

## CHAPTER 261

(House Bill 969)

AN ACT concerning

### **St. Mary's County Metropolitan Commission – Fee Schedule**

FOR the purpose of requiring the St. Mary's County Metropolitan Commission to impose and collect a certain connection fee for certain water or sewer connections under certain circumstances; providing for the calculation of a certain connection fee; requiring the Commission to impose and collect certain capital contribution charges for certain equivalent dwelling units connected to the water and sewerage system; repealing the authority for the Commission to apply certain revenue from the connection fees above the actual cost for certain maintenance and operating expenses or for paying the principal of and interest on certain bonds; requiring that certain capital contribution charges be used for paying certain capital costs and certain bonds issued for certain construction costs; providing for the calculation of a certain capital contribution charge; requiring that the capital contribution charge be assessed in a certain manner as a uniform charge for all sanitary districts; providing for the due date, late charges, and collection procedures for the connection fee and capital contribution charge; providing for an additional cost to be paid by certain property owners who defer a connection under certain circumstances; repealing certain provisions of law relating to benefit charges used for payment of costs for certain water and sewerage systems; requiring the Commission to impose and collect a certain system improvement charge for certain purposes on certain equivalent dwelling units under certain circumstances; requiring the system improvement charges to be assessed and payable monthly, to be uniform, and to be applied to every equivalent dwelling unit equally; requiring the system improvement charge to be used for paying certain capital costs and certain bonds issued for certain purposes; requiring the system improvement charges to be placed in a certain account to be used for certain purposes; providing for the calculation of certain system improvement charges; requiring the Commission to classify property and impose and collect the system improvement charge in a certain manner; requiring the Commission to provide certain notice to certain property owners regarding the system improvement charge; providing for the alteration of the classification of certain property; requiring the system improvement charge to be imposed for both water and sewerage facilities and be assessed in a certain manner; stating procedures for correcting any errors in imposing the system improvement charge; providing for certain exemptions to

the system improvement charge; providing that the system improvement charge does not apply to property used for a certain purpose; requiring that the rate of a certain system improvement charge be based on a certain capital improvement plan of the Commission in a certain manner; authorizing the Commission to establish certain financial criteria to determine the eligibility of certain homeowners for a deferral of the system improvement charge; providing for procedures relating to the deferral of the system improvement charge; providing that the Commission may only implement a deferral process through adoption of a resolution in accordance with certain notice and hearing requirements; authorizing the connection with a water main or sewer of certain property that does not abut a water main or sewer under certain circumstances; authorizing the Commission to classify certain property as property in a remote area and to construct certain water or sewer lines and impose and collect a certain system improvement charge under certain circumstances; authorizing certain system improvement charges to be imposed on certain benefited properties for certain improvements; providing for the due date, late charges, and collection procedures for system improvement charges; requiring that certain system improvement charges be set aside in a certain fund; requiring a certain amount of money to be raised for certain bonds to be certified for collection by taxation under certain circumstances; providing for the payment of the system improvement charge when property is acquired by certain public entities; defining certain terms; and generally relating to the imposition of certain connection fees, capital construction charges, and system improvement charges imposed by the St. Mary's County Metropolitan Commission.

BY repealing

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

BY repealing and reenacting, with amendments,  
The Public Local Laws of St. Mary's County  
Section 113-12 and 113-14  
Article 19 – Public Local Laws of Maryland  
(2002 Edition, as amended)

BY adding to

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

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

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

**Article 19 – St. Mary's County**

113–12.

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

**(2) “CAPITAL CONTRIBUTION CHARGE” MEANS AN AMOUNT BASED ON CAPITAL COSTS THAT IS IMPOSED AND COLLECTED ON A NEW EDU CONNECTION TO A WATER SUPPLY OR SEWERAGE SYSTEM UNDER THIS CHAPTER.**

**(3) “CONNECTION CHARGE” MEANS A CAPITAL CONTRIBUTION CHARGE OR CONNECTION FEE.**

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

**(5) “EDU” MEANS AN EQUIVALENT DWELLING UNIT.**

**(6) “PUBLICATION” MEANS NOTICE TO ALL PERSONS HAVING ANY INTEREST IN THE PROPERTY.**

**[A.] B. (1)** For every **NEW** water [and] **OR** sewer connection made under this chapter, the Commission shall [make] **IMPOSE AND COLLECT** a reasonable [charge] **CONNECTION FEE**, that is not less than the actual cost of connection.

