

# PROPOSED

COUNTY COUNCIL OF ANNE ARUNDEL COUNTY, MARYLAND

Legislative Session 2020, Legislative Day No. 27

Bill No. 79-20

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

and 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 – Extension of Public Water and  
2 Wastewater Systems

3  
4 FOR the purpose of establishing a process for the majority of owners of real property to  
5 petition the County to establish water or wastewater facilities or to take over private  
6 water or wastewater facilities; defining certain terms; establishing a procedure for the  
7 Department upon receipt of a petition; requiring a petition project to be self-sustaining  
8 in certain circumstances and requiring a majority of owners to vote in favor of the  
9 required rate of assessment; establishing a connection procedure for properties; making  
10 it a civil offense and establishing penalties for unlawful connections to the County's  
11 water or wastewater system; permitting certain properties to connect to the County's  
12 water or wastewater system; and generally relating to public works.

13  
14 BY repealing: §§ 13-5-301; and 13-5-303  
15 Anne Arundel County Code (2005, as amended)

16  
17 BY adding: §§ 13-5-301; 13-5-303; and 13-5-307  
18 Anne Arundel County Code (2005, as amended)

19  
20 BY repealing and reenacting, with amendments: §§ 13-5-304; 13-5-305; and 13-5-306  
21 Anne Arundel County Code (2005, as amended)

---

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 1. *Be it enacted by the County Council of Anne Arundel County, Maryland,*  
2 That §§ 13-5-301 and 13-5-303 of the Anne Arundel County Code (2005, as amended) are  
3 hereby repealed.

4  
5 SECTION 2. *And be it further enacted,* That Section(s) of the Anne Arundel County  
6 Code (2005, as amended) read as follows:

7  
8 **ARTICLE 13. PUBLIC WORKS**

9  
10 **TITLE 5. UTILITIES**

11  
12 **13-5-301. Definitions.**

13 IN THIS SUBTITLE, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.

14  
15  
16 (1) "DEFINED AREA" MEANS THE BOUNDARIES OF ALL REAL PROPERTY PROPOSED  
17 TO BE PROVIDED WITH PUBLIC WATER OR WASTEWATER FACILITIES SPECIFICALLY  
18 DESCRIBED IN A PETITION SUBMITTED TO THE DEPARTMENT AND SHOWN ON A MAP OR  
19 DRAWING.

20  
21 (2) "OWNER" HAS THE MEANING STATED IN § 1-1-101 OF THIS CODE AND, IN  
22 ADDITION, MEANS EACH PERSON IN WHOSE NAME AN ACCOUNT WITH RESPECT TO A  
23 PARCEL OF REAL PROPERTY STANDS IN THE RECORDS OF THE SUPERVISOR OF  
24 ASSESSMENTS FOR THE COUNTY WHEN A PETITION IS SUBMITTED UNDER THIS TITLE.

25  
26 (3) "PETITION AREA" MEANS THE DEFINED AREA, REVISED DEFINED AREA, OR  
27 AREA ENCOMPASSING ALL PROPERTIES TO BE SERVED BY PRIVATE WATER OR  
28 WASTEWATER FACILITIES FOR WHICH A PETITION IS SUBMITTED TO THE DEPARTMENT  
29 UNDER § 13-5-303(A)(2).

30  
31 (4) "PROJECT COST" MEANS ALL COSTS OR EXPENSES REQUIRED TO COMPLETE A  
32 WATER OR WASTEWATER EXTENSION OR UPGRADE, INCLUDING THE COMBINED COST OF  
33 DESIGN, ENGINEERING, SURVEYING, CONSTRUCTION, RIGHT-OF-WAY OR PROPERTY  
34 ACQUISITION, AND CONNECTIONS.

35  
36 (5) "REVISED DEFINED AREA" MEANS A DEFINED AREA THAT IS REVISED BY THE  
37 DEPARTMENT AFTER RECEIVING A PETITION, WHICH IS SPECIFICALLY SHOWN ON A MAP  
38 OR DRAWING PREPARED BY THE DEPARTMENT.

