

THE EFFECTIVE DATE OF THIS ORDINANCE IS July 1, 2009
ORDINANCE NO. 09-10-514

**RE: Amendment to Section 1-11-44(J) of the
Solid Waste System Benefit Charge**

PREAMBLE

In 2004, the Maryland General Assembly adopted and the Governor signed legislation providing the Board of County Commissioners with the legislative authority to establish a solid waste disposal charge. 2004 Laws of Maryland, Chapter 293, Frederick County Code, § 2-13-34.

In 2006 the Board of County Commissioners established a solid waste disposal charge, called a system benefit charge, to pay a portion of the reasonably anticipated capital costs and operating costs for the disposal of solid waste. Frederick County Code, §1-11-44.

In implementing the system benefit charge, it has become apparent that the definitions of multi-family residential buildings and single family residential dwelling units did not clearly reflect that only buildings or structures containing multiple dwelling units that share a common entrance were intended to be assessed at the multi-family rate, thus, requiring this clarification.

A duly advertised public hearing was held on this Ordinance on April 28, 2009. The public had an opportunity to comment on this Ordinance at this public hearing.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF FREDERICK COUNTY, MARYLAND, that Section 1-11-44(J) of the Frederick County Code be amended to read as follows:

1-11-44. SYSTEM BENEFIT CHARGE.

(J) *Definitions.*

MULTI-FAMILY RESIDENTIAL BUILDING. A building or other structure containing 2 or more dwelling units THAT SHARE A COMMON ENTRANCE INTO THE STRUCTURE, SUCH AS, BUT NOT LIMITED TO, APARTMENT BUILDINGS.[, including apartment buildings, condominiums and cooperatives.]

SINGLE FAMILY RESIDENTIAL DWELLING UNIT. A house, building or other structure containing 1 dwelling unit, SUCH AS, BUT NOT LIMITED TO, [including] single family homes, rooming houses, townhouses, each dwelling unit in a DUPLEX OR TRIPLEX, EACH CONDOMINIUM UNIT THAT HAS AN INDIVIDUAL DEDICATED ENTRANCE WITH CURBSIDE TRASH COLLECTION SERVICE, AND OTHER SIMILAR STRUCTURES [duplex, and other similar buildings].

All other definitions in Section 1-11-44(J) shall remain unchanged.

AND BE IT FURTHER ENACTED AND ORDAINED that this Ordinance shall take effect on July 1, 2009.

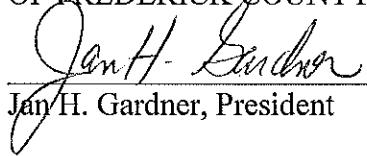
The undersigned hereby certifies that this Ordinance was approved and adopted on the 28 day of April 2009.

ATTEST:



Ronald A. Hart
County Manager

BOARD OF COUNTY COMMISSIONERS
OF FREDERICK COUNTY, MARYLAND


Jan H. Gardner

Jan H. Gardner, President

R.A.H.
5-12-09