
By: Cecil County Delegation

Introduced and read first time: February 19, 1996
Assigned to: Commerce and Government Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: March 19, 1996

CHAPTER ____

1 AN ACT concerning

2 **Cecil County - Road Construction Districts**

3 FOR the purpose of authorizing the Board of County Commissioners for Cecil County to
4 establish road construction districts if a certain number of property owners present
5 a written petition to the County Commissioners; requiring the County
6 Commissioners to provide certain notice and conduct a public hearing on the
7 petition; requiring the County Commissioners to determine the scope and feasibility
8 of the project; authorizing the Board of County Commissioners to establish and levy
9 a certain benefit charge; and generally relating to road construction districts in Cecil
10 County.

11 BY adding to

12 The Public Local Laws of Cecil County
13 Section 75-12 to be under the new article "Article III Road Construction Districts"
14 Article 8 - Public Local Laws of Maryland
15 (1989 Edition and August 1995 Supplement, as amended)

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

2

1 **Article 8 - Cecil County**

2 **ARTICLE III**

3 **ROAD CONSTRUCTION DISTRICTS**

4 75-12.

5 A. IF AT LEAST TWO-THIRDS OF PROPERTY OWNERS IN A PROPOSED ROAD
6 CONSTRUCTION DISTRICT PRESENT A WRITTEN PETITION TO THE BOARD OF
7 COUNTY COMMISSIONERS REQUESTING THE CREATION OF A ROAD CONSTRUCTION
8 DISTRICT FOR ROAD CONSTRUCTION OR REPAIR PROJECTS, THE BOARD OF
9 COUNTY COMMISSIONERS MAY, BY ORDINANCE, ESTABLISH A ROAD
10 CONSTRUCTION DISTRICT.

11 B. (1) ON RECEIPT OF A WRITTEN PETITION UNDER SUBSECTION A OF
12 THIS SECTION, THE BOARD OF COUNTY COMMISSIONERS SHALL CONDUCT A PUBLIC
13 HEARING TO CONSIDER THE PETITION.

14 (2) NOTICE OF THE TIME AND LOCATION OF THE PUBLIC HEARING
15 SHALL BE PROVIDED BY:

16 (A) FIRST-CLASS MAIL TO EACH OWNER OF PROPERTY WITHIN
17 THE PROPOSED ROAD CONSTRUCTION DISTRICT, AT THE ADDRESS LISTED ON THE
18 ASSESSMENT RECORDS; AND

19 (B) NOTICE IN A NEWSPAPER OF GENERAL CIRCULATION IN THE
20 COUNTY FOR TWO CONSECUTIVE WEEKS.

21 (3) AT A PUBLIC HEARING CONDUCTED UNDER THIS SUBSECTION, THE
22 BOARD OF COUNTY COMMISSIONERS SHALL DETERMINE:

23 (A) THE SCOPE OF THE PROJECT AND ADVISE THE PROPERTY
24 OWNERS OF THE APPROXIMATE COST AND ESTIMATED INDIVIDUAL LEVIES FOR
25 THE PROJECT;

26 (B) THE FEASIBILITY OF INCLUDING THE ROAD INTO THE COUNTY
27 ROAD SYSTEM AND TO ASSUME THE ROAD CONSTRUCTION OR REPAIR PROJECT;

28 (C) IF THE ROAD IS ABLE TO BE INCLUDED IN THE COUNTY ROAD
29 SYSTEM UNDER SUBSECTION E OF THIS SECTION UPON COMPLETION OF THE
30 PROJECT; AND

31 (D) IF TO PROCEED WITH PLANS AND SPECIFICATIONS FOR THE
32 PROJECT AND TO SET A DATE FOR A FINAL HEARING THAT MAY ONLY BE CHANGED
33 PURSUANT TO NOTICE PROVIDED UNDER THIS SUBSECTION.

