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By: **St. Mary's County Delegation**

Introduced and read first time: March 6, 2006

Assigned to: Rules and Executive Nominations

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A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County Metropolitan Commission - Fee Restructuring**

3 FOR the purpose of altering the method of computing certain charges imposed by the  
4 St. Mary's County Metropolitan Commission; requiring the Commission to  
5 impose certain capital contribution charges for each new equivalent dwelling  
6 unit connected to the water and sewerage system; repealing authority for the  
7 Commission to apply certain revenue from the connection fees above actual cost  
8 for certain maintenance and operation expenses or for paying the principal and  
9 interest of certain bonds; requiring that certain capital contribution charges be  
10 used for paying certain capital costs and certain debt incurred for certain  
11 construction costs; requiring that the capital contribution charge be assessed in  
12 a certain manner as a uniform charge for all sanitary districts; authorizing the  
13 Commission to revise the capital contribution charge annually; providing for the  
14 due date and collection procedures for the connection fee and capital  
15 contribution charge; altering the criteria to be used for imposing certain service  
16 rates; repealing certain provisions of law relating to benefit charges used for  
17 payment of costs for certain water and sewerage systems; requiring the  
18 Commission to impose and collect a system improvement charge, to be used for  
19 certain purposes, on every equivalent dwelling unit allocated by the St. Mary's  
20 County Office of Land Use and Growth Management; requiring the system  
21 improvement charges to be assessed and payable monthly and applied to every  
22 equivalent dwelling unit equally; requiring the system improvement charges to  
23 be placed in a certain account; requiring the Commission to classify property  
24 and impose the system improvement charge in a certain manner; providing for  
25 the procedure for the imposition of the system improvement charge and for  
26 correcting any errors in imposing the system improvement charge; providing for  
27 certain exemptions to the system improvement charge; requiring that the rate of  
28 the system improvement charge be based on a certain capital improvement plan  
29 of the Commission in a certain manner; authorizing the Commission to establish  
30 certain financial criteria to determine the eligibility of certain homeowners for a  
31 deferral of the system improvement charge; providing for procedures relating to  
32 the deferral of the system improvement charge; providing that the Commission  
33 may only implement a deferral process through adoption of a resolution in  
34 accordance with certain notice and hearing requirements; authorizing, under  
35 certain circumstances, the connection with a water main or sewer of certain

1 property that does not abut a water main or sewer; authorizing the Commission  
 2 to classify certain property as property in a remote area and to construct certain  
 3 water or sewer lines and impose a certain system improvement charge;  
 4 authorizing certain system improvement charges to be imposed for certain  
 5 improvements based on use or zoning category of the property; providing for the  
 6 due date and collection procedures for system improvement charges; providing  
 7 for the method of calculating certain taxes; providing for the payment of the  
 8 system improvement charge when property is acquired by certain public  
 9 entities; defining certain terms; and generally relating to the imposition of  
 10 certain connection fees, capital construction charges, and system improvement  
 11 charges imposed by the St. Mary's County Metropolitan Commission.

12 BY repealing

13 The Public Local Laws of St. Mary's County  
 14 Section 113-9  
 15 Article 19 - Public Local Laws of Maryland  
 16 (2002 Edition, as amended)

17 BY repealing and reenacting, with amendments,

18 The Public Local Laws of St. Mary's County  
 19 Section 113-12 and 113-14  
 20 Article 19 - Public Local Laws of Maryland  
 21 (2002 Edition, as amended)

22 BY adding to

23 The Public Local Laws of St. Mary's County  
 24 Section 113-29  
 25 Article 19 - Public Local Laws of Maryland  
 26 (2002 Edition, as amended)

27 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF  
 28 MARYLAND, That Section(s) 113-9 of Article 19 - St. Mary's County of the Code of  
 29 Public Local Laws of Maryland be repealed.

30 SECTION 2. AND BE IT FURTHER ENACTED, That the Laws of Maryland  
 31 read as follows:

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

33 113-12.

34 A. (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
 35 INDICATED.

36 (2) "CAPITAL CONTRIBUTION CHARGE" IS AN AMOUNT BASED ON  
 37 CAPITAL COSTS THAT IS IMPOSED AND COLLECTED ON A NEW EDU CONNECTION TO  
 38 A WATER SUPPLY OR SEWERAGE SYSTEM UNDER THIS CHAPTER.

1 (3) "CONNECTION CHARGE" MEANS A CAPITAL CONTRIBUTION CHARGE  
2 OR CONNECTION FEE.

3 (4) "CONNECTION FEE" MEANS AN AMOUNT BASED ON THE COST OF  
4 CONNECTION THAT IS IMPOSED ON A NEW CONNECTION TO A WATER SUPPLY OR  
5 SEWERAGE SYSTEM UNDER THIS CHAPTER.

6 (5) "EDU" MEANS AN EQUIVALENT DWELLING UNIT.

7 [A.] B. (1) For every NEW water [and] OR sewer connection made under  
8 this chapter, the Commission shall [make] IMPOSE AND COLLECT a reasonable  
9 [charge] CONNECTION FEE, that is not less than the actual cost of connection. The  
10 [charge] CONNECTION FEE shall be uniform throughout a designated service area for  
11 connections of those sizes and classes for which average costs reasonably may be  
12 ascertainable[, and, for].

13 (2) FOR all other connections, THE CONNECTION FEE SHALL BE AN  
14 AMOUNT not less than the actual cost of the connection.

15 (3) The Commission may revise [these charges] THE CONNECTION FEE  
16 annually.

17 (4) Connection [charges] FEES collected by the Commission shall be  
18 applied to paying the actual cost of the connections. [The Commission may apply any  
19 revenue from this source, above actual cost, for repairs, replacements or any  
20 extraordinary expense in the maintenance and operation of the water supply and  
21 sewerage systems under its control and for paying the principal of and interest on the  
22 bonds issued by the Commission for the water supply or sewerage systems to be  
23 constructed, purchased, upgraded, improved, or established under this chapter.  
24 Connection charges]

25 (5) THE CONNECTION FEE shall be due and payable to the Commission  
26 at the time the property owner makes an application, OR IS OTHERWISE REQUIRED, to  
27 connect to a water main or sewer.

28 (6) If the property owner fails to make the connection by the time  
29 required by the Commission as set forth in § 113-10 of this chapter, the [charge]  
30 CONNECTION FEE shall become due and payable on the connection deadline date,  
31 shall be assessed immediately, and shall be subject to the [same] rules of collection as  
32 [prescribed by §113-9L of this chapter] PROVIDED IN SUBSECTION D OF THIS  
33 SECTION.

34 C. (1) IN ADDITION TO THE CONNECTION FEE, THE COMMISSION SHALL  
35 IMPOSE AND COLLECT FOR EACH NEW EDU CONNECTED TO A WATER SUPPLY OR  
36 SEWERAGE SYSTEM UNDER THIS CHAPTER A CAPITAL CONTRIBUTION CHARGE.