**(2)** The [charge] **CONNECTION FEE** shall be uniform throughout a designated service area for connections of those sizes and classes for which average costs reasonably may be ascertainable, and, for all other connections, **THE**

**CONNECTION FEE SHALL BE AN AMOUNT** not less than the actual cost of the connection.

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

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

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

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

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

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

**(A) THE CAPITAL COSTS OF CONSTRUCTING NEW WATER SUPPLY OR SEWER COLLECTION SYSTEMS, TO THE EXTENT THAT THE PROJECTS ARE IDENTIFIED IN THE COMMISSION'S 6-YEAR CAPITAL IMPROVEMENT PLAN;**

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

**(C) EXISTING BONDS ISSUED AS OF OCTOBER 1, 2007, TO FUND THE COSTS OF CENTRAL TREATMENT FACILITY CAPACITY EXPANSIONS, BUT LIMITED TO THAT PORTION OF EXISTING DEBT CORRESPONDING TO ANY UNALLOCATED CAPACITY THAT EXISTS ON OCTOBER 1, 2007; AND**

**(D) EXISTING BONDS ISSUED AS OF OCTOBER 1, 2007, TO FUND THE COSTS OF CONSTRUCTING WATER SUPPLY OR SEWER COLLECTION SYSTEMS, BUT LIMITED TO THAT PORTION OF EXISTING DEBT CORRESPONDING TO ANY UNALLOCATED CAPACITY THAT EXISTS ON OCTOBER 1, 2007.**

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

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

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

**(D) IF THE PROPERTY OWNER FAILS TO MAKE THE CONNECTION BY THE DATE REQUIRED BY THE COMMISSION AS SET FORTH IN § 113-10 OF THIS CHAPTER, THE CAPITAL CONTRIBUTION CHARGE SHALL:**

**(I) BECOME DUE AND PAYABLE ON THE CONNECTION DEADLINE DATE;**

**(II) BE ASSESSED IMMEDIATELY; AND**

**(III) BE SUBJECT TO THE SAME RULES OF COLLECTION PROVIDED IN SUBSECTION D OF THIS SECTION.**

**(4) FOR PURPOSES OF DETERMINING THE CAPITAL CONTRIBUTION CHARGE, ~~COSTS~~ THE CAPITAL COSTS REFERRED TO IN PARAGRAPHS (2)(A) AND (B) OF THIS SUBSECTION SHALL INCLUDE THE PRINCIPAL OF, INTEREST ON, AND ANY REDEMPTION PREMIUM OR OTHER COSTS WITH RESPECT TO ANY BONDS OF THE COMMISSION ISSUED AFTER OCTOBER 1, 2007.**

**(5) (A) WHEN BONDS HAVE NOT BEEN ISSUED AT THE TIME THE CAPITAL CONTRIBUTION CHARGE IS CALCULATED, THE COMMISSION MAY, IN CALCULATING THE CAPITAL CONTRIBUTION CHARGE, ESTABLISH A SCHEDULE FOR THE PRINCIPAL OF, INTEREST ON, AND OTHER COSTS OF BONDS THE COMMISSION PLANS TO ISSUE.**

**(B) THE SCHEDULE AND RELATED CAPITAL CONTRIBUTION CHARGE PROVIDED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH MAY BE ADJUSTED BY THE COMMISSION WHEN PLANNED FUTURE BONDS ARE ISSUED.**

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

**(2) IF ANY CONNECTION CHARGES REMAIN UNPAID FOR A PERIOD OF THIRTY (30) DAYS AFTER THE PAYMENT IS DUE, IN ADDITION TO ANY OTHER CHARGES, THE COMMISSION MAY IMPOSE A LATE CHARGE NOT TO EXCEED ONE AND ONE-HALF (1 1/2) PERCENT PER MONTH UNTIL ALL DELINQUENT CHARGES ARE PAID.**

**(3) IF ALL OR ANY PART OF A CONNECTION CHARGE REMAINS UNPAID AFTER THIRTY (30) DAYS AFTER THE DUE DATE OF PAYMENT, THE ENTIRE UNPAID CONNECTION CHARGE SHALL BE OVERDUE AND IN DEFAULT, AT WHICH TIME THE COMMISSION MAY PROCEED TO ENFORCE PAYMENT.**

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

**(5) FOR PURPOSES OF COLLECTION:**

**(A) THE CONNECTION CHARGES SHALL BE TREATED AS COUNTY TAXES AND BE ADVERTISED IN THE SAME MANNER AS AND WITH COUNTY TAXES;**

