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

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

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

BY repealing and reenacting, with amendments: §§ 13-5-107(a)(1), (d), (f) and (k)(1); 13-5-108; 13-5-306(a); 13-5-806(c); 13-5-809(b), (c) and (f); 13-5-811; and 13-5-812

Anne Arundel County Code (2005, as amended)

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

EXPLANATION: CAPITALS indicate new matter added to existing law.
[ ] indicate matter deleted from existing law.
Captions and taglines in bold indicate catchwords and are not law.
Underlining indicates amendments to bill.
Strikeover indicates matter stricken from bill by amendment.
ARTICLE 13. PUBLIC WORKS

TITLE 5. UTILITIES


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

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

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

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

(k) Sanctions; penalties.

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


If [[the owner or user of an irrigation system]] A PROPERTY connected to public water does not have a properly functioning backflow [[device]] PREVENTER as required by Article 15 of this Code, THE DEPARTMENT SHALL ISSUE THE OWNER A NOTICE TO INSTALL, TEST, REPAIR, OR REPLACE THE BACKFLOW PREVENTER WITHIN 90 DAYS OF THE DATE OF THE NOTICE. IF THE OWNER FAILS TO COMPLY, THE DEPARTMENT SHALL ISSUE A SECOND NOTICE TO INSTALL, TEST, REPAIR, OR REPLACE THE BACKFLOW PREVENTER WITHIN 30 DAYS OF THE DATE OF THE NOTICE. IF THE OWNER FAILS TO COMPLY WITH THE SECOND NOTICE, the Department may turn off public water SERVICE to the [[owner or user]] PROPERTY. PUBLIC WATER SERVICE TO THE PROPERTY MAY ONLY BE RESTORED AFTER THE BACKFLOW PREVENTER HAS BEEN INSTALLED, REPAIRED, OR REPLACED; HAS BEEN CERTIFIED BY A LICENSED PLUMBER TO BE FUNCTIONING PROPERLY IN
ACCORDANCE WITH ARTICLE 15 OF THIS CODE; AND UPON PAYMENT OF THE SERVICE CHARGE SET FORTH IN § 13-5-811.


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

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

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

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

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

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

(f) **Sewer system backup reimbursement.** The Department may reimburse a residential customer up to [[[$500]] $1,000 for property damage sustained as a result of a sewer system backup into the customer’s home, after a determination by Risk Management that the backup is not a liability of the County or caused by customer negligence. The customer shall provide receipts of expenses incurred to cleanup or replace damaged property and proof that the customer was not compensated for the damage by insurance.
13-5-811. Charge for restoration of water service.

Whenever water service has been turned off in accordance with § 13-5-810, and if the charges remain unpaid 60 days after the billing date, a service charge of $50 shall be paid in order to restore service after the payment of the previously unpaid charges.

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

There is a charge of $35 for a request for a meter reading, and a special billing, or a meter test. In accordance with written policy of the Department, the Office of Finance may waive the charge.

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

Amendments adopted: September 21, 2020

Presented to the County Executive for his approval this 5th day of October, 2020

By Order:

JoAnne Gray
Administrative Officer

Presented and passed this 5th day of October, 2020

Approved and Enacted this 12th day of October, 2020

JoAnne Gray
Administrative Officer

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.

JoAnne Gray
Administrative Officer