37 (2) THE CAPITAL CONTRIBUTION CHARGES COLLECTED SHALL BE USED  
38 BY THE COMMISSION TO PAY:

1 (A) THE CAPITAL COSTS OF CONSTRUCTING NEW WATER OR  
2 SEWER COLLECTION SYSTEMS, TO THE EXTENT THAT THE PROJECTS ARE  
3 IDENTIFIED IN THE COMMISSION'S SIX-YEAR CAPITAL IMPROVEMENT PLAN;

4 (B) THE CAPITAL COSTS OF CENTRAL TREATMENT FACILITY  
5 CAPACITY EXPANSION, AS THE PROJECTS ARE IDENTIFIED IN THE COMMISSION'S  
6 SIX-YEAR CAPITAL IMPROVEMENT PLAN;

7 (C) EXISTING DEBT, AS OF OCTOBER 1, 2006, INCURRED TO FUND  
8 THE COSTS OF CENTRAL TREATMENT FACILITY CAPACITY EXPANSIONS, BUT  
9 LIMITED TO THAT PORTION OF EXISTING DEBT CORRESPONDING TO ANY  
10 UNALLOCATED CAPACITY AS MAY EXIST ON OCTOBER 1, 2006; AND

11 (D) EXISTING DEBT, AS OF OCTOBER 1, 2006, INCURRED TO FUND  
12 THE COSTS OF CONSTRUCTING WATER OR SEWER COLLECTION SYSTEMS, BUT  
13 LIMITED TO THAT PORTION OF EXISTING DEBT CORRESPONDING TO ANY  
14 UNALLOCATED CAPACITY AS MAY EXIST ON OCTOBER 1, 2006.

15 (3) (A) THE CAPITAL CONTRIBUTION CHARGE SHALL BE ASSESSED ON  
16 A PER EDU BASIS AND SHALL BE A UNIFORM CHARGE ASSESSED EQUALLY TO ALL  
17 SANITARY DISTRICTS.

18 (B) THE COMMISSION MAY REVISE THE CAPITAL CONTRIBUTION  
19 CHARGE ANNUALLY.

20 (C) THE CAPITAL CONTRIBUTION CHARGE SHALL BE DUE AND  
21 PAYABLE TO THE COMMISSION AT THE TIME A PROPERTY OWNER MAKES AN  
22 APPLICATION OR IS OTHERWISE REQUIRED TO CONNECT TO A WATER MAIN OR  
23 SEWER.

24 (D) IF THE PROPERTY OWNER FAILS TO MAKE THE CONNECTION  
25 BY THE TIME REQUIRED BY THE COMMISSION AS SET FORTH IN § 113-10 OF THIS  
26 CHAPTER, THE CAPITAL CONTRIBUTION CHARGE SHALL BECOME DUE AND PAYABLE  
27 ON THE CONNECTION DEADLINE DATE, SHALL BE ASSESSED IMMEDIATELY, AND  
28 SHALL BE SUBJECT TO THE SAME RULES OF COLLECTION PROVIDED IN SUBSECTION  
29 D OF THIS SECTION.

30 D. (1) THE CONNECTION CHARGES SET FORTH IN SUBSECTIONS B AND C  
31 OF THIS SECTION SHALL BE PAYABLE AT THE OFFICE OF THE COMMISSION AT A  
32 TIME DETERMINED BY THE COMMISSION.

33 (2) IF ANY CONNECTION CHARGES REMAIN UNPAID FOR A PERIOD OF  
34 THIRTY (30) DAYS FROM THE DUE DATE OF PAYMENT, A LATE CHARGE AT A RATE NOT  
35 TO EXCEED ONE AND FIVE-TENTHS (1 5/10) PERCENT PER MONTH MAY BE MADE BY  
36 THE COMMISSION UNTIL ALL DELINQUENT CHARGES ARE PAID.

37 (3) THE LATE CHARGE SHALL BE IN ADDITION TO ALL OTHER CHARGES.

38 (4) THE ENTIRE UNPAID CONNECTION CHARGE SHALL BE OVERDUE  
39 AND IN DEFAULT AFTER THIRTY (30) DAYS FROM THE DUE DATE OF PAYMENT OF ALL

1 OR ANY PART OF THE CONNECTION CHARGE AS REQUIRED BY THE COMMISSION, AT  
2 WHICH TIME THE COMMISSION MAY PROCEED TO ENFORCE PAYMENT.

3 (5) THE CONNECTION CHARGE SHALL BE A FIRST LIEN ON THE  
4 PROPERTY AGAINST WHICH IT IS ASSESSED UNTIL PAID, ANY STATUTE OF  
5 LIMITATIONS TO THE CONTRARY NOTWITHSTANDING, SUBJECT ONLY TO PRIOR  
6 STATE AND COUNTY TAXES.

7 (6) THE CONNECTION CHARGE FOR ALL PURPOSES OF COLLECTION  
8 SHALL BE TREATED AS COUNTY TAXES AND BE ADVERTISED IN THE SAME MANNER  
9 AS AND WITH COUNTY TAXES, AND ALL PROPERTY SUBJECT TO THE CONNECTION  
10 CHARGES SHALL BE SOLD FOR THE CONNECTION CHARGES AT THE SAME TIME AND  
11 IN THE SAME MANNER AS THE PROPERTIES ARE SOLD FOR COUNTY TAXES, AND ALL  
12 OF THE LAW RELATING TO THE COLLECTION OF COUNTY TAXES, SO FAR AS IT IS  
13 APPLICABLE, SHALL RELATE TO THE COLLECTION OF THE CONNECTION CHARGES.

14 (7) PROPERTY REDEEMED FROM A COUNTY TAX SALE AND PROPERTY  
15 SOLD BY THE COUNTY COMMISSIONERS AFTER A FINAL TAX SALE MAY NOT BE  
16 REDEEMED OR SOLD EXCEPT ON THE PAYMENT OF THE CONNECTION CHARGES DUE  
17 ON IT.

18 (8) FOR THE PURPOSE OF GIVING NOTICE TO THE GENERAL PUBLIC OF  
19 EXISTING LIENS AND CHARGES AGAINST ANY PROPERTY WITHIN ANY SANITARY  
20 DISTRICT ABUTTING ON ANY WATER OR SEWER MAIN, THE COMMISSION SHALL KEEP  
21 A PUBLIC RECORD OF ALL NAMES OF OWNERS OF PROPERTY, LOCATIONS OF THE  
22 PROPERTY, LOT NUMBERS WHEN OF RECORD AND THE AMOUNT OF THE  
23 CONNECTION CHARGES OR WHATEVER OTHER CHARGES THAT MAY BECOME LIENS .

24 (9) THE RECORDS SHALL BE KEPT IN THE COUNTY SEAT OF  
25 GOVERNMENT AND AMONG THE LAND RECORDS OF ST. MARY'S COUNTY, AND THE  
26 CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL FURNISH SPACE  
27 NECESSARY TO KEEP AND PRESERVE THE RECORDS, THAT, WHEN RECORDED IN THE  
28 PUBLIC RECORD, ARE LEGAL NOTICE OF ALL EXISTING LIENS WITHIN ANY SANITARY  
29 DISTRICT.