**(B) ALL PROPERTY SUBJECT TO THE CONNECTION CHARGES SHALL BE SOLD FOR THE CONNECTION CHARGES AT THE SAME TIME AND IN THE SAME MANNER AS THE PROPERTIES ARE SOLD FOR COUNTY TAXES; AND**

**(C) APPLICABLE LAWS RELATING TO THE COLLECTION OF COUNTY TAXES SHALL RELATE TO THE COLLECTION OF THE CONNECTION CHARGES.**

**(6) PROPERTY REDEEMED FROM A COUNTY TAX SALE AND PROPERTY SOLD BY THE COUNTY COMMISSIONERS AFTER A FINAL TAX SALE MAY NOT BE REDEEMED OR SOLD UNTIL THE CONNECTION CHARGES DUE ON IT ARE PAID.**

**(7) TO GIVE NOTICE TO THE GENERAL PUBLIC OF EXISTING LIENS AND CHARGES AGAINST ANY PROPERTY WITHIN ANY SANITARY DISTRICT ABUTTING ON ANY WATER OR SEWER MAIN, THE COMMISSION SHALL KEEP A PUBLIC RECORD OF ALL NAMES OF OWNERS OF PROPERTY, LOCATIONS OF THE PROPERTY, LOT NUMBERS WHEN OF RECORD, AND THE AMOUNT OF THE CONNECTION CHARGES OR OTHER CHARGES THAT MAY BECOME LIENS.**

**(8) THE RECORDS SHALL BE KEPT IN THE LAND RECORDS OF ST. MARY'S COUNTY, AND THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL FURNISH SPACE NECESSARY TO KEEP AND PRESERVE THE RECORDS, THAT, WHEN RECORDED IN THE PUBLIC RECORD, ARE LEGAL NOTICE OF ALL EXISTING LIENS WITHIN ANY SANITARY DISTRICT.**

**(9) IF ANY LIENS, CONNECTION CHARGES, OR OTHER CHARGES REMAIN UNPAID FOR THIRTY (30) DAYS AFTER BECOMING OVERDUE, THEY MAY BE COLLECTED BY AN ACTION TO ENFORCE THE LIENS, AND ANY JUDGMENT OR DECREE OBTAINED SHALL HAVE THE FORCE AND EFFECT OF A JUDGMENT IN PERSONAM.**

**(10) THE COMMISSION MAY FILE AN ACTION TO ENFORCE THE LIENS AGAINST THE OWNER OF RECORD AT THE TIME THE LEVY WAS MADE, OR**

**THE OWNER OF RECORD AT THE TIME THE SUIT IS FILED, OR ANY OWNER OF RECORD BETWEEN THESE DATES.**

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

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

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

113–14.

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

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



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

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

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

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

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

**113-29.**

**A. (1) IN THIS SECTION, THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(2) “EDU” MEANS AN EQUIVALENT DWELLING UNIT.**

**(3) “PUBLICATION” MEANS NOTICE TO ALL PERSONS HAVING ANY INTEREST IN THE PROPERTY.**

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

**(2) SYSTEM IMPROVEMENT CHARGES SHALL:**

**(A) BE ASSESSED AND PAYABLE ON A MONTHLY BASIS; AND**

**(B) BE UNIFORM AND APPLY TO EVERY EDU EQUALLY.**

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

**(A) THE CAPITAL COSTS OF CENTRAL TREATMENT FACILITY PERFORMANCE UPGRADES, IF THE PROJECTS ARE IDENTIFIED IN THE COMMISSION’S 6-YEAR CAPITAL IMPROVEMENT PLAN;**

**(B) THE CAPITAL COSTS OF THE REPAIR AND REPLACEMENT OF EXISTING WATER SUPPLY AND/OR SEWER COLLECTION SYSTEMS, IF THE PROJECTS ARE IDENTIFIED IN THE COMMISSION’S 6-YEAR CAPITAL IMPROVEMENT PLAN; AND**

**(C) THAT PORTION OF EXISTING BONDS, AS OF OCTOBER 1, 2007, THAT WAS ISSUED TO FUND THE COSTS OF REPAIR, REPLACEMENT AND, WHERE APPROPRIATE, CONSTRUCTION OF EXISTING WATER SUPPLY OR SEWER**