39  
40 **13-5-303. Extension on initiation by property owners.**

41  
42 **(A) Petition.**

43  
44 (1) THE OWNERS OF A MAJORITY OF THE PROPERTIES IN A DEFINED AREA THAT IS  
45 NOT SERVED BY PUBLIC WATER OR WASTEWATER FACILITIES MAY PETITION THE  
46 DEPARTMENT FOR THE ESTABLISHMENT OF PUBLIC WATER OR WASTEWATER FACILITIES  
47 WITHIN THE DEFINED AREA.

48  
49 (2) A MAJORITY OF THE OWNERS OF PRIVATE WATER OR WASTEWATER FACILITIES  
50 OR THE OWNERS OF A MAJORITY OF THE PROPERTIES SERVED BY PRIVATE WATER OR  
51 WASTEWATER FACILITIES MAY PETITION THE DEPARTMENT TO BRING THE PRIVATE  
52 WATER OR WASTEWATER FACILITIES UP TO COUNTY STANDARDS SUCH THAT THE  
53 PRIVATE FACILITIES CAN BECOME OWNED BY THE COUNTY.

1           **(B) Revised defined area.**

2  
3           (1) AFTER RECEIPT OF A PETITION SUBMITTED IN ACCORDANCE WITH SUBSECTION  
4 (A)(1), THE DEPARTMENT MAY ESTABLISH A REVISED DEFINED AREA TO ADD OR REMOVE  
5 PROPERTIES AS NECESSARY FOR ENGINEERING PURPOSES. IF THE DEPARTMENT  
6 ESTABLISHES A REVISED DEFINED AREA, THE PETITION SHALL THEREAFTER BE  
7 CONSIDERED A PETITION FOR ESTABLISHMENT OF PUBLIC WATER OR WASTEWATER  
8 FACILITIES WITHIN THE REVISED DEFINED AREA.  
9

10           (2) THE DEPARTMENT SHALL NOTIFY THE OWNERS OF THE PROPERTIES ADDED TO  
11 OR REMOVED FROM THE DEFINED AREA. AN OWNER OF A PROPERTY ADDED TO THE  
12 REVISED DEFINED AREA SHALL BE GIVEN 60 DAYS TO VOTE ON THE PETITION FOR THE  
13 REVISED DEFINED AREA. IF A PROPERTY OWNER DOES NOT RESPOND WITHIN 60 DAYS OF  
14 THE DATE OF THE NOTICE FROM THE DEPARTMENT, IT SHALL BE CONSIDERED A VOTE  
15 AGAINST THE PETITION.  
16

17           (3) THE DEPARTMENT SHALL NOTIFY THE OWNERS OF THE PROPERTIES WITHIN  
18 THE ORIGINAL DEFINED AREA WHO REMAIN IN THE REVISED DEFINED AREA OF THE  
19 REVISED DEFINED AREA, AND THE OWNERS SHALL BE GIVEN 60 DAYS TO CHANGE THE  
20 POSITION ON THEIR VOTE ON THE ORIGINAL PETITION. IF A PROPERTY OWNER DOES NOT  
21 RESPOND WITHIN 60 DAYS OF THE DATE OF THE NOTICE FROM THE DEPARTMENT, THE  
22 VOTE ON THE ORIGINAL PETITION SHALL REMAIN UNCHANGED.  
23

24           (4) AFTER THE EXPIRATION OF THE TIMES TO VOTE PROVIDED IN PARAGRAPHS (2)  
25 AND (3), THE DEPARTMENT SHALL DETERMINE WHETHER THE OWNERS OF A MAJORITY OF  
26 THE PROPERTIES IN THE REVISED DEFINED AREA HAVE VOTED IN FAVOR OF THE PETITION.  
27 THE DEPARTMENT MAY FOLLOW THE PROCEDURES IN THIS SECTION ONLY AFTER IT IS  
28 DETERMINED THAT THE OWNERS OF A MAJORITY OF THE PROPERTIES IN THE REVISED  
29 DEFINED AREA HAVE VOTED IN FAVOR OF THE PETITION.  
30

31           **(C) Treatment of petition for one facility as petition for both facilities.** AT THE  
32 DISCRETION OF THE DIRECTOR, A PETITION FOR EITHER WATER OR WASTEWATER  
33 FACILITIES MAY BE TREATED AS A PETITION FOR BOTH FACILITIES. IF THE DIRECTOR  
34 DECIDES TO DO SO, THE DIRECTOR SHALL COMBINE THE ESTIMATED COSTS AND THE  
35 ESTIMATED REVENUES FOR BOTH FACILITIES FOR THE PURPOSE OF DETERMINING THE  
36 PROJECT COST.  
37

