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By: **Prince George's County and Montgomery County Delegations**

Introduced and read first time: February 12, 1998

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission - System Development Charge**  
3 **PG/MC 3-98**

4 FOR the purpose of altering the schedule for the payment of a system development  
5 charge to the Washington Suburban Sanitary Commission (WSSC); establishing  
6 a maximum system development charge per fixture unit by a certain date;  
7 establishing a maximum system development charge based on the number of  
8 toilets per dwelling; authorizing a change in the maximum system development  
9 charge on a certain date and by a certain amount; defining a term; making a  
10 stylistic change; and generally relating to the system development charge by the  
11 WSSC.

12 BY repealing and reenacting, with amendments,  
13 Article 29 - Washington Suburban Sanitary District  
14 Section 6-113  
15 Annotated Code of Maryland  
16 (1997 Replacement Volume and 1997 Supplement)

17 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
18 MARYLAND, That the Laws of Maryland read as follows:

19 **Article 29 - Washington Suburban Sanitary District**

20 6-113.

21 (a) (1) In this section the following words have the meanings indicated.

22 (2) "Fixture unit" means the assigned value for a particular plumbing  
23 fixture, or group of plumbing fixtures, as set forth in the WSSC plumbing and gas  
24 fitting regulations, standardized with a common lavatory having an assigned value of  
25 1 based on its probable discharge into the drainage system or hydraulic demand on  
26 the water supply.

27 (3) "New service" means:

1 (i) A first time connection of a property to the WSSC water or  
2 sewer system; or

3 (ii) A new connection or increased water meter size for a property  
4 previously or currently served by the WSSC if the new connection or increased meter  
5 size is needed because of a change in the use of the property or an increase in demand  
6 for service at the property.

7 (4) "TOILET" MEANS A WATER CLOSET, AS SET FORTH IN THE WSSC  
8 PLUMBING AND GAS FITTING REGULATIONS.

9 (b) (1) Subject to the provisions of this section, in addition to any other  
10 charges authorized under this article, the WSSC may impose a system development  
11 charge that SHALL BE PAID BY an applicant for new service [shall pay at the time of  
12 filing a plumbing permit application].

13 (2) THE SYSTEM DEVELOPMENT CHARGE SHALL BE PAID WITHIN 12  
14 MONTHS AFTER THE DATE ON WHICH A PLUMBING PERMIT APPLICATION IS FILED  
15 WITH THE COMMISSION OR PRIOR TO THE TRANSFER OF TITLE TO THE PROPERTY,  
16 WHICHEVER OCCURS FIRST.

17 (3) AT THE TIME OF THE FILING OF THE PLUMBING PERMIT  
18 APPLICATION, THE APPLICANT SHALL DEPOSIT WITH THE WSSC SECURITY, IN THE  
19 FORM OF AN IRREVOCABLE LETTER OF CREDIT OR A FINANCIAL GUARANTY BOND OR  
20 IN A FORM ESTABLISHED AND APPROVED BY THE WSSC UNDER ITS RULES AND  
21 REGULATIONS.

22 (c) (1) (i) The Montgomery County Council and the Prince George's  
23 County Council shall meet annually to discuss and approve the amount of the system  
24 development charge.

25 (ii) The amount of the charge for a particular property shall be  
26 based on:

27 1. [the] THE number of plumbing fixtures and the assigned  
28 values for those fixtures as set forth in the WSSC plumbing and gas fitting  
29 regulations; OR

30 2. FOR RESIDENTIAL PROPERTIES, THE NUMBER OF TOILETS  
31 PER DWELLING UNIT.

32 (iii) When establishing the charge under this section, the County  
33 Councils shall identify and consider the actual cost of construction of WSSC facilities.

34 (iv) When establishing the charge under this section, under criteria  
35 established jointly and agreed to by the County Councils, the County Councils:

36 1. Shall grant a full or partial exemption from the charge for  
37 public sponsored or affordable housing as jointly defined and agreed upon by the  
38 County Councils; and



1 (ii) Before July 1, 1995, the WSSC may not impose a system  
2 development charge greater than 75% of the charge established by the County  
3 Councils under this subsection.

4 [(d) (1) In this subsection, "small builder" means a builder who applies for  
5 and receives not more than 15 plumbing permits for residential properties from the  
6 WSSC during a single calendar year.

7 (2) Subject to the provisions of paragraph (3) of this subsection, a small  
8 builder may pay the system development charge in two payments as follows:

9 (i) One-half at the time of filing the plumbing permit application;  
10 and

11 (ii) The remaining one-half within 12 months after the first  
12 payment or prior to the transfer of title to the property, whichever occurs first.

13 (3) At the time of the first payment under this subsection, the small  
14 builder shall deposit with the WSSC security for the second payment in an amount  
15 and form established and approved by the WSSC under its rules and regulations.]

16 [(e) (D) (1) The WSSC may only use the funds collected under the system  
17 development charge to:

18 (i) Pay for new treatment, transmission, and collection facilities,  
19 the need for which is directly attributable to the addition of new service, and the  
20 construction of which began after July 1, 1993; or

21 (ii) Amortize any bond that is issued in connection with the  
22 construction of those new facilities.

23 (2) Other costs of enhancement, maintenance, or environmental  
24 regulation on existing or new systems shall be borne equally by all [rate payers]  
25 RATEPAYERS.

26 [(f) (E) (1) The WSSC may allow a developer to design and construct any  
27 on-site or off-site facilities necessary for a project of the developer, as long as those  
28 facilities are in the WSSC Capital Improvement Program and the 10-year  
29 Comprehensive Water Supply and Sewerage System Plan adopted by one of the  
30 County Councils, and are designed, constructed, and inspected in accordance with:

31 (i) The standards utilized by the WSSC; and

32 (ii) All applicable laws, regulations, and written policies of the  
33 WSSC.

34 (2) After the WSSC approves facilities constructed by a developer under  
35 this subsection, the WSSC shall:

36 (i) Accept the facilities as part of the WSSC system; and

1                   (ii)       Subject to the provisions of paragraph (3) of this subsection,  
2 grant the developer a credit against any charge imposed under this section in an  
3 amount equal to the cost of constructing those facilities.

4                   (3)       The internal auditor of the WSSC shall review and approve the costs  
5 incurred by the developer.

6                   (4)       The WSSC and the developer shall enter into an agreement  
7 incorporating the provisions of this subsection.

8                   (5)       If the WSSC rejects a developer's request to design and construct  
9 facilities under this subsection, the WSSC shall submit to the developer a written  
10 explanation of the reasons for the rejection.

11                  (6)       The WSSC shall submit a report at the end of each fiscal year to the  
12 House and Senate Delegations of both counties and to the County Councils. The  
13 report shall state the number of requests made by developers under this subsection  
14 including the number of acceptances and rejections by the WSSC and the justification  
15 for any rejections.

16       SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 July 1, 1998.