30 (10) IF ANY LIENS, CONNECTION CHARGES, OR OTHER CHARGES REMAIN  
31 UNPAID FOR THIRTY (30) DAYS AFTER BECOMING OVERDUE, THEY MAY BE  
32 COLLECTED BY AN ACTION TO ENFORCE THE LIENS, AND ANY JUDGMENT OR  
33 DECREE OBTAINED, WHERE THE DEFENDANTS HAVE BEEN SERVED BY SUBPOENA  
34 OR IN ANY OTHER MANNER PROVIDED BY LAW, SHALL HAVE THE FORCE AND EFFECT  
35 OF A JUDGMENT IN PERSONAM.

36 (11) THE COMMISSION MAY FILE AN ACTION TO ENFORCE THE LIENS  
37 AGAINST THE OWNER OF RECORD AT THE TIME THE LEVY WAS MADE, OR THE  
38 OWNER OF RECORD AT THE TIME THE SUIT IS FILED, OR ANY OWNER OF RECORD  
39 BETWEEN THESE DATES.

40 (12) PUBLICATION IS NOTICE TO ALL PERSONS HAVING ANY INTEREST IN  
41 THE PROPERTY.

1 [B.] E. (1) For property owners who elect to defer connection under §  
2 113-10B of this chapter, the connection [charge] CHARGES DESCRIBED IN THIS  
3 SECTION shall include an additional cost reflecting the delay in connection.

4 (2) The [connection cost is] CONNECTION FEE AND THE CAPITAL  
5 CONTRIBUTION CHARGE ARE due when the property owner applies, OR IS  
6 OTHERWISE REQUIRED, to connect to a water main or sewer.

7 (3) FOR NEW DEVELOPMENT, THE APPLICABLE CHARGES WILL BECOME  
8 DUE AT THE TIME THE PUBLIC WORKS AGREEMENT BECOMES EXECUTED.

9 113-14.

10 A. For the purpose of providing funds for maintaining, [repairing]  
11 REPAIRING, and operating its water supply and sewerage systems, for line extensions  
12 of them, for its administrative and other expenses[, including proper depreciation  
13 allowances, if any, and for interest on and the retirement of bonds as specified in this  
14 chapter], the Commission may make service rates, as it deems necessary, on water  
15 lines and sewers chargeable against all properties having a connection with any  
16 water pipe or sewer pipe under its supervision or ownership. The rate for both water  
17 and sewer service shall be uniform throughout a sanitary district, subject to changes  
18 that the Commission considers necessary. Beginning on July 1, 1993, the rate for both  
19 water and sewer service shall be uniform throughout all sanitary districts, subject to  
20 changes that the Commission considers necessary. However, where the Commission  
21 provides service to property in an area in which it is economically not feasible to  
22 provide service at the uniform rate because of the distance of the area from the  
23 principal facilities of the Commission, the Commission may classify the property as a  
24 remote area and may impose an additional service charge to meet the additional cost  
25 of providing service to the property. The Commission may collect a reasonable deposit  
26 in advance of furnishing water or sewerage service. The Commission shall begin the  
27 assessment of water and sewer service rates either at the time of the connection of all  
28 spigots or hydrants, toilets, and waste drains to a water main or sewer or on the  
29 expiration of the deadline for connection as required by the Commission in accordance  
30 with § 113-10 of this Article, whichever occurs first.

31 B. The sewer service rates shall be reasonable and shall be charged to all  
32 properties being served in a given sanitary district.

33 C. The water service charge shall consist of a minimum or ready-to-serve  
34 charge, which shall be based upon the size of the meter on the water connection  
35 leading to the property, and of a charge for water used, which shall be based upon the  
36 amount of water passing through the meter in excess of any water included in the  
37 minimum or ready-to-serve charge during the period between the last two (2)  
38 readings. The meter shall be placed on water connections as determined by and at the  
39 sole expense of the Commission. If the Commission at any time determines not to  
40 have meters installed in all the properties in a given sanitary district that are  
41 connected to the system, then a reasonable flat rate, as determined by the  
42 Commission, shall be charged to all properties in which meters have not been  
43 installed. This rate shall be uniform within a sanitary district.

1 D. Bills for the amount of the charges shall be sent monthly, quarterly or  
2 semiannually, as the Commission determines, to the owner of each property served  
3 and are then payable at the office of the Commission. If any bill remains unpaid after  
4 thirty (30) days from the due date or dates specified in it, the bill is overdue and the  
5 Commission may begin collection proceedings. At the request of the owner, bills for  
6 services may be sent, at the discretion of the Commission, to persons or entities other  
7 than the owner, provided that the owner states in his request that any bill so mailed  
8 will be considered as notice to him as if it were mailed to the owner in accordance with  
9 above.

10 E. When a bill is overdue and after written notice is left upon the premises or  
11 mailed to the last known address of the owner, the Commission shall turn off the  
12 water or sewer, if possible, from the property in question. The water or sewer service  
13 may not be resumed until the bill or bills, and a charge as determined by the  
14 Commission to cover costs incurred to turn off and to turn on the water or sewer  
15 service, have been paid.

16 F. If any charges remain unpaid for a period of thirty (30) days after the due  
17 date for payment, a late charge at a rate not to exceed one and five-tenths (1 5/10)  
18 percent per month may be made by the Commission until all delinquent charges are  
19 paid, the late charge to be in addition to all other charges.

20 G. If any bill shall remain unpaid for thirty (30) days after the due date, it  
21 shall be collectible from the owner of the property served in the same manner as other  
22 debts are collectible in the county. The service charges and all penalties and late  
23 charges shall be a first lien against the property, and the same procedures as set forth  
24 in [Subsection 164(L)9] § 113-12D OF THIS CHAPTER, shall be followed by the  
25 Commission in collecting those debts.

26 113-29.

27 A. (1) IN THIS SECTION THE FOLLOWING WORDS HAVE THE MEANINGS  
28 INDICATED.

29 (2) "DWELLING" MEANS A PRINCIPAL RESIDENCE OF A HOMEOWNER  
30 AND INCLUDES THE LOT ON WHICH THE HOUSE IS SITUATED.

31 (3) "EDU" MEANS AN EQUIVALENT DWELLING UNIT.

32 (4) "HOMEOWNER" MEANS A PERSON WHO:

33 (A) RESIDES IN A DWELLING; AND

34 (B) HAS AN OWNERSHIP INTEREST IN THE DWELLING, INCLUDING  
35 A LIFE ESTATE, JOINT TENANCY, TENANCY IN COMMON, TENANCY BY THE ENTIRETY,  
36 OR FEE SIMPLE INTEREST.

37 (5) "PRINCIPAL RESIDENCE" MEANS A HOUSE THAT IS:

1 (A) OCCUPIED BY A HOMEOWNER FOR MORE THAN SIX (6) MONTHS  
2 OF A CONSECUTIVE 12-MONTH PERIOD THAT INCLUDES THE DATE OF APPLICATION  
3 FOR A DEFERRAL OF A BENEFIT ASSESSMENT CHARGE; OR

4 (B) OCCUPIED BY A HOMEOWNER FOR LESS THAN THE TIME  
5 PERIOD SPECIFIED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH DUE TO ILLNESS OR  
6 THE NEED OF SPECIAL CARE, IF THE HOMEOWNER IS QUALIFIED OTHERWISE UNDER  
7 THE PROVISIONS OF THIS SUBSECTION.

