



Bill No. 22-13
Concerning: Requirements for offsite public water/sewer facilities before recording non-residential subdivision plats.
Introduced: July 26, 2022
Revised: _____ Draft No. _____
Enacted: _____
Effective: _____
Expires: October 24, 2022
Frederick County Code, Chapter 1-16
Section(s) § 1-16-106

COUNTY COUNCIL FOR FREDERICK COUNTY, MARYLAND

By: Council President M.C. Keegan-Ayer on behalf of County Executive Jan Gardner

AN ACT to: allow recordation of a non-residential subdivision plat if the Division of Water and Sewer Utilities determines that all offsite public water and sewerage lines and facilities will be operational within 180 days of final plat recordation.

Date Council Approved: _____ Date Transmitted to Executive: _____

Executive: _____ Date Received: _____

Approved: _____ Date: _____

Vetoed: _____ Date: _____

Date returned to Council by County Executive with no action: _____

By amending:

Frederick County Code, 1-16 Section(s) §1-16-106

Other: _____

Boldface

Underlining

[Single boldface brackets]

* * *

Heading or defined term.

Added to existing law.

Deleted from existing law.

Existing law unaffected by bill.

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The County Council of Frederick County, Maryland, finds it necessary and appropriate to amend §1-16-106 of the Frederick County Code to allow recordation of a non-residential subdivision plat if the Division of Water and Sewer Utilities (DWSU) determines that all off-site public water and sewerage lines and facilities will be operational within 180 days of final plat recordation, (assuming all other requirements not related to public water and sewer are met as well). Current law requires a determination by DWSU that off-site public water and sewerage lines and facilities will be operational within 90 days of final plat recordation, and this requirement will continue to apply to residential subdivision plats.

NOW, THEREFORE, BE IT ENACTED BY THE COUNTY COUNCIL OF FREDERICK COUNTY, MARYLAND, that the Frederick County Code be, and it is hereby, amended as shown on the attached Exhibit 1.

AND BE IT FURTHER ENACTED, that the amendments shown on Exhibit 1 will be effective for building permits issued on or after the effective date of this Bill.

M.C. Keegan-Ayer, President
County Council of Frederick County,
Maryland

§ 1-16-106. WATER AND SEWER FACILITIES.

(A) *In general.* A proposed final plat shall be disapproved unless the facilities for conveying, pumping, storing, or treating water or sewage to serve the proposed subdivision would be completed in time to serve the proposed subdivision.

(B) *Individual sewerage systems.* In the case of a proposed subdivision otherwise approved for individual sewerage systems, a presumption shall exist that the sewerage facilities for the proposed subdivision will be completed in time to serve the proposed subdivision if the health authority tests and approves all lots in the proposed subdivision for individual sewerage systems.

(C) *Individual water supply systems.* In the case of a proposed subdivision otherwise approved for individual water supply systems, a presumption shall exist that the water facilities for the proposed subdivision will be completed in time to serve the proposed subdivision if all lots in the proposed subdivision have wells that yield water of sufficient quantity to comply with all applicable laws and regulations.

(D) *Community sewerage system.* In the case of a proposed subdivision otherwise approved for a community sewerage system, a presumption shall exist that the sewer facilities for the proposed subdivision will be completed in time to serve the proposed subdivision upon the occurrence of all of the following events:

(1) The subdivider and the county make a written public works agreement, ~~or~~ public improvements agreement, or performance agreement that provides for the construction and installation of sewer lines and facilities;

(2) All necessary off site land, easements and rights-of-way required for the construction and installation of sewer facilities to serve the subdivision have been conveyed to the county and recorded in the land records;

(3) All contracts funded by developers and/or the county for the construction of public sewer lines or facilities to provide service ~~up~~ to the ~~site~~ subdivision have been executed; and

(4) For residential subdivisions, t[F]he Division of Water and Sewer Utilities [and Solid Waste Management certify] (“DWSU”) determines that all ~~such~~ off site sewerage lines and facilities shall be operational within 90 days of final plat recordation.

(5) For non-residential subdivisions, the DWSU determines that all off site sewerage lines and facilities will be operational within 180 days of final plat recordation. A note must be added to final plats for these non-residential subdivisions stating: “Prior to building permit issuance for any lot or parcel in this subdivision, the Division of Water and Sewer

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[Single boldface brackets] indicates matter deleted from existing law.

*** - indicates existing law unaffected by bill.

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Utilities must first determine that sewerage lines and facilities are operational.” For the purposes of this subsection, the term “non-residential subdivisions” excludes mixed-use lots that contain any residential component.

(E) *Community water supply system.* In the case of a proposed subdivision otherwise approved for a community water supply system, a presumption shall exist that the water facilities for the proposed subdivision will be completed in time to serve the proposed subdivision upon the occurrence of all of the following events:

(1) The subdivider and the county make a written public works agreement, ~~[or]~~ public improvements agreement, or performance agreement that provides for the construction and installation of water lines and facilities;

(2) All necessary off site land, easements and rights-of-way required for the construction and installation of water facilities to serve the subdivision have been conveyed to the county and recorded in the land records;

(3) All contracts funded by developers and/or the county for the construction of public water lines or facilities to provide service ~~[up]~~ to the ~~[site]~~ subdivision have been executed; and

(4) For residential subdivisions, ~~[F] the DWSU [ivision of Utilities and Solid Waste Management-certify]~~ determines that all ~~[such]~~ off site water lines and facilities shall be operational within 90 days of final plat recordation

(5) For non-residential subdivisions, the DWSU determines that all off site water lines and facilities will be operational within 180 days of final plat recordation. A note must be added to final plats stating: “Prior to building permit issuance for any lot or parcel in this subdivision, the Division of Water and Sewer Utilities must first determine that water lines and facilities are operational.” For the purposes of this section, non-residential subdivisions exclude mixed-use lots that contain any residential component.

(F) *Water and/or sewer easement extensions.* Water and/or sewer easement extensions to service adjoining properties within the service area shall be extended to the boundary line as determined by the Division of Water and Sewer Utilities~~[-and Solid Waste Management]~~.

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