38           **(D) Preliminary estimate.** ON RECEIPT OF A PETITION BY THE MAJORITY REQUIRED IN  
39 SUBSECTION (A) OR (B), THE DEPARTMENT SHALL PREPARE A PRELIMINARY ENGINEERING  
40 STUDY AND PRELIMINARY PROJECT COST ESTIMATE.  
41

42           **(E) Publication.** WHEN THE PRELIMINARY ESTIMATE IS COMPLETED, THE  
43 DEPARTMENT SHALL GIVE NOTICE BY PUBLICATION AS PROVIDED IN § 13-1-103. THE  
44 NOTICE SHALL SPECIFY THE EXTENT OF THE IMPROVEMENTS; THE PROPOSED AREA TO BE  
45 SERVED; AND A TIME AND PLACE FOR A PUBLIC HEARING BEFORE THE DIRECTOR AT  
46 WHICH PERSONS INTERESTED IN THE IMPROVEMENTS MAY APPEAR AND PRESENT THEIR  
47 VIEWS.  
48

49           **(F) Public hearing.** AT THE TIME AND PLACE SPECIFIED IN THE NOTICE, THE DIRECTOR  
50 SHALL HOLD A PUBLIC HEARING. PERSONS INTERESTED IN THE IMPROVEMENTS MAY  
51 APPEAR AT THE HEARING AND PRESENT THEIR VIEWS. IN ADDITION, THE FOLLOWING  
52 INFORMATION SHALL BE PRESENTED AT THE PUBLIC HEARING: AN OVERVIEW OF THE  
53 ENGINEERING EVALUATION, THE PRELIMINARY ESTIMATE OF THE PROJECT COST, THE  
54 ESTIMATED COST FOR THE PREPARATION OF THE FINAL DESIGN DOCUMENTS, AND AN  
55 ESTIMATE OF THE REVENUE REQUIRED FROM THE PETITIONERS TO MAKE THE PROJECT  
56 SELF-SUSTAINING.

1 (G) **Self-sustaining requirement.** IN ORDER FOR THE DEPARTMENT TO PROCEED WITH  
2 FINAL ENGINEERING, DESIGN, AND CONSTRUCTION, A PROJECT SHALL BE SELF-  
3 SUSTAINING, EXCEPT TO THE EXTENT THE COUNTY PROVIDES A SUBSIDY UNDER § 13-5-  
4 815.2. A PROJECT IS SELF-SUSTAINING IF THE DIRECTOR DETERMINES THAT THE COUNTY  
5 WILL RECOVER THE NET ASSESSABLE AMOUNT OF A PROJECT FROM THE ESTIMATED  
6 REVENUES OF THE PROJECT WITHIN 30 YEARS AFTER ITS COMPLETION, OR FOR PROJECTS  
7 THAT QUALIFY FOR A PARTIAL DEFERRAL UNDER § 13-5-815.1, WITHIN 40 YEARS AFTER ITS  
8 COMPLETION.

9  
10 (H) **Net assessable amount.** AFTER THE PUBLIC HEARING, THE DIRECTOR SHALL  
11 DETERMINE THE NET ASSESSABLE AMOUNT OF A PROJECT BY:

12  
13 (1) ESTABLISHING THE PROJECT COST;

14  
15 (2) SUBTRACTING ANY COSTS ASSOCIATED WITH MAKING SERVICE AVAILABLE  
16 BEYOND THE PETITION AREA, AND ANY STATE AID, FEDERAL AID, OR ANY OTHER  
17 CONTRIBUTIONS TOWARDS THE PROJECT; AND

18  
19 (3) ADDING THE AMOUNT NECESSARY TO REIMBURSE THE COUNTY FOR THE  
20 ESTIMATED INTEREST EXPENSE OF THE COUNTY MONEY INVESTED IN THE PROJECT, AS  
21 DETERMINED BY THE CONTROLLER.