8 B. (1) FOR EVERY PROPERTY, WHETHER IMPROVED OR UNIMPROVED,  
9 BINDING ON A STREET, ROAD, LANE, ALLEY, RIGHT-OF-WAY OR EASEMENT IN  
10 WHICH A COMMISSION WATER DISTRIBUTION SYSTEM OR SEWERAGE SYSTEM HAS  
11 BEEN BUILT, THE COMMISSION SHALL IMPOSE AND COLLECT, FOR EVERY EDU  
12 ALLOCATED BY THE ST. MARY'S COUNTY OFFICE OF LAND USE AND GROWTH  
13 MANAGEMENT, A PER EDU SYSTEM IMPROVEMENT CHARGE.

14 (2) SYSTEM IMPROVEMENT CHARGES SHALL BE ASSESSED AND  
15 PAYABLE ON A MONTHLY BASIS. SYSTEM IMPROVEMENT CHARGES SHALL BE  
16 UNIFORM AND SHALL APPLY TO EVERY EDU EQUALLY.

17 (3) SYSTEM IMPROVEMENT CHARGES SHALL BE USED BY THE  
18 COMMISSION TO PAY THE COSTS ASSOCIATED WITH:

19 (A) THE CAPITAL COSTS OF CENTRAL TREATMENT FACILITY  
20 PERFORMANCE UPGRADES, AS SUCH PROJECTS ARE IDENTIFIED IN THE  
21 COMMISSION'S SIX-YEAR CAPITAL IMPROVEMENT PLAN;

22 (B) THE CAPITAL COSTS OF THE REPAIR AND REPLACEMENT OF  
23 EXISTING WATER AND/OR SEWER COLLECTION SYSTEMS, AS SUCH PROJECTS ARE  
24 IDENTIFIED IN THE COMMISSION'S SIX-YEAR CAPITAL IMPROVEMENT PLAN; AND

25 (3) THAT PORTION OF EXISTING DEBT, AS OF OCTOBER 1, 2006, WHICH  
26 WAS INCURRED TO FUND THE COSTS OF REPAIR, REPLACEMENT AND, WHERE  
27 APPROPRIATE, CONSTRUCTION OF EXISTING WATER OR SEWER COLLECTION  
28 SYSTEMS AND DEBT INCURRED TO FUND THE COSTS OF CENTRAL TREATMENT  
29 FACILITY CAPACITY ALLOCATED TO EXISTING SYSTEM USERS AS OF OCTOBER 1, 2006.

30 C. (1) WHEN COLLECTED, THE SYSTEM IMPROVEMENT CHARGES SHALL BE  
31 PLACED BY THE COMMISSION INTO AN INTEREST-BEARING ACCOUNT CONTAINING  
32 ALL OF THE SYSTEM IMPROVEMENT CHARGES COLLECTED, NOTWITHSTANDING THE  
33 SANITARY DISTRICT FROM WHICH THE CHARGES WERE COLLECTED.

34 (2) THE SYSTEM IMPROVEMENT CHARGES, TOGETHER WITH ANY  
35 INTEREST ACCRUED ON THE CHARGES, SHALL REMAIN IN THE GENERAL ACCOUNT,  
36 TO BE ACCESSED AND USED BY THE COMMISSION, ON AN AS-NEEDED BASIS, TO  
37 FUND THE COSTS OF EXTENSIVE SYSTEM REPAIR AND REPLACEMENT AND CENTRAL  
38 FACILITY UPGRADE, AS DESCRIBED IN SUBSECTION B OF THIS SECTION, WITHOUT  
39 REGARD TO THE SANITARY DISTRICT WITHIN WHICH A SYSTEM REPAIR OR  
40 REPLACEMENT MAY BE NECESSITATED.



1 D. (1) THE COMMISSION, FOR THE PURPOSE OF DETERMINING THE  
2 APPROPRIATE SYSTEM IMPROVEMENT CHARGE FOR A GIVEN PROPERTY SHALL  
3 CLASSIFY EACH PROPERTY INTO ONE OF THE FOLLOWING SEVEN (7) CLASSES:

- 4 (A) AGRICULTURAL;
- 5 (B) SMALL ACREAGE;
- 6 (C) INDUSTRIAL OR BUSINESS;
- 7 (D) SUBDIVISION RESIDENTIAL;
- 8 (E) MULTI-UNIT RESIDENTIAL;
- 9 (F) MULTI-UNIT BUSINESS; OR
- 10 (G) INSTITUTIONAL.

11 (2) THE COMMISSION MAY SUBDIVIDE EACH OF THE CLASSES IN ANY  
12 MANNER IT DEEMS TO BE IN THE PUBLIC INTEREST.

13 (3) IMMEDIATELY ON THE ALLOCATION OF AN EDU FOR WATER OR  
14 SEWER SERVICE, THE COMMISSION SHALL INITIATE COLLECTION OF THE SYSTEM  
15 IMPROVEMENT CHARGE IN ACCORDANCE WITH THE PROPERTY CLASSIFICATION.

16 (4) THE COMMISSION SHALL, IN WRITING, NOTIFY ALL OWNERS OF THE  
17 PROPERTIES INTO WHICH CLASS THEIR RESPECTIVE PROPERTIES FALL AND THE  
18 AMOUNT OF THE SYSTEM IMPROVEMENT CHARGE IMPOSED ON THE PROPERTY.

19 (5) THE COMMISSION SHALL NAME ALSO IN THE NOTICE A TIME AND  
20 PLACE WHERE AND AT WHICH TIME THE OWNERS WILL BE HEARD.

21 (6) THE NOTICE MAY BE MAILED TO THE LAST KNOWN ADDRESS OF THE  
22 OWNER, OR SERVED IN PERSON ON ANY ADULT OCCUPYING THE PREMISES, OR, IN  
23 THE CASE OF VACANT OR UNIMPROVED PROPERTY, POSTED ON THE PREMISES.

24 (7) THE CLASSIFICATION OF ANY PROPERTY MADE BY THE COMMISSION  
25 IS FINAL, SUBJECT ONLY TO REVISION AT THE HEARING.

26 (8) THE COMMISSION MAY CHANGE THE CLASSIFICATION OF  
27 PROPERTIES AS THE PROPERTIES CHANGE IN THE USES TO WHICH THEY ARE PUT.

28 (9) THE SYSTEM IMPROVEMENT CHARGE SHALL BE IMPOSED FOR BOTH  
29 WATER SUPPLY AND SEWERAGE FACILITIES, WHETHER CONSTRUCTED, PURCHASED,  
30 ESTABLISHED OR OTHERWISE ACQUIRED, AND SHALL BE ASSESSED AS A UNIFORM  
31 PER EDU CHARGE FOR EACH CLASS OF PROPERTY.

