



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: September 6, 2022

Effective: November 5, 2022

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: Jan H. Gardner Date Received: September 8, 2022

Approved: ✓ Date: 9/12/2022

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: _____

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

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

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

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

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

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

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

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

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

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

Underlining indicates matter added to existing law.

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

*** - indicates existing law unaffected by bill.

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

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

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

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

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

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

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

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

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