**COLLECTION SYSTEMS AND BONDS ISSUED TO FUND THE COSTS OF CENTRAL TREATMENT FACILITY CAPACITY ALLOCATED TO EXISTING SYSTEM USERS AS OF OCTOBER 1, 2007.**

**(4) IN DETERMINING THE SYSTEM IMPROVEMENT CHARGE, ~~COSTS~~ THE CAPITAL COSTS REFERRED TO IN SUBSECTION B.(3) OF THIS SECTION SHALL INCLUDE THE PRINCIPAL OF, INTEREST ON, AND ANY REDEMPTION PREMIUM OR OTHER COSTS WITH RESPECT TO ANY BONDS OF THE COMMISSION ISSUED AFTER OCTOBER 1, 2007.**

**(5) (A) WHEN BONDS HAVE NOT BEEN ISSUED AT THE TIME THE CAPITAL CONTRIBUTION CHARGE IS CALCULATED, IN CALCULATING THE CAPITAL CONTRIBUTION CHARGE THE COMMISSION MAY ESTABLISH A SCHEDULE FOR THE PRINCIPAL OF, INTEREST ON, AND OTHER COSTS OF BONDS THE COMMISSION PLANS TO ISSUE IN ACCORDANCE WITH PARAGRAPH (4) OF SUBSECTION H OF THIS SECTION.**

**(B) THE COMMISSION MAY ADJUST THE SCHEDULE AND RELATED SYSTEM IMPROVEMENT CHARGE PROVIDED IN SUBPARAGRAPH (A) OF THIS PARAGRAPH WHEN PLANNED FUTURE BONDS ARE ISSUED.**

**C. (1) WHEN COLLECTED, THE SYSTEM IMPROVEMENT CHARGES SHALL BE PLACED BY THE COMMISSION INTO AN INTEREST-BEARING ACCOUNT CONTAINING ALL OF THE SYSTEM IMPROVEMENT CHARGES COLLECTED, NOTWITHSTANDING THE SANITARY DISTRICT FROM WHICH THE CHARGE WAS COLLECTED.**

**(2) THE SYSTEM IMPROVEMENT CHARGES, TOGETHER WITH ANY INTEREST ACCRUED ON THE CHARGES, SHALL REMAIN IN THE GENERAL ACCOUNT, TO BE ACCESSED AND USED BY THE COMMISSION ON AN AS-NEEDED BASIS TO FUND THE COSTS OF ANY EXTENSIVE SYSTEM REPAIR AND REPLACEMENT AND CENTRAL FACILITY UPGRADE, AS DESCRIBED IN SUBSECTION B OF THIS SECTION, IN ANY SANITARY DISTRICT WITHIN WHICH A SYSTEM REPAIR OR REPLACEMENT MAY BE NEEDED.**

**D. (1) WHEN THE COMMISSION DETERMINES THE APPROPRIATE SYSTEM IMPROVEMENT CHARGE FOR A GIVEN PROPERTY, THE COMMISSION SHALL CLASSIFY EACH PROPERTY INTO ONE OF THE FOLLOWING SEVEN (7) CLASSES:**

- (A) **AGRICULTURAL;**
- (B) **SMALL ACREAGE;**
- (C) **INDUSTRIAL OR BUSINESS;**
- (D) **SUBDIVISION RESIDENTIAL;**
- (E) **MULTI-UNIT RESIDENTIAL;**
- (F) **MULTI-UNIT BUSINESS; OR**
- (G) **INSTITUTIONAL.**

**(2) THE COMMISSION MAY SUBDIVIDE EACH OF THE CLASSES IN ANY MANNER IT CONSIDERS TO BE IN THE PUBLIC INTEREST.**

**(3) IMMEDIATELY AFTER AN EDU IS ALLOCATED FOR WATER OR SEWER SERVICE, THE COMMISSION SHALL INITIATE COLLECTION OF THE SYSTEM IMPROVEMENT CHARGE IN ACCORDANCE WITH THE PROPERTY CLASSIFICATION.**

**(4) THE COMMISSION SHALL NOTIFY, IN WRITING, ALL OWNERS OF THE PROPERTIES AS TO:**

**(A) UNDER WHICH CLASS THEIR RESPECTIVE PROPERTIES FALL;**

**(B) THE AMOUNT OF THE SYSTEM IMPROVEMENT CHARGE IMPOSED ON THE PROPERTY; AND**

**(C) A TIME AND PLACE FOR A PUBLIC HEARING ON THE CLASSIFICATION.**

**(5) THE NOTICE SHALL:**

**(A) BE MAILED TO THE LAST KNOWN ADDRESS OF THE OWNER;**

(B) BE SERVED IN PERSON ON ANY ADULT OCCUPYING THE PREMISES; OR

(C) IN THE CASE OF VACANT OR UNIMPROVED PROPERTY, BE POSTED ON THE PREMISES.

