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**By: Charles County Delegation**

Introduced and read first time: January 30, 1997

Assigned to: Commerce and Government Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Charles County - County Commissioners - Authority to Construct, Extend, and Acquire**  
3 **Water or Sewer Systems or Stormwater Management Areas**

4 FOR the purpose of authorizing the Charles County Commissioners to acquire and  
5 improve private sewer systems and stormwater management areas under certain  
6 circumstances; authorizing the Commissioners to construct new or extend existing  
7 water or sewer systems or stormwater management areas under certain  
8 circumstances; authorizing the Commissioners to levy an annual benefit assessment  
9 under certain circumstances; providing that certain water or sewer systems or  
10 certain stormwater management areas are operated and maintained by a certain  
11 department; authorizing the Commissioners to adopt certain regulations;  
12 authorizing the Commissioners to charge interest on certain payments; requiring  
13 that a certain petition be filed by certain property owners before the Commissioners  
14 may exercise certain powers; requiring the passage of a certain ordinance under  
15 certain circumstances; and generally relating to the authority of the Charles County  
16 Commissioners to acquire, improve, construct, and extend water and sewer systems  
17 and stormwater management areas.

18 BY repealing and reenacting, with amendments,

19 The Public Local Laws of Charles County  
20 Section 97-2 and 97-5 to be under the amended article "Article II Construction,  
21 Extension, and Acquisition of Water or Sewer Systems or Stormwater  
22 Management Areas"  
23 Article 9 - Public Local Laws of Maryland  
24 (1994 Edition and November 1995 Supplement, as amended)

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

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1           **Article 9 - Charles County**

2                   Article II

3 CONSTRUCTION, EXTENSION, AND Acquisition of [Private] Water OR SEWER  
4           Systems OR STORMWATER MANAGEMENT AREAS

5 97-2.

6           A. In accordance with this Article, the County Commissioners may:

7                   (1) Acquire and improve private water OR SEWER systems OR  
8 STORMWATER MANAGEMENT AREAS after receiving a request that the private water  
9 OR SEWER system OR STORMWATER MANAGEMENT AREA be taken into the county  
10 system.

11                  (2) CONSTRUCT NEW OR EXTEND EXISTING WATER OR SEWER SYSTEMS  
12 OR STORMWATER MANAGEMENT AREAS AFTER RECEIVING A REQUEST FOR THE  
13 CONSTRUCTION OF A NEW OR THE EXTENSION OF AN EXISTING WATER OR SEWER  
14 SYSTEM OR STORMWATER MANAGEMENT AREA.

15                  [(2)] (3) Levy an annual benefit assessment on the properties served OR TO  
16 BE SERVED by the [private] water OR SEWER system OR STORMWATER  
17 MANAGEMENT AREA to reimburse the county for the costs of acquisition and  
18 improvement, AND CONSTRUCTION OR EXTENSION.

19           B. After acquisition of a private water OR SEWER system OR STORMWATER  
20 MANAGEMENT AREA, OR CONSTRUCTION OF A NEW OR EXTENSION OF AN  
21 EXISTING WATER OR SEWER SYSTEM OR STORMWATER MANAGEMENT AREA, it  
22 shall be operated and maintained by the Department of Facilities pursuant to the  
23 Department's rates and regulations.

24           C. In the exercise of the powers granted by the Article, the County  
25 Commissioners, by ordinance, may adopt all necessary regulations and conditions for the  
26 acceptance, acquisition, improvement and maintenance of private water OR SEWER  
27 systems OR STORMWATER MANAGEMENT AREAS AND FOR THE CONSTRUCTION OF A  
28 NEW OR EXTENSION OF EXISTING WATER OR SEWER SYSTEMS OR STORMWATER  
29 MANAGEMENT AREAS. The ordinance shall provide for the method of determining the  
30 annual benefit assessments to be levied against the properties served OR TO BE SERVED  
31 by the private water OR SEWER system for the purpose of reimbursing the county for all  
32 costs of the improvement and acquisition OR TO BE SERVED BY THE CONSTRUCTED OR  
33 EXTENDED WATER OR SEWER SYSTEM TO REIMBURSE THE COUNTY FOR THE COSTS  
34 OF CONSTRUCTION OR EXTENSION. The ordinance shall specify the time and manner of  
35 payment, which may not exceed fifteen (15) years. The County Commissioners may  
36 charge interest on the amount of county funds provided to acquire [and], improve [the],  
37 CONSTRUCT, OR EXTEND A WATER OR SEWER system OR STORMWATER  
38 MANAGEMENT AREA and shall determine the rate of interest imposed.

39           D. Annual benefit assessments shall be a first lien upon the properties against  
40 which they are assessed until paid, subject only to prior State and county taxes. If any  
41 property is sold for State and county taxes and a surplus remains after the sale, then the

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1 County Commissioners, upon petition to the Circuit Court, may be allowed the payment  
2 of their lien.

3 97-5.

4 Before the County Commissioners exercise the powers granted by this Article, there  
5 shall be:

6 A. A petition filed by a majority of the property owners whose property is:

7 (1) [served] SERVED OR TO BE SERVED by the private water OR SEWER  
8 system OR STORMWATER MANAGEMENT AREA that requests the county to acquire and  
9 improve the private water OR SEWER system OR STORMWATER MANAGEMENT  
10 AREA[.]; OR

11 (2) TO BE SERVED BY THE CONSTRUCTED OR EXTENDED WATER OR  
12 SEWER SYSTEM OR STORMWATER MANAGEMENT AREA THAT REQUESTS THE  
13 COUNTY TO CONSTRUCT A NEW OR EXTEND AN EXISTING WATER OR SEWER  
14 SYSTEM OR STORMWATER MANAGEMENT AREA.

15 B. A public hearing upon the petition after ten (10) days notice in a newspaper  
16 regularly published in Charles County.

17 C. The approval of the petition by the County Commissioners.

18 D. The passage of an appropriate ordinance under § 97-2 of this Article that  
19 states:

20 (1) The improvements being acquired or improved OR THE  
21 CONSTRUCTION OR EXTENSION BEING CONSTRUCTED OR EXTENDED.

22 (2) The property owners affected.

23 (3) All material terms of the annual benefit assessments to be levied to pay  
24 the cost of the improvement and acquisition or any reasonable portion of the cost as  
25 determined by the County Commissioners.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
27 October 1, 1997.