22  
23 (I) **Estimated revenues.** THE DIRECTOR SHALL DETERMINE THE ESTIMATED  
24 REVENUES OF A PROJECT BY DIVIDING THE NET ASSESSABLE AMOUNT BY 30, OR, FOR  
25 PROJECTS THAT QUALIFY FOR A PARTIAL DEFERRAL UNDER § 13-5-815.1, BY 40.

26  
27 (J) **Assessment rate ballot.** THE DIRECTOR SHALL DETERMINE THE RATE AT WHICH  
28 THE ASSESSMENTS AUTHORIZED BY §§ 13-5-601, ET SEQ. ARE REQUIRED TO MAKE THE  
29 PROJECT SELF-SUSTAINING, AND THE DEPARTMENT SHALL PROVIDE AN ASSESSMENT  
30 RATE BALLOT TO THE OWNERS OF THE PROPERTIES WITHIN THE PETITION AREA. IF THE  
31 OWNERS OF A MAJORITY OF THE PROPERTIES WITHIN THE PETITION AREA VOTE IN FAVOR  
32 OF THE RATE OF ASSESSMENT SUFFICIENT TO MAKE THE PROJECT SELF-SUSTAINING, THE  
33 PROJECT MAY MOVE FORWARD TO FINAL ENGINEERING, DESIGN, AND CONSTRUCTION. IF  
34 A PROPERTY OWNER DOES NOT RESPOND WITHIN THE TIME SET FORTH IN THE BALLOT, IT  
35 SHALL BE CONSIDERED A VOTE AGAINST THE RATE OF ASSESSMENT.

36  
37 (K) **Preparation of detailed plans.** IF THE OWNERS OF A MAJORITY OF THE  
38 PROPERTIES WITHIN THE PETITION AREA VOTE IN FAVOR OF THE RATE OF THE  
39 ASSESSMENT SUFFICIENT TO MAKE THE PROJECT SELF-SUSTAINING, THE DIRECTOR  
40 SHALL CAUSE DETAILED SURVEYS, PLANS, SPECIFICATIONS, ENGINEERS' REPORTS, AND  
41 ESTIMATES TO BE PREPARED, AND THE PROJECT MAY PROCEED TO FINAL ENGINEERING,  
42 DESIGN, AND CONSTRUCTION.

43  
44 (L) **Abandonment by petitioners.** A PROJECT SHALL BE CONSIDERED ABANDONED IF  
45 THE OWNERS OF A MAJORITY OF THE PROPERTIES WITHIN THE PETITION AREA FILE A  
46 COUNTER-PETITION AGAINST THE PROJECT ANY TIME AFTER THE DIRECTOR PROCEEDS IN  
47 ACCORDANCE WITH SUBSECTION (K) AND BEFORE A CONSTRUCTION CONTRACT IS  
48 AWARDED FOR THE PROJECT. A COUNTER-PETITION MAY NOT BE CONSIDERED IF  
49 RECEIVED AFTER THE AWARD OF THE CONSTRUCTION CONTRACT FOR THE PROJECT OR  
50 AFTER MATERIALS TO CONSTRUCT THE PROJECT ARE ORDERED.

51  
52 (M) **Costs upon abandonment.** EXCEPT WHEN THE PROJECT COSTS INCREASE MORE  
53 THAN 15% ABOVE THE AMOUNT SET FORTH IN THE ASSESSMENT BALLOT SIGNED IN  
54 ACCORDANCE WITH SUBSECTION (J), WHEN A PROJECT IS ABANDONED IN ACCORDANCE  
55 WITH SUBSECTION (L), THE PROJECT COSTS INCURRED BY THE COUNTY, FROM THE  
56 PRELIMINARY ESTIMATE TO THE TIME THE PROJECT IS ABANDONED, SHALL BE CERTIFIED  
57 BY THE DIRECTOR TO THE COUNTY COUNCIL. BEGINNING WITH THE NEXT ANNUAL TAX

