
By: St. Mary's County Delegation

Introduced and read first time: January 31, 1997

Assigned to: Commerce and Government Matters

Committee Report: Favorable

House action: Adopted

Read second time: March 10, 1997

CHAPTER ____

1 AN ACT concerning

2 **St. Mary's County Metropolitan Commission**

3 FOR the purpose of altering the method of calculation of certain benefit assessment
4 charges by the St. Mary's County Metropolitan Commission; authorizing certain
5 charges for upgrading certain facilities under certain circumstances; altering a
6 certain requirement of providing service to certain properties; requiring certain
7 charges to be uniform within a designated service area; allowing certain revenues to
8 be applied to upgraded or improved water supply or sewerage systems; making
9 stylistic changes and correcting certain references; and generally relating to the St.
10 Mary's County Metropolitan Commission.

11 BY repealing and reenacting, with amendments,
12 The Public Local Laws of St. Mary's County
13 Section 113-9 E.
14 Article 19 - Public Local Laws of Maryland
15 (1978 Edition and July 1996 Supplement, as amended)

16 BY repealing and reenacting, with amendments,
17 The Public Local Laws of St. Mary's County
18 Section 113-10 and 113-12
19 Article 19 - Public Local Laws of Maryland
20 (1978 Edition and July 1996 Supplement, as amended)
21 (As enacted by Chapter 57 of the Acts of the General Assembly of 1993)

22 BY adding to
23 The Public Local Laws of St. Mary's County
24 Section 113-9 O.

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1 Article 19 - Public Local Laws of Maryland
2 (1978 Edition and July 1996 Supplement, as amended)

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

5 **Article 19 - St. Mary's County**

6 113-9 E.

7 (1) In classifying property and levying any benefit ASSESSMENT charge any lot
8 abutting upon any street, road, [land] LANE, alley, right-of-way or easement in which
9 there is or is being constructed a water main or sewer shall be assessed an amount
10 determined by the Commission to be reasonable and fair. The unit of measure for the
11 benefit assessment charge shall be the front foot, the amount of which shall be calculated
12 by procedures established by the Commission. Wherever there are a number of
13 contiguous lots in the same block in one (1) ownership appurtenant to a residence, the
14 Commission [may] SHALL combine ALL OF the lots for the purpose of calculating the
15 assessment. Any lots may be assessed for their full benefit assessment charge even though
16 a water main or sewer may not extend along the full length of any boundary.

17 (2) Land classed as agricultural by the Commission, when in actual use for
18 farming or trucking purposes, may not be assessed a benefit assessment charge when the
19 agricultural land has constructed through it or in front of it a sewer or water main, until
20 the time a water or sewer connection is made. When so made and for every connection,
21 the land shall become liable to an assessment of a FRONT FOOT benefit ASSESSMENT
22 charge, not to exceed 300 front feet[, as may be determined by the Commission] OR THE
23 EQUIVALENT OF SIX DWELLING UNITS, and shall be assessed immediately at the rate of
24 assessment determined upon by the Commission for agricultural land.

25 (3) Public parks or playgrounds owned by a municipal corporation and any
26 property or building owned by either a regularly organized volunteer fire department or a
27 volunteer rescue squad, while so used for public purposes, are exempt from the
28 imposition of a benefit ASSESSMENT charge.

29 (4) The Commission may provide further for a hiatus in the imposition and
30 collection of a benefit assessment for any property otherwise assessable with respect to a
31 sanitary sewer line, which property cannot, in the judgment of the Commission, obtain
32 service from the sewer pipe upon which the benefit ASSESSMENT CHARGE would be
33 based. The Commission may provide for a hiatus in the imposition and the collection of a
34 benefit ASSESSMENT charge with respect to a water main when the owner of the property
35 otherwise subject to it under the provisions of this section is not permitted to connect to
36 the water main by the Commission on account of the absence of a sanitary sewer or
37 finding by the County Health Department that a septic system would not be approved for
38 the disposal of the water for which the connection is requested and the extension of an
39 improved sewerage system is not reasonably feasible. The suspension of the benefit
40 ASSESSMENT charge shall terminate at any time that a connection with the Commission's
41 sewer pipe or water main, as the case may be, is made by the owner of the property. Upon
42 that occurrence, the property shall be classified and the benefit ASSESSMENT charge shall
43 commence and be collected as hereinafter provided with respect to land or property for

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1 which benefit ASSESSMENT charges had been exempted or suspended initially and the
2 exemption or suspension is no longer applicable.

3 (5) If property in the sanitary district is, at the time of construction of a
4 Commission water line or sanitary sewer line, connected to a public water system or
5 public sewer system operated either by a municipal corporation or by a water or sewer
6 company subject to the requirements of the Maryland State Department of Health and
7 Mental Hygiene, or if following construction of the Commission line the property is
8 connected to the other specified public system pursuant to Commission authorization, the
9 property is exempt from the imposition and collection of a sanitary district benefit
10 assessment CHARGE until it is served by or connected to the Commission's water or
11 sanitary sewerage system, as the case may be. When the exemption or suspension
12 condition is no longer applicable pursuant to those provisions which established the
13 exemption or suspension, any land or property exempted from or with respect to which
14 there is a suspension of benefit ASSESSMENT charges shall be classified by benefit charge
15 assessment purposes in its then current class and become liable to a benefit assessment
16 charge at a rate and for a period of time the same as properties first classified or assessed
17 in that year, but not less than the rate and number of years which would have been
18 applied at the time of exemption or suspension.

