNDER PARAGRAPH (1).

52
53 (F) **Annual assessment.** THE OWNER OF EACH LOT SHALL ANNUALLY PAY THE
54 ASSESSMENT CALCULATED FOR THE LOT IN ACCORDANCE WITH SUBSECTION (D) OR (E)
55 DIVIDED BY 30 YEARS, OR, FOR PROJECTS THAT QUALIFY FOR THE DEFERRAL DESCRIBED
56 IN § 13-5-815.1, DIVIDED BY 40.

1 **(G) Payment upon subdivision; change in use.**

2
3 (1) IF A LOT SUBJECT TO AN ASSESSMENT UNDER THIS SUBTITLE IS SUBDIVIDED IN
4 ACCORDANCE WITH ARTICLE 17 OF THIS CODE, THE REMAINDER OF THE ASSESSMENT
5 SHALL BE PAID IN FULL PRIOR TO APPROVAL OF THE SUBDIVISION PLAT AND THE
6 REMAINDER SHALL BE COLLECTED AS PROVIDED IN § 1-8-101 OF THIS CODE AND
7 CONSTITUTE A LIEN ON THE PROPERTY. THE DIRECTOR MAY IMPOSE AN ASSESSMENT ON
8 ANY NEW LOTS CREATED AS A RESULT OF A SUBDIVISION.

9
10 (2) THE DIRECTOR MAY INCREASE OR DECREASE THE ASSESSMENT OF A LOT IF THE
11 USE ON A LOT IS CHANGED, AND THE DIRECTOR SHALL ADJUST, AS APPROPRIATE, THE
12 EQUIVALENT DWELLING UNIT ASSESSMENT AMONG THE LOTS INCLUDED IN THE PROJECT
13 AREA.

14
15 **(H) Exemptions.** UPON A REQUEST BY THE OWNER AND CONFIRMATION BY THE
16 DEPARTMENT THAT THE LOT FALLS INTO ONE OF THE BELOW CATEGORIES, THE
17 FOLLOWING LOTS ARE EXEMPT FROM THE ASSESSMENT:

18
19 (1) UNIMPROVED COMMON AREAS, RECREATION AREAS, OR OPEN SPACES SHOWN
20 ON A SUBDIVISION PLAT AND OWNED BY A NONPROFIT COMMUNITY OR HOMEOWNERS'
21 ASSOCIATION; AND

22
23 (2) A LOT OWNED BY A NONPROFIT COMMUNITY OR HOMEOWNERS' ASSOCIATION
24 IF NO STRUCTURE ON THE LOT IS SERVED BY A PRIVATE WATER OR WASTEWATER SYSTEM
25 AT THE TIME OF THE CALCULATION OF THE NET ASSESSABLE AMOUNT.

26
27 **13-5-604. Notice and hearing; finality; adjustments.**

28
29 **(A) Notice of assessment.** BEFORE THE ASSESSMENT FOR A LOT BECOMES FINAL, THE
30 DIRECTOR SHALL NOTIFY THE OWNER OF THE PROPERTY IN WRITING:

31
32 (1) OF THE NUMBER OF EQUIVALENT DWELLING UNITS AND THE ASSESSMENT
33 ASSIGNED TO THE PROPERTY;

34
35 (2). OF THE RIGHT TO APPEAL THE ASSESSMENT IN A WRITING DIRECTED TO THE
36 DIRECTOR AND TO REQUEST A HEARING ON THE APPEAL BEFORE THE DIRECTOR; AND

37
38 (3) THAT THE DEADLINE FOR FILING AN APPEAL AND FOR REQUESTING A HEARING
39 IS 30 DAYS AFTER THE DATE OF THE NOTICE OF ASSESSMENT.

40
41 **(B) Notice of hearing.** IF A HEARING IS REQUESTED, THE DIRECTOR SHALL NOTIFY THE
42 PROPERTY OWNER IN WRITING OF THE DATE, TIME, AND LOCATION OF THE HEARING. THE
43 DIRECTOR MAY EXTEND THE HEARING DATE UPON REQUEST OF THE PROPERTY OWNER.