32 E. (1) WHENEVER, THROUGH ERROR, INADVERTENCE OR OVERSIGHT OR  
33 BY REASON OF ANY JUDGMENT OR DECREE, ANY PROPERTY SUBJECT TO A SYSTEM  
34 IMPROVEMENT CHARGE UNDER THIS CHAPTER HAS NOT HAD THE SYSTEM  
35 IMPROVEMENT CHARGE LEVIED AGAINST IT, OR WHERE IT HAS BEEN LEVIED BY AN

1 ERRONEOUS DESCRIPTION OR IN THE WRONG NAME, OR WHERE SERVICE ON THE  
2 OWNER HAS NOT BEEN HAD, OR WHERE IT HAS BEEN SET ASIDE BY A JUDGMENT OR  
3 DECREE, THE COMMISSION, ON THE DISCOVERY OF THE ERROR, INADVERTENCE OR  
4 OVERSIGHT OR WITHIN A REASONABLE TIME AFTER THE RENDITION OF THE  
5 JUDGMENT OR DECREE, MAY LEVY THE SYSTEM IMPROVEMENT CHARGE AT THE  
6 UNIFORM RATE AND IN THE APPLICABLE PROPERTY CLASSIFICATION.

7 (2) THIS SUBSECTION APPLIES TO ALL ERRORS, OMISSIONS OR  
8 MISTAKES MADE PREVIOUSLY BY THE COMMISSION OR TO ANY JUDGMENT OR  
9 DECREE RENDERED PREVIOUSLY.

10 (3) APPROPRIATE ADJUSTMENTS FOR ANY PAYMENTS SHALL BE MADE  
11 IN RESPECT TO THAT PROPERTY.

12 F. (1) WHEREVER THERE ARE A NUMBER OF CONTIGUOUS LOTS IN THE  
13 SAME BLOCK IN ONE (1) OWNERSHIP APPURTENANT TO A SINGLE RESIDENCE, THE  
14 COMMISSION SHALL IMPOSE THE SYSTEM IMPROVEMENT CHARGE BASED ON THAT  
15 NUMBER OF EDUS ASSIGNED TO EACH PROPERTY IN ACCORDANCE WITH ALL  
16 APPLICABLE ZONING AND LAND USE REGULATIONS.

17 (2) (A) LAND CLASSIFIED AS AGRICULTURAL BY THE COMMISSION,  
18 WHEN IN ACTUAL USE FOR FARMING OR TRUCKING PURPOSES, MAY NOT BE  
19 SUBJECT TO THE SYSTEM IMPROVEMENT CHARGE WHEN THE AGRICULTURAL LAND  
20 HAS CONSTRUCTED THROUGH IT OR IN FRONT OF IT A SEWER OR WATER MAIN,  
21 UNTIL THE TIME A WATER OR SEWER CONNECTION IS MADE.

22 (B) WHEN A WATER OR SEWER CONNECTION IS MADE AND FOR  
23 EVERY EDU CONNECTED THE LAND SHALL BECOME SUBJECTED TO THE SYSTEM  
24 IMPROVEMENT CHARGE.

25 (3) PUBLIC PARKS OR PLAYGROUNDS OWNED BY A MUNICIPAL  
26 CORPORATION AND ANY PROPERTY OR BUILDING OWNED BY EITHER A REGULARLY  
27 ORGANIZED VOLUNTEER FIRE DEPARTMENT OR A VOLUNTEER RESCUE SQUAD,  
28 WHILE SO USED FOR PUBLIC PURPOSES, ARE EXEMPT FROM THE IMPOSITION OF A  
29 SYSTEM IMPROVEMENT CHARGE.

30 (4) (A) IF PROPERTY IN THE SANITARY DISTRICT IS, AT THE TIME OF  
31 CONSTRUCTION OF A COMMISSION WATER LINE OR SANITARY SEWER LINE,  
32 CONNECTED TO A PUBLIC WATER SYSTEM OR PUBLIC SEWER SYSTEM OPERATED  
33 EITHER BY A MUNICIPAL CORPORATION OR BY A WATER OR SEWER COMPANY  
34 SUBJECT TO THE REQUIREMENTS OF THE STATE DEPARTMENT OF HEALTH AND  
35 MENTAL HYGIENE, OR IF FOLLOWING CONSTRUCTION OF THE COMMISSION LINE  
36 THE PROPERTY IS CONNECTED TO THE OTHER SPECIFIED PUBLIC SYSTEM IN  
37 ACCORDANCE WITH COMMISSION AUTHORIZATION, THE PROPERTY IS EXEMPT FROM  
38 THE IMPOSITION AND COLLECTION OF A SYSTEM IMPROVEMENT CHARGE UNTIL IT  
39 IS SERVED BY OR CONNECTED TO THE COMMISSION'S WATER OR SANITARY  
40 SEWERAGE SYSTEM, AS THE CASE MAY BE.

41 (B) WHEN THE EXEMPTION OR SUSPENSION CONDITION IS NO  
42 LONGER APPLICABLE UNDER THOSE PROVISIONS THAT ESTABLISHED THE

1 EXEMPTION OR SUSPENSION, ANY LAND OR PROPERTY EXEMPTED FROM OR WITH  
2 RESPECT TO WHICH THERE IS A SUSPENSION OF THE SYSTEM IMPROVEMENT  
3 CHARGE SHALL BE CLASSIFIED IN ITS THEN CURRENT CLASS AND BECOME SUBJECT  
4 TO A SYSTEM IMPROVEMENT CHARGE.

5 G. (1) SYSTEM IMPROVEMENT CHARGES FOR WATER SUPPLY AND SEWER  
6 CONSTRUCTION AND ACQUISITION SHALL BE UNIFORM FOR EACH EDU WITHIN  
7 EACH CLASS OF PROPERTY THROUGHOUT THE COUNTY FOR ANY ONE (1) YEAR,  
8 UNLESS OTHERWISE PROVIDED BY LAW.

9 (2) THE AMOUNT OF THE SYSTEM IMPROVEMENT CHARGE PER EDU  
10 WITHIN EACH CLASS OF PROPERTY FOR BOTH WATER AND SEWER SERVICE SHALL  
11 BE DETERMINED BY THE COMMISSION AS COSTS AND CONDITIONS REQUIRE, BUT A  
12 SYSTEM IMPROVEMENT CHARGE FOR ANY CLASS OF PROPERTY FOR ANY GIVEN  
13 YEAR ONCE LEVIED BY THE COMMISSION MAY NOT BE INCREASED.

14 H. (1) THE RATE OF THE SYSTEM IMPROVEMENT CHARGE SHALL BE BASED  
15 ON THE COMMISSION'S SIX-YEAR CAPITAL IMPROVEMENT PLAN, AS REVISED  
16 ANNUALLY.