1 ORDINANCE, THE COUNTY COUNCIL SHALL LEVY, FOR A PERIOD OF TIME NOT TO EXCEED  
2 FIVE FISCAL YEARS, A SPECIAL ASSESSMENT ON REAL PROPERTY IN THE PETITION AREA,  
3 AT A RATE SUFFICIENT TO PAY THE PROJECT COSTS INCURRED BY THE COUNTY UP TO THE  
4 TIME OF THE ABANDONMENT. IF THE SPECIAL ASSESSMENT IS LEVIED FOR MORE THAN  
5 ONE YEAR, THE RATE SHALL INCLUDE THE AMOUNT NECESSARY TO REIMBURSE THE  
6 COUNTY FOR THE ESTIMATED INTEREST EXPENSE, AS DETERMINED BY THE CONTROLLER.  
7 THE ASSESSMENT SHALL BE COLLECTED AS PROVIDED IN § 1-8-101 OF THIS CODE.  
8

9 (N) **Decision not to proceed.** THE DIRECTOR MAY DECIDE NOT TO PROCEED IN  
10 ACCORDANCE WITH THIS SECTION AT ANY STAGE IF THE SERVICE SOUGHT IN A PETITION  
11 IS NOT IN COMPLIANCE WITH STATE LAW, THIS CODE, OR THE MASTER PLAN FOR WATER  
12 SUPPLY AND SEWERAGE SYSTEMS; THE COUNTY IS UNABLE TO ACQUIRE PROPERTY  
13 REQUIRED FOR THE PROJECT; OR FOR ANY OTHER REASON.  
14

### 15 **13-5-304. Service access connection.**

16  
17 The Department shall provide for each property abutting on a road or right-of-way in  
18 which a water main or wastewater main is laid a water or wastewater service access  
19 connection. The access connection shall be constructed by and at the sole expense of the  
20 Department. IF A CONNECTION IS MADE, ~~[[The]]~~ THE owner of the property ~~[[to be]]~~  
21 connected shall pay to the County all ~~[[required]]~~ charges REQUIRED BY THIS ARTICLE  
22 before connection to the system.  
23

### 24 **13-5-305. Connections to public water and wastewater mains required.**

25  
26 (a) **Definition.** “PROPERTY REQUIRED TO CONNECT” MEANS ALL IMPROVED  
27 PROPERTIES ABUTTING A ROAD OR RIGHT-OF-WAY IN WHICH A WATER MAIN OR  
28 WASTEWATER MAIN IS LAID FOR A PROJECT INITIATED IN ACCORDANCE WITH §§ 13-5-302  
29 OR 13-5-303.  
30

31 (B) **Authority.** This section is supplemental to other authority vested in the Health  
32 Department and the Maryland Department of the Environment to regulate public or private  
33 water or wastewater supply or usage.  
34

35 ~~[[b)]]~~ (C) **Election by County not to connect.** The provisions of this section or other  
36 provisions of law do not prohibit the Department from electing not to connect otherwise  
37 eligible improved property for reasons of practical and efficient engineering, excessive  
38 cost, or other cause.  
39

40 ~~[[c)]]~~ (D) **Notice.** A notice of permit application, connection, and other requirements  
41 to ~~[[an abutting owner required by this section]]~~ THE OWNER OF A PROPERTY REQUIRED  
42 TO CONNECT shall be sent by first class mail to the owner’s address as shown on the current  
43 tax assessment records, and a notice as to the availability of a public water MAIN or  
44 wastewater main for service shall be published as required by § 13-1-103. Failure to receive  
45 notices required by this section or under authority of former law does not excuse failure to  
46 comply with this section.  
47

48 ~~[[d)]]~~ (E) **Application for permits deadline.** ~~[[Except as provided in subsection (e)~~  
49 ~~within]]~~ WITHIN six months after the date ~~[[that the County mails]]~~ OF A written notice  
50 FROM THE COUNTY to an owner of record of ~~[[an improved lot abutting a public right-of-~~  
51 ~~way in which a public water main or wastewater main lies that a public water main or~~

1 wastewater main is available for the delivery of water service to or the reception of  
2 wastewater from the property]] A PROPERTY REQUIRED TO CONNECT, the owner shall make  
3 appropriate applications for permits required by this Code for connection to the abutting  
4 WATER MAIN OR WASTEWATER main and shall pay the applicable permit fees and  
5 connection charges or apply, IF ELIGIBLE, for A DEFERRAL ALLOWED UNDER § 13-5-815.1, A  
6 SUBSIDY ALLOWED UNDER § 13-5-815.2, installment payment for the charges [[if eligible]]  
7 under § 13-5-813, OR ANY COMBINATION OF THESE. [[For the purposes of this subsection,  
8 the date of written notice to the owner is the date the original notice is mailed by first class  
9 mail, postage prepaid, to the owner of record and after that date, if a lien has not been  
10 recorded in the County's tax records before a conveyance of the property, the date written  
11 notice is mailed to a subsequent purchaser of the same property.]]

