

Bill No.: \_\_\_\_\_

Requested: \_\_\_\_\_

Committee: \_\_\_\_\_

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By: **Montgomery County Delegation and Prince George’s County Delegation**

A BILL ENTITLED

1 AN ACT concerning

2 **Washington Suburban Sanitary Commission – System Development Charge –**  
3 **Assessment and Definitions**

4 **MC/PG 110–07**

5 FOR the purpose of defining a certain term and altering a certain term in the laws  
6 relating to system development charges that may be imposed by the  
7 Washington Suburban Sanitary Commission; clarifying that certain types of  
8 dwelling units shall be assessed a system development charge under certain  
9 rates; and generally relating to the system development charges and the  
10 Washington Suburban Sanitary Commission.

11 BY repealing and reenacting, with amendments,  
12 Article 29 – Washington Suburban Sanitary District  
13 Section 6–113(a) and (c)  
14 Annotated Code of Maryland  
15 (2003 Replacement Volume and 2006 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article 29 – Washington Suburban Sanitary District  
18 Section 6–113(b) and (d)  
19 Annotated Code of Maryland

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



20 (2003 Replacement Volume and 2006 Supplement)

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

23 **Article 29 – Washington Suburban Sanitary District**

24 6–113.

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

26 (2) (I) **“APARTMENT UNIT” MEANS A SINGLE FAMILY HOUSING**  
27 **UNIT THAT:**

28 **1. IS ONE OF SEVERAL UNITS WITHIN ONE BUILDING;**

29 **2. CONTAINS AT LEAST ONE FULL BATH AND**  
30 **KITCHEN; AND**

31 **3. DOES NOT CONTAIN MORE THAN TWO TOILETS.**

32 (II) **“APARTMENT UNIT” DOES NOT INCLUDE ANY DWELLING**  
33 **UNIT IN A BUILDING THAT ACCOMMODATES SEVERAL DWELLING UNITS ON A**  
34 **LATERAL BASIS ONLY, INCLUDING SEMIATTACHED HOUSES, ROW HOUSES, AND**  
35 **TOWNHOUSES.**

36 [(2)] (3) **“Fixture unit” means the assigned value for a particular**  
37 **plumbing fixture, or group of plumbing fixtures, as set forth in the WSSC plumbing**  
38 **and gas fitting regulations, standardized with a common lavatory having an assigned**  
39 **value of 1 based on its probable discharge into the drainage system or hydraulic**  
40 **demand on the water supply.**

41 [(3)] (4) **“New service” means:**

42 (i) **A first time connection of a property to the WSSC water or**  
43 **sewer system, INCLUDING A DIRECT CONNECTION OF AN IMPROVEMENT OR**  
44 **BUILDING ON A LOT OR PARCEL OF LAND, CONNECTION THROUGH AN EXISTING**  
45 **ON-SITE SYSTEM, OR BOTH; or**

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

50 [(4)] (5) "Toilet" means a water closet, as set forth in the WSSC  
51 plumbing and gas fitting regulations.

52 (b) (1) Subject to the provisions of this section, in addition to any other  
53 charges authorized under this article, the WSSC may impose a system development  
54 charge that shall be paid by an applicant for new service.

55 (2) The system development charge shall be paid as follows:

56 (i) For residential properties:

57 1. 50% at the time the application is filed; and

58 2. 50% within 12 months after the date on which a  
59 plumbing permit application is filed with the Commission or on transfer of title to the  
60 property, whichever occurs first; and

61 (ii) For other properties, 100% at the time the plumbing permit  
62 application is filed.

63 (3) At the time of the filing of the plumbing permit application, the  
64 applicant shall deposit with the WSSC security in the form of an irrevocable letter of  
65 credit or a financial guaranty bond or in a form established and approved by the  
66 WSSC under its rules and regulations.