17 (2) THE CAPITAL IMPROVEMENT PLAN IDENTIFIES THOSE CAPITAL  
18 PROJECTS WHICH WILL BE UNDERTAKEN BY THE COMMISSION DURING THE MOST  
19 IMMEDIATE SIX-YEAR PERIOD, INCLUDING ANY COMPREHENSIVE IMPROVEMENT OR  
20 REPLACEMENT OF EXISTING WATER OR WASTEWATER SYSTEMS AND CENTRAL  
21 TREATMENT AND PROCESSING FACILITY EXPANSIONS AND UPGRADES.

22 (3) TO CALCULATE THE SYSTEM IMPROVEMENT CHARGE, THE TOTAL OF  
23 ALL DEBT SERVICE AND THE TOTAL OF AMORTIZED COSTS OF ALL PROJECTS IN THE  
24 CAPITAL IMPROVEMENT BUDGET FOR THE GIVEN YEAR, BOTH TOTALS EXCLUDING  
25 ANY COSTS INCLUDED IN THE CAPITAL IMPROVEMENT CHARGE UNDER § 113-12 OF  
26 THIS CHAPTER, SHALL BE COMBINED AND DIVIDED BY THE TOTAL OF THE NUMBER  
27 OF ALLOCATED EDUS AND THE NUMBER OF EDUS EXPECTED TO BE ALLOCATED BY  
28 THE ST. MARY'S OFFICE OF LAND USE AND GROWTH MANAGEMENT FOR A GIVEN  
29 YEAR.

30 (4) WHERE AMORTIZED COSTS ARE INCLUDED IN THE CALCULATION OF  
31 THE CHARGE, THE PERIOD OF AMORTIZATION AND THE INTEREST RATE SHALL BE  
32 COMPARABLE TO THE TERMS OF THE COMMISSION'S MOST RECENT BOND ISSUE.

33 (5) THE SYSTEM IMPROVEMENT CHARGE MAY BE REVISED NOT MORE  
34 THAN ANNUALLY, IN CONCERT WITH ANNUAL REVISION TO THE CAPITAL  
35 IMPROVEMENT PLAN.

36 I. (1) THE COMMISSION MAY ESTABLISH FINANCIAL CRITERIA TO  
37 DETERMINE THE ELIGIBILITY OF A HOMEOWNER WHOSE DWELLING IS SUBJECT TO  
38 A SYSTEM IMPROVEMENT CHARGE UNDER THE PROVISIONS OF THIS SECTION FOR A  
39 DEFERRAL OF THE MONTHLY PAYMENT OF THAT CHARGE.

40 (2) THE COMMISSION MAY DEFER THE MONTHLY PAYMENT OF A  
41 SYSTEM IMPROVEMENT CHARGE ON THE DWELLING OF A HOMEOWNER WHO:

1 (A) FILES AN APPLICATION WITH THE COMMISSION; AND

2 (B) MEETS THE FINANCIAL ELIGIBILITY CRITERIA THAT THE  
3 COMMISSION ESTABLISHES.

4 (3) A HOMEOWNER WHO APPLIES FOR A DEFERRAL OF PAYMENT OF A  
5 MONTHLY SYSTEM IMPROVEMENT CHARGE LEVIED ON A DWELLING SHALL SUBMIT  
6 TO THE COMMISSION AN APPLICATION ON THE FORM THAT THE COMMISSION  
7 PROVIDES. A HOMEOWNER MAY APPLY FOR A DEFERRAL ON ONLY ONE (1)  
8 DWELLING.

9 (4) A HOMEOWNER WHO APPLIES FOR DEFERRAL OF PAYMENT OF A  
10 SYSTEM IMPROVEMENT CHARGE SHALL APPLY AT THE TIME OF PAYMENT OF  
11 MONTHLY SERVICE CHARGES.

12 (5) SUBJECT TO PARAGRAPH (2) OF THIS SUBSECTION, THE COMMISSION  
13 SHALL TERMINATE THE DEFERRAL OF PAYMENT OF A MONTHLY SYSTEM  
14 IMPROVEMENT CHARGE IF A HOMEOWNER DIES, SELLS, OR ALIENATES THE  
15 DWELLING SUBJECT TO THE DEFERRAL.

16 (6) THE COMMISSION MAY DEFER THE MONTHLY PAYMENT OF A  
17 SYSTEM IMPROVEMENT CHARGE BY AN UNMARRIED SURVIVING SPOUSE ON THE  
18 DEATH OF A HOMEOWNER OR THE UNMARRIED FORMER SPOUSE ON THE DIVORCE  
19 OF A HOMEOWNER IF THE SUCCEEDING SPOUSE QUALIFIES UNDER THE PROVISIONS  
20 OF PARAGRAPH (2) OF THIS SUBSECTION.

21 (7) WHEN THE COMMISSION TERMINATES THE DEFERRAL OF PAYMENT  
22 OF A MONTHLY SYSTEM IMPROVEMENT CHARGE UNDER THE PROVISIONS OF  
23 PARAGRAPH (5) OF THIS SUBSECTION:

24 (A) ALL DEFERRED CHARGES, WITH INTEREST CALCULATED ON  
25 THE CUMULATIVE ANNUAL PAYMENTS FOR THE DEFERRAL PERIOD, SHALL BECOME  
26 DUE AND PAYABLE IMMEDIATELY; AND

27 (B) THE ANNUAL LEVY OF SYSTEM IMPROVEMENT CHARGES  
28 SHALL RESUME.

29 (8) (A) A DEFERRED SYSTEM IMPROVEMENT CHARGE THAT IS DUE  
30 AND PAYABLE ON TERMINATION OF A DEFERRAL BY THE COMMISSION IS A LIEN  
31 AGAINST THE DWELLING UNDER THE PROVISIONS OF SUBSECTION L OF THIS  
32 SECTION.

33 (B) AFTER THE COMMISSION TERMINATES THE DEFERRAL OF  
34 PAYMENT OF A SYSTEM IMPROVEMENT CHARGE UNDER PARAGRAPH (5) OF THIS  
35 SUBSECTION, THE PROVISIONS OF THIS SUBSECTION DO NOT IMPAIR IN ANY WAY  
36 THE ABILITY OF THE COMMISSION TO COLLECT A SYSTEM IMPROVEMENT CHARGE  
37 THAT IS OVERDUE AND IN DEFAULT FROM A HOMEOWNER UNDER THE PROVISIONS  
38 OF SUBSECTION L OF THIS SECTION.

1 (9) THE COMMISSION MAY REQUIRE A HOMEOWNER WHO QUALIFIES  
2 FOR DEFERRAL UNDER THIS SECTION TO REQUALIFY AT TIMES AND UNDER  
3 CIRCUMSTANCES THAT THE COMMISSION DETERMINES ARE REASONABLE AND  
4 NECESSARY.

5 (10) (A) THE COMMISSION MAY ONLY IMPLEMENT THE PROVISIONS OF  
6 THIS SUBSECTION BY ADOPTION OF A RESOLUTION OF THE COMMISSION.

7 (B) THE COMMISSION SHALL HOLD A PUBLIC HEARING AT LEAST  
8 TEN (10) DAYS PRIOR TO ANY ACTION ON THE PROPOSED RESOLUTION REQUIRED BY  
9 THIS PARAGRAPH.