12  
13 **[(e) Permit deadline waiver; revocation of waiver.** The Director may waive the  
14 provisions of subsection (d) for the owner of an improved parcel of property abutting a  
15 public right-of-way in which a public water main or wastewater main lies if the cost of  
16 construction has been paid by a developer or other individual in order to provide service to  
17 property being developed. Notwithstanding a waiver granted under this subsection, an  
18 owner may subsequently elect to connect to the water or wastewater main in compliance  
19 with the conditions specified in this section. The Director may revoke a waiver when  
20 necessary to protect the public health or welfare, and within six months after receipt of  
21 written notice of the revocation, the owner of the property shall comply with the  
22 requirements of this section.]]

23  
24 **(f) Completion of connection.** Except as provided in subsection (g), the owner of [[an  
25 improved abutting]] A property [[who is]] required to connect [[under the provisions of this  
26 section]] shall arrange to complete the necessary work for the connection of the water  
27 supply facilities or wastewater [[drains]] FACILITIES on the property to the abutting PUBLIC  
28 main within nine months from the date of the issuance of the notice and, within this period,  
29 unless excused for reasons of partial connection or non-connection under subsection [(b)]]  
30 (C), the owner shall disconnect and terminate the use of a cesspool, septic tank, dry well,  
31 privy, vault, or well used for household water purposes on the property.

32  
33 **(g) Extension of completion of connection date.** If an owner of [[improved abutting]]  
34 property REQUIRED TO CONNECT has complied with the provisions of subsection (f) and  
35 has encountered conditions beyond the owner's control that render impracticable  
36 completion of a connection within the required time period, the Director may grant a  
37 temporary waiver or extension of THE time for the connection on timely submission of  
38 proof of the condition. The decision to grant a temporary waiver or extension is in the  
39 discretion of the Director.

40  
41 **(h) Failure to comply.** An owner of [[improved abutting]] property REQUIRED TO  
42 CONNECT who has not complied with the provisions of this section is liable for the  
43 connection charges and forfeits the privilege of deferring payment or continuing deferred  
44 payments of any pending or further charges permitted under § 13-5-813 AND § 13-5-815.1  
45 AND FORFEITS THE RIGHT TO ANY SUBSIDY GRANTED BY THE COUNTY UNDER § 13-5-815.2.  
46 THE PREVIOUSLY SUBSIDIZED AND DEFERRED AMOUNTS, and the amounts due under  
47 [[the]] AN EXECUTED installment agreement shall constitute a lien and be immediately due  
48 and payable. Until the property that is not in compliance is connected, the owner is also  
49 subject during the period not connected to the quarterly minimum usage charges

1 established under § 13-5-805 for the type of service applied for, or for which the connection  
2 is required.

3  
4 (i) **Lien.** The lien provided for in subsection (h) is subordinate only to the lien of State  
5 and County taxes and special benefit assessments. Payment shall be collected as provided  
6 in § 1-8-101 of this Code.

7  
8 **13-5-306. Unlawful connection.**

9  
10 (a) **Requirements.** A person may not make A DIRECT OR INDIRECT connection to a  
11 County water LINE or wastewater line without permission from the Director and without  
12 having complied with A connection permit and other connection application requirements  
13 of this Code. A person may not turn on a water valve or restore water service that has been  
14 disconnected or turned off without permission from the Director. A person may not use  
15 County water other than through a water meter with a required backflow prevention device.