44
45 **(C) Finality; extension of hearing date.** THE ASSESSMENT BECOMES FINAL UNLESS
46 THE PROPERTY OWNER APPEALS THE ASSESSMENT IN WRITING WITHIN 30 DAYS AFTER
47 THE DATE OF THE NOTIFICATION OF THE ASSESSMENT.

48
49 **(D) Adjustments.** THE DIRECTOR MAY MAKE FAIR AND REASONABLE ADJUSTMENTS
50 IF THE DIRECTOR CONCLUDES THAT, BASED ON AN APPEAL OF AN ASSESSMENT, THE
51 ORIGINAL ASSESSMENT WAS INCORRECT OR INEQUITABLE BASED ON THE USE OF THE
52 LOT.

1 **13-5-605. Properties permitted to connect.**
2

3 (A) **Connections and assessment rates – capital projects.** EXCEPT FOR PROJECTS
4 CONSTRUCTED IN ACCORDANCE WITH §§ 13-5-302 OR 13-5-303, FOR PROJECTS THAT
5 EXTEND WATER OR WASTEWATER FACILITIES AT THE COUNTY’S SOLE EXPENSE,
6 PROPERTY OWNERS ARE NOT REQUIRED TO CONNECT TO THE FACILITIES. IF A PROPERTY
7 OWNER CHOOSES TO CONNECT TO THE FACILITIES, THE COUNTY SHALL IMPOSE AN
8 ANNUAL ASSESSMENT AT THE MINIMUM BASIC RATES IN EFFECT AT THE TIME OF THE
9 CONNECTION. BEGINNING ON THE EFFECTIVE DATE OF BILL NO. 80-20, THE MINIMUM
10 BASIC ASSESSMENT RATE SHALL BE \$343.00 PER EQUIVALENT DWELLING UNIT FOR
11 CONNECTIONS TO THE WATER SYSTEM AND \$692.00 PER EQUIVALENT DWELLING UNIT FOR
12 CONNECTIONS TO THE WASTEWATER SYSTEM. THE EQUIVALENT DWELLING UNITS SHALL
13 BE ASSIGNED TO A LOT BY THE METHOD SET FORTH IN § 13-5-603(D) AND (E).
14

15 (B) **Annual minimum basic assessment rate adjustments – capital projects.** IN THIS
16 SUBSECTION, “CPI” MEANS THE CONSUMER PRICE INDEX - ALL URBAN CONSUMERS FOR
17 THE UNITED STATES - (CPI), PUBLISHED BY THE UNITED STATES DEPARTMENT OF LABOR,
18 BUREAU OF LABOR STATISTICS. BEGINNING ON JULY 1, 2021, AND EACH JULY 1
19 THEREAFTER, THE DIRECTOR MAY ADJUST THE MINIMUM BASIC ASSESSMENT RATES SET
20 FORTH IN SUBSECTION (A) BY A PERCENTAGE CHANGE CALCULATED BY DIVIDING THE CPI
21 FOR APRIL OF THAT CALENDAR YEAR BY THE CPI FOR APRIL FOR THE IMMEDIATELY
22 PRECEDING CALENDAR YEAR. THE DIRECTOR SHALL GIVE WRITTEN NOTICE OF THE
23 ANNUAL ADJUSTMENT TO THE OFFICE OF FINANCE AND TO THE COUNTY COUNCIL. THE
24 ANNUAL ADJUSTMENT SHALL BE AUTOMATICALLY EFFECTIVE ON JULY 1 OF EACH YEAR.
25

26 SECTION 3. *And be it further enacted,* That all references in this Ordinance to “the
27 effective date of Bill No. 80-20”, or words to that effect, shall, upon codification, be
28 replaced with the actual date on which this Ordinance takes effect under Section 307 of the
29 County Charter as certified by the Administrative Officer to the County Council.
30

31 SECTION 4. *And be it further enacted,* That this Ordinance may not be construed to
32 apply to any real property to be served by the project known as “Coriander Place –
33 Gingerville Water Project, No. W805901”; and may not be construed to apply to any real
34 property that was assessed prior to the effective date of this Ordinance.
35

36 SECTION 5. *And be it further enacted,* That this Ordinance shall take effect 45 days
37 from the date it becomes law.