10 (C) THE COMMISSION SHALL PUBLISH NOTICE OF THE PUBLIC  
11 HEARING, TOGETHER WITH A SYNOPSIS OF THE PROPOSED RESOLUTION, IN AT  
12 LEAST ONE (1) NEWSPAPER OF GENERAL CIRCULATION IN ST. MARY'S COUNTY ONCE  
13 EACH WEEK FOR TWO (2) SUCCESSIVE WEEKS PRIOR TO THE PUBLIC HEARING.

14 J. (1) ON THE ALLOCATION OF AN EDU, THE COMMISSION AT ANY TIME  
15 MAY, IN ITS DISCRETION, PERMIT A CONNECTION WITH A WATER MAIN OR SEWER BY  
16 A PROPERTY OWNER WHOSE PROPERTY DOES NOT ABUT ON THE WATER MAIN OR  
17 SEWER AND WHO HAS NOT PREVIOUSLY PAID A SYSTEM IMPROVEMENT CHARGE FOR  
18 THE CONSTRUCTION OF THE WATER MAIN OR SEWER, BUT THE COMMISSION SHALL  
19 CLASSIFY THE PROPERTY AND DETERMINE THE SYSTEM IMPROVEMENT CHARGE TO  
20 BE PAID BY THE PROPERTY OWNER.

21 (2) IF THE CONNECTION IS MADE, THE PROPERTY OWNER AND  
22 PROPERTY, FOR ALL CHARGES, RATES AND BENEFITS, SHALL STAND IN EVERY  
23 RESPECT IN THE SAME POSITION AS IF THE PROPERTY ABUTTED ON A WATER MAIN  
24 OR SEWER.

25 K. (1) WHERE AN APPLICANT APPLIES FOR WATER OR SEWER LINES IN AN  
26 AREA IN WHICH THE COMMISSION DETERMINES THAT IT IS ECONOMICALLY NOT  
27 FEASIBLE TO SERVE UNLESS THE APPLICANT MAKES A SUBSTANTIAL  
28 CONTRIBUTION TO THE COST OF CONSTRUCTION OF THE WATER AND SEWER LINES,  
29 INCLUDING THE COST OF CONNECTING THEM WITH THE COMMISSION'S SYSTEM,  
30 THE COMMISSION MAY CLASSIFY THE APPLICANT'S PROPERTY, TOGETHER WITH  
31 OTHER ADJACENT OR ADJOINING PROPERTIES THAT COULD BE READILY SERVED  
32 FROM THE CONSTRUCTION REQUIRED BY THE APPLICANT, AS A "REMOTE AREA."

33 (2) ON THE APPROVAL OF THE APPLICATION AND THE PAYMENT OF THE  
34 CONTRIBUTION, THE COMMISSION MAY CONSTRUCT WHATEVER WATER OR SEWER  
35 LINES AS ARE DESIRED BY THE APPLICANT.

36 (3) IF THE COMMISSION CONSTRUCTS THE WATER OR SEWER LINES, IT  
37 SHALL IMPOSE THE USUAL SYSTEM IMPROVEMENT CHARGE AS PROVIDED BY LAW.

38 L. (1) WHERE THE COMMISSION IMPROVES A WATER SYSTEM OR SANITARY  
39 SEWERAGE SYSTEM BY REPLACING, AUGMENTING, UPGRADING, OR EXPANDING IT  
40 IN ORDER TO PROVIDE INCREASED OR IMPROVED WATER OR SEWER SERVICE AND  
41 THE NECESSITY FOR THE IMPROVEMENT ARISES FROM CHANGES, WHETHER

1 INDIVIDUALLY OR CUMULATIVELY, IN USE OR ZONING CATEGORY OF THE PROPERTY,  
2 THOSE PROPERTIES SHALL DERIVE A BENEFIT FROM THE IMPROVED FACILITY.

3 (2) ACCORDINGLY, SYSTEM IMPROVEMENT CHARGES FOR THE  
4 CONSTRUCTION, AS PART OF THE WATER OR SEWER SYSTEM SERVICES, AS  
5 APPLICABLE, SHALL BE ASSESSED, COLLECTED, AND REDEEMED, WHERE  
6 APPLICABLE.

7 M. (1) THE SYSTEM IMPROVEMENT CHARGE SHALL BE PAYABLE AT THE  
8 OFFICE OF THE COMMISSION AT A TIME OR TIMES AS DETERMINED BY THE  
9 COMMISSION.

10 (2) IF ANY CHARGES REMAIN UNPAID FOR A PERIOD OF THIRTY (30)  
11 DAYS FROM THE DUE DATE OF PAYMENT, A LATE CHARGE AT A RATE NOT TO  
12 EXCEED ONE AND FIVE-TENTHS (1 5/10) PERCENT PER MONTH MAY BE MADE BY THE  
13 COMMISSION UNTIL ALL DELINQUENT CHARGES ARE PAID.

14 (3) THE LATE CHARGE SHALL BE IN ADDITION TO ALL OTHER CHARGES.

15 (4) THE ENTIRE UNPAID SYSTEM IMPROVEMENT CHARGE SHALL BE  
16 OVERDUE AND IN DEFAULT AFTER THIRTY (30) DAYS FROM THE DUE DATE OF  
17 PAYMENT OF ALL OR ANY PART OF THE SYSTEM IMPROVEMENT CHARGE AS  
18 REQUIRED BY THE COMMISSION, AT WHICH TIMES THE COMMISSION MAY PROCEED  
19 TO ENFORCE PAYMENT OF IT.

20 (5) THE SYSTEM IMPROVEMENT CHARGE OR OTHER CHARGES AS ABOVE  
21 SPECIFIED SHALL BE A FIRST LIEN ON THE PROPERTY AGAINST WHICH THEY ARE  
22 ASSESSED UNTIL PAID, ANY STATUTE OF LIMITATIONS TO THE CONTRARY  
23 NOTWITHSTANDING, SUBJECT ONLY TO PRIOR STATE AND COUNTY TAXES.

24 (6) THE SYSTEM IMPROVEMENT CHARGE FOR ALL PURPOSES OF  
25 COLLECTION SHALL BE TREATED AS COUNTY TAXES AND BE ADVERTISED IN THE  
26 SAME MANNER AS AND WITH COUNTY TAXES, AND ALL PROPERTY SUBJECT TO THE  
27 BENEFIT CHARGES SHALL BE SOLD FOR THEM AT THE SAME TIME AND IN THE SAME  
28 MANNER AS THE PROPERTIES ARE SOLD FOR COUNTY TAXES, AND ALL OF THE LAW  
29 RELATING TO THE COLLECTION OF COUNTY TAXES, SO FAR AS IT IS APPLICABLE,  
30 SHALL RELATE TO THE COLLECTION OF THE SYSTEM IMPROVEMENT CHARGE.

31 (7) PROPERTY REDEEMED FROM A COUNTY TAX SALE AND PROPERTY  
32 SOLD BY THE COUNTY COMMISSIONERS AFTER A FINAL TAX SALE MAY NOT BE  
33 REDEEMED OR SOLD EXCEPT ON THE PAYMENT OF THE BENEFIT CHARGE DUE ON  
34 IT.

