
By: Charles County Delegation

Introduced and read first time: January 30, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 4, 1997

CHAPTER ____

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:

2

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.