

THE BOARD OF GARRETT COUNTY COMMISSIONERS
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Board of Commissioners
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POLICY 2011-2

**Mandatory Connection to the
McHenry Water System**

Explanation

The Garrett County Sanitary District, Inc. (the "District") operates the McHenry Water System (the "Water System"). On December 7, 2010, the Board of County Commissioners of Garrett County (the "Board"), as the governing body of the District, held a public hearing and adopted a Resolution amending the boundaries of the McHenry Water Service Area. The boundaries, as amended, include all areas where the Water System has been constructed. A copy of the Amended Service Area Map dated December 7, 2010, is attached hereto and incorporated herein.

The provisions of Section 9-661, of the Environment Article of the Annotated Code of Maryland (the "State Code"), require the District to notify each abutting property owner of the completion of the Water System, and further require that each abutting property owner, upon receipt of the notice, make appropriate connections of the plumbing system on the property to the connector constructed by the District within a time period established by the District.

The Board, as the governing body of the District, is required to comply with the provisions of the State Code and believes that it is appropriate that the requirement for connecting to the Water System be clearly reflected in a stated policy so that the public will understand the connection requirement.

Mandatory Connection Policy

I. In accordance with the provisions Section 9-661 of the State Code, when the Water System is declared to be complete and ready for the delivery of water, every abutting property, after receiving notice from the District, shall make the appropriate connection as follows:

a. For each newly constructed or renovated dwelling and/or commercial structure for which a construction and occupancy permit is required, connection shall occur prior to the Use and Occupancy Permit being issued.

b. For each property that experiences a change in ownership, connection shall occur prior to the recordation of a deed transferring ownership of the property.

c. For each property that experiences a well failure, connection shall occur when the Garrett County Environmental Health Department determines that a well failure exists.

d. For each property where a private water supply tests positive for bacteriological contamination, connection shall occur within sixty (60) days of the date of the positive test results.

e. For each Vacation Rental Unit licensed under the provisions of the Transient Vacation Rental Unit Ordinance of Garrett County, Maryland, connection shall occur within five (5) calendar years from the date of the notice establishing completion of the Water System.

f. For each property served by a Community Water System, connection shall occur within five (5) calendar years from the date of the notice establishing completion of the Water System. A Community Water System shall mean a system that has at least fifteen (15) service connections that are used by year-round residents or a system that regularly serves at least twenty-five (25) year-round residents.

g. For each property served by a Non-Transient, Non-Community Water System, connection shall occur within five (5) calendar years from the date of the notice establishing completion of the Water System. A Non-Transient Non-Community Water System shall mean a system that is not a community water system and that regularly serves at least twenty-five (25) of the same individuals over six (6) months per year.

h. For each property served by a Transient Non-Community Water System, connection shall occur within five (5) calendar years from the date of the notice establishing completion of the Water System. A Transient Non-Community shall mean a system that does not regularly serve at least twenty-five (25) of the same individuals over six (6) months per year.

i. For all other properties located within the boundaries of the McHenry Water Service Area as set forth on the Amended Water Service Area Map, connection shall occur within ten (10) calendar years from the date of the notice establishing completion of the Water System.

Amortization of Connection Charge

2. In accordance with the Amortization Policy, Policy 2005-5, water connection charges for each property may be amortized over a term of years in order to assist the property owners in addressing and meeting the cost for connection to the Water System. For properties that are required to connect within the ten (10) year connection period, the interest rate for amortizing the connection charge, shall be one percent (1%) per annum, simple interest. The term of the amortization shall not exceed fifteen (15) years. For connections occurring after the ten (10) year mandatory connection period, the interest rate and amortization term shall be in accordance with the terms and conditions of Amortization Policy, Policy 2005-5. All other terms and conditions of Policy 2005-5 remain in full force and effect and shall apply to mandatory connections in the Water System.

Ready-to-Serve Fee and Minimum Quarterly Billing

3. The District's Water Rate Schedule provides for assessment of a Ready-To Serve (RTS) fee that is equal to fifty percent (50%) of the operation and maintenance fee. The RTS fee is intended to cover the cost to maintain infrastructure capacity associated with customer's potential need. The fee is also levied on unimproved lots for the benefit derived by those lot owners from the availability of water infrastructure.

For those properties subject to this Mandatory Connection Policy for which connection has not occurred, billing of the RTS fee will commence five (5) years from the date of the notice establishing completion of the Water System. Billing of the minimum quarterly operation and maintenance fee will commence ten (10) years from the date of the notice establishing completion of the Water System.

Upon connection to the Water System, a property shall be subject to the normal quarterly operation and maintenance fee as established by the District's Water Rate Schedule.

4. This Policy shall become effective on the 18th day of October, 2011.

BOARD OF COUNTY COMMISSIONERS OF GARRETT COUNTY, MARYLAND



Gregan T. Crawford, Chairman



Robert G. Gatto, Commissioner



James M. Raley, Commissioner

ATTEST:



R. LAMONT PAGENHARDT
County Administrator

McHenry Water Service Area

Adopted December 7, 2010