(6) THE CLASSIFICATION OF ANY PROPERTY MADE BY THE COMMISSION IS FINAL, AND MAY ONLY BE CHANGED:

(A) AT THE PUBLIC HEARING HELD IN ACCORDANCE WITH THIS SUBSECTION; OR

(B) IF THE USE OF THE PROPERTY CHANGES.

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

E. (1) WHENEVER, THROUGH ERROR, INADVERTENCE OR OVERSIGHT OR BY REASON OF ANY JUDGMENT OR DECREE, ANY PROPERTY SUBJECT TO A SYSTEM IMPROVEMENT CHARGE UNDER THIS CHAPTER HAS NOT HAD THE SYSTEM IMPROVEMENT CHARGE IMPOSED AGAINST IT, OR WHERE IT HAS BEEN IMPOSED BY AN ERRONEOUS DESCRIPTION OR IN THE WRONG NAME, OR WHERE SERVICE ON THE OWNER HAS NOT BEEN HAD, OR WHERE IT HAS BEEN SET ASIDE BY JUDGMENT OR DECREE, THE COMMISSION, ON THE DISCOVERY OF THE ERROR, INADVERTENCE OR OVERSIGHT, OR WITHIN A REASONABLE TIME AFTER THE RENDITION OF THE JUDGMENT OR DECREE, MAY IMPOSE AND COLLECT THE SYSTEM IMPROVEMENT CHARGE AT THE UNIFORM RATE AND IN THE APPLICABLE PROPERTY CLASSIFICATION.

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

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

**F. (1) WHEN THERE IS MORE THAN ONE CONTIGUOUS LOT IN THE SAME BLOCK UNDER ONE (1) OWNERSHIP APPURTENANT TO A SINGLE RESIDENCE, THE COMMISSION SHALL IMPOSE THE SYSTEM IMPROVEMENT CHARGE BASED ON THE NUMBER OF EDUs ASSIGNED TO EACH PROPERTY IN ACCORDANCE WITH ALL APPLICABLE ZONING AND LAND USE REGULATIONS.**

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

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

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

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

**(5) WHEN A PROPERTY THAT HAS BEEN EXEMPTED FROM A SYSTEM IMPROVEMENT CHARGE UNDER THIS SUBSECTION IS NO LONGER EXEMPTED FROM THE CHARGE, THE PROPERTY SHALL BE CLASSIFIED IN ITS THEN CURRENT CLASS AND BECOME SUBJECT TO THE SYSTEM IMPROVEMENT CHARGE.**

**G. (1) EXCEPT AS OTHERWISE PROVIDED, SYSTEM IMPROVEMENT CHARGES FOR WATER SUPPLY AND SEWER CONSTRUCTION AND ACQUISITION SHALL BE UNIFORM FOR EACH EDU WITHIN EACH CLASS OF PROPERTY THROUGHOUT THE COUNTY FOR ANY ONE (1) YEAR.**

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

**H. (1) THE RATE OF THE SYSTEM IMPROVEMENT CHARGE SHALL BE BASED ON THE COMMISSION'S 6-YEAR CAPITAL IMPROVEMENT PLAN, AS REVISED ANNUALLY.**

**(2) THE CAPITAL IMPROVEMENT PLAN SHALL IDENTIFY THOSE CAPITAL PROJECTS WHICH WILL BE UNDERTAKEN BY THE COMMISSION DURING THE MOST IMMEDIATE 6-YEAR PERIOD, INCLUDING ANY COMPREHENSIVE IMPROVEMENT OR REPLACEMENT OF EXISTING WATER OR WASTEWATER SYSTEMS AND CENTRAL TREATMENT AND PROCESSING FACILITY EXPANSIONS AND UPGRADES.**

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

**(4) WHERE AMORTIZED COSTS ARE INCLUDED IN THE CALCULATION OF THE CHARGE, THE COMMISSION SHALL ESTABLISH THE PERIOD OF AMORTIZATION AND THE INTEREST RATE.**

**(5) THE SYSTEM IMPROVEMENT CHARGE MAY NOT BE REVISED MORE THAN ONCE EACH YEAR, TOGETHER WITH THE ANNUAL REVISION TO THE CAPITAL IMPROVEMENT PLAN.**