19 (6) The receipts from benefit charge assessments for properties with respect
20 to which the benefit ASSESSMENT charge was exempted or suspended for a period of
21 years shall be used by the Commission to amortize any bonds issued for the purpose of
22 constructing or acquiring the water and sewer lines for which benefit ASSESSMENT
23 charges are levied under the provisions of this chapter or for constructing or acquiring
24 other water and sanitary sewer lines for which benefit ASSESSMENT charges are levied.

25 (7) After July 1, 1985, there is an alternative method of assessment under
26 this section to be called "equal benefit assessment." The equal benefit assessment shall be
27 the primary method of assessing properties where an assessment is used to amortize the
28 providing of water or sewer, by the Commission to private users. However, where dictated
29 by equity or law, the Commission, at its option, may assess the properties on a front foot
30 benefit ASSESSMENT CHARGE basis. This new assessment method should not be
31 construed as requiring past assessments to be recouped under this new formula. An equal
32 benefit assessment CHARGE may be levied on each of the properties benefited by a
33 purchase or the establishment or construction of a water supply or sewerage facility in an
34 equal amount based on utilization potential of each property consistent with current
35 zoning. The total benefit assessments of all properties being assessed shall be in whatever
36 amount is required to pay the total cost of the purchase, establishment, or construction.
37 The word "property" means all of that land area in common ownership enclosed within
38 the boundaries of contiguous parcels. Should any property owner divide the property, the
39 assessment on all the newly created parcels shall be recalculated and imposed as provided
40 in this section.

41 O. NOTWITHSTANDING ANY OTHER PROVISION OF THIS SECTION RELATING
42 TO BENEFIT ASSESSMENT CHARGES, THE COMMISSION MAY FROM TIME TO TIME
43 ASSESS AND LEVY ON ALL BENEFITED PROPERTIES A BENEFIT ASSESSMENT
44 CHARGE NECESSARY TO FUND THE COST OF UPGRADING WATER OR SEWER
45 FACILITIES AS A RESULT OF ENVIRONMENTAL OR OTHER REQUIREMENTS OF LAW.

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1 113-10.

2 [(a)] A. (1) The Commission [shall] MAY provide, for [each and every] property
3 abutting upon a street or right-of-way in which under this chapter a water main or sewer
4 is laid, a water service pipe or sewer connection. The water service pipe or sewer
5 connection shall be extended as required, from the water main or sewer to the property
6 line of the abutting lot.

7 (2) The service pipe or connection with sewer shall be constructed by and at
8 the sole expense of the Commission, but subject to a reasonable charge for the connection
9 as provided in § 113-12 of this chapter. This charge shall be paid by all property owners
10 at the office of the Commission before the actual connection with any pipe or private
11 property is made or by the property owner under such reasonable conditions and charges
12 as are deemed appropriate by the Commission. The method of construction and payment
13 shall be determined by the Commission.

14 (3) When any water main or sewer is declared by the Commission complete
15 and ready for the delivery of water or the reception of sewage, every abutting property
16 owner FOR WHOM A WATER OR SEWER CONNECTION HAS BEEN PROVIDED, after due
17 notice, shall make a connection of all spigots or hydrants, toilets and waste drains with the
18 water main or sewer within the time prescribed by the Commission. Where those fixtures
19 do not exist or are of a nature which, in the judgement of the Commission, is improper or
20 inadequate, satisfactory equipment shall be installed by the owner on the premises. The
21 premises shall include at least one water closet and one sink or washbasin, both of which
22 shall be properly connected with the sewer of the Commission. All cesspools, sink drains
23 and privies located on properties connected to sewers provided by the Commission shall
24 be abandoned, closed and left in a sanitary condition so that no odor or nuisance shall
25 arise from them.

26 (4) Any violation of the provisions of this section is a misdemeanor
27 punishable under § 113-21 of this chapter.

28 [(b)] B. Notwithstanding subsection [(a)] A of this section, when the Commission
29 declares abutting properties ready-to-serve on or after July 1, 1993, connection shall be
30 at the property owner's option if the property is located outside the designated service
31 area for which the water main or sewer was intended unless, or until, the private water or
32 sewage disposal system serving the property fails to comply with applicable State
33 regulations. If the private water or sewage disposal system fails to comply with State
34 regulations, connection to the water main or sewer is immediately required. Compliance
35 with § 113-9 of this chapter is not affected by the option under this subsection.

36 113-12.

37 [(a)] A. For every water and sewer connection made under this chapter, the
38 Commission shall make a reasonable charge, that is not less than the actual cost of
39 connection. The charge shall be uniform throughout a [sanitary district] DESIGNATED
40 SERVICE AREA for connections of those sizes and classes for which average costs
41 reasonably may be ascertainable, and, for all other connections, NOT LESS THAN the
42 actual cost of the connection. The Commission may revise these charges annually.
43 Connection charges collected by the Commission shall be applied to paying the actual
44 cost of the connections. The Commission may apply any revenue from this source, above

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1 actual cost, for repairs, replacements or any extraordinary expense in the maintenance
2 and operation of the water supply and sewerage systems under its control and for paying
3 the principal of and interest on the bonds issued by the Commission for the water supply
4 or sewerage systems to be constructed, purchased, UPGRADED, IMPROVED, or
5 established under this chapter. Connection charges shall be due and payable to the
6 Commission at the time the property owner makes an application to connect to a water
7 main or sewer. If the property owner fails to make the connection by the time required by
8 the Commission as set forth in § 113-10 of this chapter, the charge shall become due and
9 payable on the connection deadline date, shall be assessed immediately, and shall be
10 subject to the same rules of collection as prescribed by § 113-9 L of this chapter.

11 [(b)] B. For property owners who elect to defer connection under [§ 110(b)] §
12 113-10 B of this chapter, the connection charge shall include an additional cost reflecting
13 the delay in connection. The connection cost is due when the property owner applies to
14 connect to a water main or sewer.

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