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

70 (ii) The amount of the charge for a particular property:

71 1. Shall be based on the number of plumbing fixtures  
72 and the assigned values for those fixtures as set forth in the WSSC plumbing and gas  
73 fitting regulations;

74 2. Except as provided in item 3 of this subparagraph, on  
75 or after July 1, 1998, may not exceed \$200 per fixture unit;

76                           3.     For residential properties with five or fewer toilets,  
77 shall be based on the number of toilets per dwelling unit and:

78                           A.     For each apartment unit, may not exceed \$2,000;

79                           B.     For dwellings with one or two toilets, may not exceed  
80 \$3,000;

81                           C.     For dwellings with three to four toilets, may not  
82 exceed \$5,000; or

83                           D.     For dwellings with five toilets, may not exceed \$7,000;  
84 and

85                           4.     For dwellings with more than five toilets, shall be  
86 calculated on a fixture unit basis.

87                           (iii)   **ANY DWELLING UNIT THAT CONTAINS MORE THAN TWO**  
88 **TOILETS, OR ANY DWELLING UNIT IN A BUILDING THAT ACCOMMODATES**  
89 **SEVERAL DWELLING UNITS ON A LATERAL BASIS ONLY, INCLUDING**  
90 **SEMIATTACHED HOUSES, ROW HOUSES, AND TOWNHOUSES, SHALL BE ASSESSED**  
91 **A SYSTEM DEVELOPMENT CHARGE AS A “DWELLING” IN ACCORDANCE WITH**  
92 **SUBPARAGRAPH (II)3 OR 4 OF THIS PARAGRAPH, DEPENDING ON THE NUMBER**  
93 **OF TOILETS.**

94                           (IV)   When establishing the charge under this section, the County  
95 Councils shall identify and consider the actual cost of construction of WSSC facilities.

96                           [(iv)] (V)   When establishing the charge under this section,  
97 under criteria established jointly and agreed to by the County Councils, the County  
98 Councils:

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

102                           2.     May grant a full or partial exemption from the charge  
103 for revitalization projects; and

104                           3.     May grant a full or partial exemption from the charge,  
105 under conditions prescribed by the County Councils, for:

106                   A.     Residential property located in a mixed retirement  
107 development as defined in the zoning ordinance of Prince George's County;

108                   B.     Residential property located in a planned retirement  
109 community as defined in the zoning ordinance of Montgomery County;

110                   C.     Other elderly housing; or

111                   D.     Properties used for biotechnology research and  
112 development, or manufacturing.

113                   [(v)] (VI)    On July 1, 1999, and July 1 of each succeeding year,  
114 the maximum charge, as established in subparagraph (ii) of this paragraph, may be  
115 changed by an amount equal to the prior calendar year's change in the consumer price  
116 index published by the Bureau of Labor Statistics of the United States Department of  
117 Labor for urban wage earners and clerical workers for all items for the Washington,  
118 D.C. metropolitan area, or the successor index.

119                   (2)     If the charge established by the County Councils is less than the  
120 amount necessary to recover the full cost of constructing growth related facilities, the  
121 WSSC shall identify the portion of the cost of that growth that will be paid by current  
122 ratepayers as:

123                   (i)     A percentage of any rate increase; and

124                   (ii)    The annual monetary amount on a typical residential  
125 customer's annual water and sewer bill.

126                   (3)     If the County Councils do not agree on the amount of the charge,  
127 the charge imposed during the previous year shall continue in effect for the following  
128 fiscal year.

129                   (4)     If the County Councils have not previously agreed on any system  
130 development charge, a system development charge may not be imposed during that  
131 fiscal year.

132                   (5)     (i)     Before July 1, 1994, the WSSC may not impose a system  
133 development charge in an amount greater than 50% of the charge established by the  
134 County Councils under this subsection.

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

138           (d)   (1)   (i)   The WSSC shall deposit all funds collected under the system  
139 development charge into the system development charge fund.

140                           (ii)   The system development charge fund is a special fund which  
141 may not revert to general funds of the WSSC.

142           (2)   The WSSC may only use the funds collected under the system  
143 development charge to:

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

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

149           (3)   Other costs of enhancement, maintenance, or environmental  
150 regulation on existing or new systems shall be borne equally by all ratepayers.

151           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
152 October 1, 2007.