**I. (1) (A) IN THIS SUBSECTION THE FOLLOWING WORDS HAVE THE MEANINGS INDICATED.**

**(B) “DWELLING” MEANS A PRINCIPAL RESIDENCE OF A HOMEOWNER AND INCLUDES THE LOT ON WHICH THE HOUSE IS SITUATED.**

**(C) “HOMEOWNER” MEANS A PERSON WHO:**

**(I) RESIDES IN A DWELLING; AND**

**(II) HAS AN OWNERSHIP INTEREST IN THE DWELLING, INCLUDING A LIFE ESTATE, JOINT TENANCY, TENANCY IN COMMON, TENANCY BY THE ENTIRETY, OR FEE SIMPLE INTEREST.**

**(D) “PRINCIPAL RESIDENCE” MEANS A HOUSE THAT IS OCCUPIED BY A HOMEOWNER:**

**(I) FOR MORE THAN SIX (6) MONTHS OF A CONSECUTIVE 12-MONTH PERIOD THAT INCLUDES THE DATE OF APPLICATION FOR A DEFERRAL OF A CAPITAL CONTRIBUTION CHARGE; OR**

**(II) FOR LESS THAN SIX (6) MONTHS OF A CONSECUTIVE 12-MONTH PERIOD THAT INCLUDES THE DATE OF APPLICATION FOR A DEFERRAL OF A CAPITAL CONTRIBUTION CHARGE DUE TO ILLNESS OR THE NEED OF SPECIAL CARE, IF THE HOMEOWNER IS OTHERWISE QUALIFIED UNDER THE PROVISIONS OF THIS SUBSECTION.**

**(2) THE COMMISSION MAY ESTABLISH FINANCIAL CRITERIA TO DETERMINE THE ELIGIBILITY OF A HOMEOWNER WHOSE DWELLING IS SUBJECT TO A SYSTEM IMPROVEMENT CHARGE UNDER THIS SECTION FOR A DEFERRAL OF THE MONTHLY PAYMENT OF THAT CHARGE.**

**(3) THE COMMISSION MAY DEFER THE MONTHLY PAYMENT OF A SYSTEM IMPROVEMENT CHARGE ON THE DWELLING OF A HOMEOWNER WHO:**

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



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

**(4) A HOMEOWNER WHO APPLIES FOR A DEFERRAL OF PAYMENT OF A MONTHLY SYSTEM IMPROVEMENT CHARGE LEVIED ON A DWELLING SHALL SUBMIT TO THE COMMISSION AN APPLICATION ON THE FORM THAT THE COMMISSION PROVIDES.**

**(5) A HOMEOWNER MAY APPLY FOR A DEFERRAL ON ONLY ONE (1) DWELLING.**

**(6) A HOMEOWNER WHO APPLIES FOR DEFERRAL OF PAYMENT OF A SYSTEM IMPROVEMENT CHARGE SHALL APPLY AT THE TIME OF PAYMENT OF MONTHLY SERVICE CHARGES.**

**(7) SUBJECT TO PARAGRAPH (3) OF THIS SUBSECTION, THE COMMISSION SHALL TERMINATE THE DEFERRAL OF PAYMENT OF A MONTHLY SYSTEM IMPROVEMENT CHARGE IF A HOMEOWNER DIES, SELLS, OR ALIENATES THE DWELLING SUBJECT TO THE DEFERRAL.**

**(8) THE COMMISSION MAY DEFER THE MONTHLY PAYMENT OF A SYSTEM IMPROVEMENT CHARGE BY AN UNMARRIED SURVIVING SPOUSE ON THE DEATH OF A HOMEOWNER OR THE UNMARRIED FORMER SPOUSE ON THE DIVORCE OF A HOMEOWNER IF THE SUCCEEDING SPOUSE QUALIFIES UNDER THE PROVISIONS OF PARAGRAPH (3) OF THIS SUBSECTION.**

**(9) WHEN THE COMMISSION TERMINATES THE DEFERRAL OF PAYMENT OF A MONTHLY SYSTEM IMPROVEMENT CHARGE UNDER THE PROVISIONS OF PARAGRAPH (7) OF THIS SUBSECTION:**

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

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

**(10) (A) A DEFERRED SYSTEM IMPROVEMENT CHARGE THAT IS DUE AND PAYABLE ON TERMINATION OF A DEFERRAL BY THE COMMISSION IS A**