35 (8) FOR THE PURPOSE OF GIVING NOTICE TO THE GENERAL PUBLIC OF  
36 EXISTING LIENS AND CHARGES AGAINST ANY PROPERTY WITHIN ANY SANITARY  
37 DISTRICT ABUTTING ON ANY WATER OR SEWER MAIN, THE COMMISSION SHALL KEEP  
38 A PUBLIC RECORD OF ALL NAMES OF OWNERS OF PROPERTY, LOCATIONS OF THE  
39 PROPERTY, LOT NUMBERS WHEN OF RECORD, AND THE AMOUNT OF THE SYSTEM  
40 IMPROVEMENT CHARGES, WATER SERVICE CHARGES, OR WHATEVER OTHER  
41 CHARGES THAT MAY BECOME LIENS .

1 (9) THE RECORDS SHALL BE KEPT IN THE COUNTY SEAT OF  
2 GOVERNMENT AND AMONG THE LAND RECORDS OF ST. MARY'S COUNTY, AND THE  
3 CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL FURNISH SPACE  
4 NECESSARY TO KEEP AND PRESERVE THE RECORDS, WHICH, WHEN RECORDED IN  
5 THE PUBLIC RECORD, IS LEGAL NOTICE OF ALL EXISTING LIENS WITHIN ANY  
6 SANITARY DISTRICT.

7 (10) IF ANY LIENS, SYSTEM IMPROVEMENT CHARGES OR OTHER  
8 CHARGES REMAIN UNPAID FOR THIRTY (30) DAYS AFTER BECOMING OVERDUE, THEY  
9 MAY BE COLLECTED BY AN ACTION TO ENFORCE THE LIENS, AND ANY JUDGMENT OR  
10 DECREE OBTAINED, WHERE THE DEFENDANTS HAVE BEEN SERVED BY SUBPOENA  
11 OR IN ANY OTHER MANNER PROVIDED BY LAW, SHALL HAVE THE FORCE AND EFFECT  
12 OF A JUDGMENT IN PERSONAM.

13 (11) THE COMMISSION MAY FILE AN ACTION TO ENFORCE THE LIENS  
14 AGAINST THE OWNER OF RECORD AT THE TIME THE LEVY WAS MADE, OR THE  
15 OWNER OF RECORD AT THE TIME THE SUIT IS FILED, OR ANY OWNER OF RECORD  
16 BETWEEN THESE DATES.

17 (12) PUBLICATION IS NOTICE TO ALL PERSONS HAVING ANY INTEREST IN  
18 THE PROPERTY.

19 N. (1) ALL SYSTEM IMPROVEMENT CHARGES COLLECTED BY THE  
20 COMMISSION SHALL BE SET ASIDE AS A SEPARATE FUND TO BE KNOWN AND  
21 DESIGNATED AS THE "METROPOLITAN DISTRICT ACCOUNT."

22 (2) IN ORDER TO DETERMINE THE AMOUNT WHICH IT DEEMS  
23 NECESSARY TO BE LEVIED UNDER § 113-7 OF THIS CHAPTER, THE COMMISSION  
24 SHALL DEDUCT THE AMOUNT IT ESTIMATES THAT IT WILL BE ABLE TO COLLECT OUT  
25 OF THE SYSTEM IMPROVEMENT CHARGES AND OTHER CHARGES PREVIOUSLY  
26 LEVIED BY IT, BUT NOT YET PAID AND TO BE SET ASIDE FOR SUCH INTEREST AND  
27 PRINCIPAL PAYMENTS AND THE AMOUNT OF FUNDS THEN AVAILABLE FOR THE  
28 PURPOSE OF PAYING THE PRINCIPAL OF AND INTEREST ON OUTSTANDING BONDS,  
29 FROM THE WHOLE AMOUNT NECESSARY TO BE RAISED IN ANY ONE (1) YEAR FOR  
30 INTEREST AND PRINCIPAL PAYMENTS ON OUTSTANDING BONDS.

31 (3) THE BALANCE THEN REMAINING TO BE RAISED SHALL BE THE  
32 AMOUNT TO BE CERTIFIED TO THE COUNTY COMMISSIONERS OF ST. MARY'S COUNTY  
33 FOR COLLECTION BY TAXATION AS PROVIDED BY § 113-7 OF THIS CHAPTER.

34 O. (1) IF THE STATE, COUNTY, OR ANY MUNICIPAL CORPORATION,  
35 COMMISSION, BOARD, OR AGENCY OF THE STATE OR COUNTY ACQUIRES FOR PUBLIC  
36 USE PROPERTY THAT IS SUBJECT TO A SYSTEM IMPROVEMENT CHARGE LEVIED BY  
37 THE ST. MARY'S COUNTY METROPOLITAN COMMISSION, THE SYSTEM IMPROVEMENT  
38 CHARGE SHALL BE PAID THROUGH THE DATE OF ACQUISITION AND EXTINGUISHED  
39 THEREAFTER.

40 (2) IF THE PROPERTY IS ACQUIRED AS PROVIDED IN THIS SECTION  
41 WITHOUT EMINENT DOMAIN PROCEEDINGS, THE AMOUNT NECESSARY TO PAY THE  
42 SYSTEM IMPROVEMENT CHARGE THROUGH THE DATE OF ACQUISITION SHALL BE

1 PAID TO THE COMMISSION BEFORE THE DEED EVIDENCING THE TRANSFER MAY BE  
2 RECORDED AMONG THE LAND RECORDS OF ST. MARY'S COUNTY.

3           (3)       IF THE PROPERTY IS ACQUIRED THROUGH EMINENT DOMAIN  
4 PROCEEDINGS, THE COMMISSION SHALL BE NAMED A PARTY TO THE PROCEEDINGS,  
5 AND THE JURY SHALL MAKE A SEPARATE AWARD IN FAVOR OF THE COMMISSION  
6 FOR THE SUM REQUIRED TO PAY THE SYSTEM IMPROVEMENT CHARGE THROUGH  
7 THE DATE OF ACQUISITION.

8           (4)       IF, BY OVERSIGHT OR MISTAKE, THE COMMISSION IS NOT NAMED A  
9 PARTY TO THE EMINENT DOMAIN PROCEEDINGS, OR IF NO SEPARATE AWARD FOR  
10 THE SUM NECESSARY TO PAY THE SYSTEM IMPROVEMENT CHARGE THROUGH THE  
11 DATE OF CONVEYANCE, THE CONDEMNING AUTHORITY SHALL PAY TO THE  
12 COMMISSION THE AMOUNT REQUIRED TO PAY THE SYSTEM IMPROVEMENT CHARGE  
13 THROUGH THE DATE OF CONVEYANCE AT THE SAME TIME THE CONDEMNING  
14 AUTHORITY PAYS THE AMOUNT AWARDED TO THE PROPERTY OWNER IN THE  
15 PROCEEDINGS.

16       SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect  
17 October 1, 2006.