16  
17 (b) **Notice and charges for unlawful connection; disconnection.** On discovery of an  
18 unlawful connection, the Department shall issue a notice requiring the property owner to  
19 make appropriate applications and pay appropriate charges, including connection  
20 CHARGES IMPOSED UNDER § 13-5-813, ASSESSMENTS IMPOSED UNDER § 13-5-601, ET SEQ.,  
21 and past service charges, within 30 days after [[issuance]] THE DATE of the notice. The  
22 charges shall be determined as of the date of the permit application. If the property owner  
23 fails to submit proper applications and pay appropriate charges, the Department may  
24 disconnect the premises until proper applications are submitted. The property shall be  
25 subject to all other connection requirements and procedures of this Code.

26  
27 (c) **Past service charges; penalties.** IT IS A CLASS C CIVIL OFFENSE TO CONNECT TO A  
28 COUNTY WATER LINE OR WASTEWATER LINE WITHOUT A CONNECTION PERMIT. THE  
29 OWNER OF A PROPERTY SERVED BY AN UNLAWFUL CONNECTION WHO CAUSES DAMAGE  
30 TO OR IMPAIRS THE COUNTY WATER OR WASTEWATER SYSTEM IS LIABLE TO THE COUNTY  
31 FOR ANY EXPENSES, LOSS, OR DAMAGE CAUSED BY THE ILLEGAL CONNECTION,  
32 INCLUDING COURT COSTS AND ATTORNEY'S FEES. [[In addition to any other penalties  
33 applicable under this article, the]] THE owner of any property served by an unlawful  
34 connection shall pay the past water and wastewater service charges for use of public water  
35 or wastewater since the actual connection. If the time of connection cannot be determined  
36 or if the property has been transferred since the connection, the period of violation subject  
37 to past service charges shall end at the time of disconnection and shall begin on the last to  
38 occur of the following: one year after the system was released for service; on the date legal  
39 title was conveyed to the owner; or on the date service was PREVIOUSLY disconnected or  
40 discontinued for any reason. In calculating past service charges, the average periodic  
41 service charge for properties similarly used shall be applied for the period of THE violation.

42  
43 **13-5-307. Properties permitted to connect; required connections.**

44  
45 (A) **Connection permitted.** EXCEPT AS PROVIDED IN SUBSECTION (B), THE OWNER OF  
46 IMPROVED PROPERTY ABUTTING A PUBLIC WATER OR WASTEWATER MAIN IS PERMITTED  
47 TO CONNECT TO A PUBLIC WATER MAIN OR WASTEWATER MAIN CONSTRUCTED: (I) AT  
48 THE COST OF A DEVELOPER OR OTHER INDIVIDUAL IN ORDER TO PROVIDE SERVICE TO  
49 PROPERTY BEING DEVELOPED; OR (II) BY THE COUNTY SOLELY AT COUNTY EXPENSE  
50 EXCEPT FOR A PROJECT INITIATED UNDER § 13-5-302 OR § 13-5-303. BEFORE AN OWNER  
51 MAKES A CONNECTION TO A WATER MAIN OR WASTEWATER MAIN IN ACCORDANCE WITH

1 THIS SUBSECTION, THE OWNER SHALL MAKE APPROPRIATE APPLICATIONS FOR PERMITS  
2 REQUIRED BY THIS CODE FOR CONNECTION TO A WATER MAIN OR WASTEWATER MAIN  
3 AND SHALL PAY THE APPLICABLE PERMIT FEES, CONNECTION CHARGES IMPOSED UNDER  
4 § 13-5-813, AND ASSESSMENTS IMPOSED UNDER § 13-5-601, ET SEQ.  
5

6 (B) **Connection required.** THE DIRECTOR MAY REQUIRE CONNECTION TO A WATER  
7 MAIN OR WASTEWATER MAIN FOR PROPERTY THAT IS PERMITTED TO CONNECT UNDER  
8 SUBSECTION (A) WHEN NECESSARY TO PROTECT THE PUBLIC HEALTH OR WELFARE.  
9 WITHIN SIX MONTHS AFTER THE DATE OF A WRITTEN NOTICE OF THE REQUIREMENT TO  
10 CONNECT UNDER THIS SUBSECTION, THE OWNER OF THE PROPERTY SHALL COMPLY WITH  
11 AND BE SUBJECT TO THE REQUIREMENTS IN § 13-5-305(E) THROUGH (I).  
12

13 SECTION 3. *And be it further enacted,* That this Ordinance shall take effect 45 days  
14 from the date it becomes law.