**LIEN AGAINST THE DWELLING IN ACCORDANCE WITH SUBSECTION L OF THIS SECTION.**

**(B) AFTER THE COMMISSION TERMINATES THE DEFERRAL OF PAYMENT OF A SYSTEM IMPROVEMENT CHARGE UNDER PARAGRAPH (7) OF THIS SUBSECTION, THE PROVISIONS OF THIS SUBSECTION DO NOT IMPAIR IN ANY WAY THE ABILITY OF THE COMMISSION TO COLLECT A SYSTEM IMPROVEMENT CHARGE THAT IS OVERDUE AND IN DEFAULT FROM A HOMEOWNER IN ACCORDANCE WITH SUBSECTION L OF THIS SECTION.**

**(11) THE COMMISSION MAY REQUIRE A HOMEOWNER WHO QUALIFIES FOR DEFERRAL UNDER THIS SECTION TO REQUALIFY AT TIMES AND UNDER CIRCUMSTANCES THAT THE COMMISSION DETERMINES ARE REASONABLE AND NECESSARY.**

**(12) (A) THE COMMISSION MAY ONLY IMPLEMENT THE PROVISIONS OF THIS SUBSECTION BY ADOPTION OF A RESOLUTION OF THE COMMISSION.**

**(B) THE COMMISSION SHALL HOLD A PUBLIC HEARING AT LEAST TEN (10) DAYS PRIOR TO ANY ACTION ON THE PROPOSED RESOLUTION UNDER THIS PARAGRAPH.**

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

**J. (1) ON THE ALLOCATION OF AN EDU, THE COMMISSION MAY PERMIT A CONNECTION WITH A WATER MAIN OR SEWER BY A PROPERTY OWNER WHOSE PROPERTY DOES NOT ABUT ON THE WATER MAIN OR SEWER AND WHO HAS NOT PREVIOUSLY PAID A SYSTEM IMPROVEMENT CHARGE FOR THE CONSTRUCTION OF THE WATER MAIN OR SEWER.**

**(2) IF THE COMMISSION PERMITS A CONNECTION WITH A WATER MAIN OR SEWER UNDER THIS SUBSECTION, THE COMMISSION SHALL CLASSIFY THE PROPERTY AND DETERMINE THE SYSTEM IMPROVEMENT CHARGE TO BE PAID BY THE PROPERTY OWNER.**

**(3) IF A CONNECTION IS MADE UNDER THIS SUBSECTION, THE PROPERTY OWNER AND PROPERTY, FOR ALL CHARGES, RATES AND BENEFITS, SHALL STAND IN EVERY RESPECT IN THE SAME POSITION AS IF THE PROPERTY ABUTTED ON A WATER MAIN OR SEWER.**

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

**(2) IF THE COMMISSION APPROVES AN APPLICATION FOR WATER AND SEWER LINES AND THE APPLICANT MAKES A CONTRIBUTION TO THE COST OF CONSTRUCTION IN ACCORDANCE WITH THIS SUBSECTION, THE COMMISSION MAY CONSTRUCT THE WATER OR SEWER LINES REQUIRED BY THE APPLICANT.**

**(3) IF THE COMMISSION CONSTRUCTS THE WATER OR SEWER LINES, IT SHALL IMPOSE A SYSTEM IMPROVEMENT CHARGE IN ACCORDANCE WITH THIS SECTION.**

**L. WHEN THE COMMISSION IMPROVES A WATER SYSTEM OR SANITARY SEWERAGE SYSTEM BY REPLACING, AUGMENTING, UPGRADING, OR EXPANDING IT IN ORDER TO PROVIDE INCREASED OR IMPROVED WATER OR SEWER SERVICE AND THE NECESSITY FOR THE IMPROVEMENT ARISES FROM CHANGES, WHETHER INDIVIDUALLY OR CUMULATIVELY, IN USE OR ZONING CATEGORY OF THE PROPERTY, THOSE PROPERTIES SHALL DERIVE A BENEFIT FROM THE IMPROVED FACILITY AND THE COMMISSION SHALL IMPOSE SYSTEM IMPROVEMENT CHARGES ON THE BENEFITED PROPERTY FOR THE CONSTRUCTION AS PART OF THE WATER OR SEWER SYSTEM SERVICES.**

**M. (1) THE SYSTEM IMPROVEMENT CHARGE SHALL BE PAYABLE AT THE OFFICE OF THE COMMISSION AT A TIME THAT THE COMMISSION DETERMINES.**