34 C. AT A FINAL HEARING CONDUCTED UNDER THIS SUBSECTION, THE
35 BOARD OF COUNTY COMMISSIONERS MAY:

36 (1) ESTABLISH THE DISTRICT AND DESIGNATE THE AREA WITHIN THE
37 ROAD CONSTRUCTION DISTRICT;

3

1 (2) ESTABLISH THE PROJECT SCOPE AND COST ESTIMATE;

2 (3) ESTABLISH THE ESTIMATED INDIVIDUAL LEVIES BASED ON THE
3 BENEFITS ACCRUING TO EACH OF THE LOTS OR PARCELS OF LAND IN THE ROAD
4 CONSTRUCTION DISTRICT TO THE EXTENT IT IS BENEFITTED BY THE ROAD
5 CONSTRUCTION;

6 (4) DETERMINE IF INTEREST IS TO BE CHARGED AND THE RATE OF THE
7 INTEREST;

8 (5) ADVERTISE FOR PUBLIC BIDS AND CONTRACT FOR THE LOWEST
9 RESPONSIBLE BIDDER, IF THE BOARD OF COUNTY COMMISSIONERS DECIDES TO
10 PROCEED WITH THE PROJECT; AND

11 ~~(6) UPON COMPLETION OF THE PROJECT, THE BOARD OF COUNTY
12 COMMISSIONERS MAY FIX AND LEVY A BENEFIT CHARGE ON ALL REAL PROPERTY
13 WITHIN THE ROAD CONSTRUCTION DISTRICT THAT IS SUFFICIENT TO MEET THE
14 COSTS OF THE PROJECT INCLUDING INTEREST PAID AND ADMINISTRATIVE, NOTICE,
15 AND ADVERTISEMENT COSTS;~~

16 ~~(7) DETERMINE THE TIME PERIOD FOR PROPERTY OWNERS TO
17 REIMBURSE THE COUNTY FOR ITS COSTS; AND~~

18 ~~(8) ESTABLISH THE BENEFIT CHARGE LEVIED UNDER ITEM (6) OF THIS
19 SUBSECTION TO BE A LIEN ON THE REAL PROPERTY THAT IS ASSESSED AND TO BE
20 PAID ANNUALLY IN THE SAME MANNER AS COUNTY TAXES, BY ALL PROPERTY
21 OWNERS IN THE ROAD CONSTRUCTION DISTRICT FOR THE PERIOD OF TIME
22 ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS.~~

23 D. THE BOARD OF COUNTY COMMISSIONERS MAY CONTRACT WITH OWNERS
24 FOR THE PURCHASE OF LAND REQUIRED FOR USE IN CONNECTION WITH A ROAD
25 CONSTRUCTION DISTRICT.

26 E. UPON COMPLETION OF THE PROJECT, THE BOARD OF COUNTY
27 COMMISSIONERS MAY:

28 (1) FIX AND LEVY A BENEFIT CHARGE ON ALL REAL PROPERTY WITHIN
29 THE ROAD CONSTRUCTION DISTRICT THAT IS SUFFICIENT TO MEET THE COSTS OF
30 THE PROJECT INCLUDING INTEREST PAID AND ADMINISTRATIVE, NOTICE, AND
31 ADVERTISEMENT COSTS; AND

32 (2) ESTABLISH THE BENEFIT CHARGE LEVIED UNDER ITEM (1) OF THIS
33 SUBSECTION TO BE A LIEN ON THE REAL PROPERTY THAT IS ASSESSED AND TO BE
34 PAID ANNUALLY IN THE SAME MANNER AS COUNTY TAXES BY ALL PROPERTY
35 OWNERS IN THE ROAD CONSTRUCTION DISTRICT FOR THE PERIOD OF TIME
36 ESTABLISHED BY THE BOARD OF COUNTY COMMISSIONERS.

37 ~~E. F.~~ IF A ROAD CONSTRUCTION PROJECT IS COMPLETED ACCORDING TO
38 COUNTY SPECIFICATIONS, THE ROAD SHALL BE INCLUDED AS PART OF THE COUNTY
39 ROAD SYSTEM.

40 ~~F. G.~~ THE MINIMUM RIGHT-OF-WAY THAT MAY BE PURCHASED UNDER
41 THIS SECTION IS 30 FEET.

1 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
2 October 1, 1996.