**(2) IF ANY CHARGES REMAIN UNPAID FOR A PERIOD OF THIRTY (30) DAYS AFTER THE PAYMENT IS DUE, IN ADDITION TO ANY OTHER CHARGES, THE COMMISSION MAY IMPOSE A LATE CHARGE NOT TO EXCEED ONE AND ONE-HALF (1 1/2) PERCENT PER MONTH UNTIL ALL DELINQUENT CHARGES ARE PAID.**

**(3) THE ENTIRE UNPAID SYSTEM IMPROVEMENT CHARGE SHALL BE OVERDUE AND IN DEFAULT AFTER THIRTY (30) DAYS AFTER THE PAYMENT IS DUE FOR ALL OR ANY PART OF THE SYSTEM IMPROVEMENT CHARGE REQUIRED BY THE COMMISSION, AT WHICH TIME THE COMMISSION MAY PROCEED TO ENFORCE PAYMENT.**

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

**(5) FOR PURPOSES OF COLLECTION:**

**(A) THE SYSTEM IMPROVEMENT CHARGE SHALL BE TREATED AS COUNTY TAXES AND BE ADVERTISED IN THE SAME MANNER AS AND WITH COUNTY TAXES;**

**(B) ALL PROPERTY SUBJECT TO THE SYSTEM IMPROVEMENT CHARGES SHALL BE SOLD FOR SYSTEM IMPROVEMENT CHARGES AT THE SAME TIME AND IN THE SAME MANNER AS THE PROPERTIES ARE SOLD FOR COUNTY TAXES; AND**

**(C) APPLICABLE LAWS RELATING TO THE COLLECTION OF COUNTY TAXES SHALL RELATE TO THE COLLECTION OF THE SYSTEM IMPROVEMENT CHARGES.**

**(6) PROPERTY REDEEMED FROM A COUNTY TAX SALE AND PROPERTY SOLD BY THE COUNTY COMMISSIONERS AFTER A FINAL TAX SALE MAY NOT BE REDEEMED OR SOLD UNTIL THE SYSTEM IMPROVEMENT CHARGES ARE PAID.**

**(7) TO GIVE NOTICE TO THE GENERAL PUBLIC OF EXISTING LIENS AND CHARGES AGAINST ANY PROPERTY WITHIN ANY SANITARY DISTRICT**

ABUTTING ON ANY WATER OR SEWER MAIN, THE COMMISSION SHALL KEEP A PUBLIC RECORD OF ALL NAMES OF OWNERS OF PROPERTY, LOCATIONS OF THE PROPERTY, LOT NUMBERS WHEN OF RECORD, AND THE AMOUNT OF THE SYSTEM IMPROVEMENT CHARGES, WATER SERVICE CHARGES, OR OTHER CHARGES THAT MAY BECOME LIENS.

(8) THE RECORDS SHALL BE KEPT IN THE LAND RECORDS OF ST. MARY'S COUNTY, AND THE CLERK OF THE CIRCUIT COURT FOR THE COUNTY SHALL FURNISH SPACE NECESSARY TO KEEP AND PRESERVE THE RECORDS, WHICH, WHEN RECORDED IN THE PUBLIC RECORD, IS LEGAL NOTICE OF ALL EXISTING LIENS WITHIN ANY SANITARY DISTRICT.

(9) IF ANY LIENS, SYSTEM IMPROVEMENT CHARGES OR OTHER CHARGES REMAIN UNPAID FOR THIRTY (30) DAYS AFTER BECOMING OVERDUE, THEY MAY BE COLLECTED BY AN ACTION TO ENFORCE THE LIENS, AND ANY JUDGMENT OR DECREE OBTAINED SHALL HAVE THE FORCE AND EFFECT OF A JUDGMENT IN PERSONAM.

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

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

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

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

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

**(2) IF THE PROPERTY IS ACQUIRED AS PROVIDED IN THIS SECTION WITHOUT EMINENT DOMAIN PROCEEDINGS, THE AMOUNT NECESSARY TO PAY THE SYSTEM IMPROVEMENT CHARGE THROUGH THE DATE OF ACQUISITION SHALL BE PAID TO THE COMMISSION BEFORE THE DEED EVIDENCING THE TRANSFER MAY BE RECORDED AMONG THE LAND RECORDS OF ST. MARY'S COUNTY.**

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

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

**SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2007.**

**Approved by the Governor, April 24, 2007.**