

# HOUSE BILL 1510

L2

9lr3380

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

Introduced and read first time: March 5, 2009

Assigned to: Rules and Executive Nominations

Re-referred to: Environmental Matters, March 16, 2009

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Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 25, 2009

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **St. Mary's County Metropolitan Commission - ~~System Improvement Charges~~**  
3 **Revisions and Corrections**

4 FOR the purpose of repealing a requirement that each sanitary district in St. Mary's  
5 County be a separate taxing district; repealing a prohibition against a certain  
6 adverse effect as a result of a change of sanitary district lines; altering the  
7 notice requirements for certain water supply and sewerage system studies and  
8 plans; repealing a requirement that the County Commissioners of St. Mary's  
9 County make a certain decision; repealing a provision making the Mattapan  
10 District exempt from certain provisions of law; repealing a requirement that  
11 certain sums be repaid out of certain bonds issued for a particular sanitary  
12 district; altering the calculation of the total amount of certain bonds that the St.  
13 Mary's Metropolitan Commission may issue; altering the procedures for retiring  
14 and paying the interest on certain bonds; altering the required procedures for  
15 bids for construction; altering the amount the Commission may expend on  
16 certain goods, materials, or services without advertising and receiving  
17 competitive bids; making it discretionary rather than mandatory that the  
18 Commission impose and collect a reasonable collection fee under certain  
19 circumstances; requiring a certain charge to apply uniformly to certain types of  
20 properties; repealing certain due dates for certain charges; authorizing certain  
21 services rates to include State or federally mandated fees or charges; repealing  
22 a requirement that the cost of a certain meter be at the sole expense of the  
23 Commission; renaming a certain benefit assessment to be a System  
24 Improvement Charge; establishing a right of entry to certain locations under  
25 certain circumstances; altering a certain exemption from a certain charge

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EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike-out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



1 applied to church property; altering the properties for which the St. Mary's  
 2 County Metropolitan Commission is required to impose and collect a certain per  
 3 EDU system improvement charge; requiring the Commission to impose and  
 4 collect a certain per EDU system improvement charge at the same time the  
 5 EDU is allocated; ~~repealing a certain recordkeeping requirement; requiring a~~  
 6 certain charge to be paid in perpetuity under certain circumstances when a  
 7 property is acquired in a certain manner; requiring a certain court order to  
 8 provide for payment for certain charges in a certain manner; altering the  
 9 conditions under which a certain condemning authority is required to pay  
 10 certain charges; making stylistic and technical changes; and generally relating  
 11 to ~~a system improvement charge imposed by~~ the St. Mary's County  
 12 Metropolitan Commission.

13 BY repealing and reenacting, ~~without~~ with amendments,  
 14 The Public Local Laws of St. Mary's County  
 15 Section ~~113-29 A.~~ 113-1 A., 113-3 B., 113-4, 113-5 A. and C., 113-6 A., 113-7  
 16 A., 113-8, 113-12, 113-14 A. and C., 113-16 B., 113-19, 113-22, 113-26,  
 17 113-27 B. and C., and 113-29  
 18 Article 19 – Public Local Laws of Maryland  
 19 (2007 Edition and October 2008 Supplement, as amended)

20 BY repealing ~~and reenacting, with amendments,~~  
 21 The Public Local Laws of St. Mary's County  
 22 Section ~~113-29 B.(1)~~ 113-5 B.  
 23 Article 19 – Public Local Laws of Maryland  
 24 (2007 Edition and October 2008 Supplement, as amended)

25 BY repealing and reenacting, without amendments,  
 26 The Public Local Laws of St. Mary's County  
 27 Section 113-14 B.  
 28 Article 19 – Public Local Laws of Maryland  
 29 (2007 Edition and October 2008 Supplement, as amended)

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

32 **Article 19 – St. Mary's County**

33 113-1.

34 A. For the purpose of carrying out the provisions of this chapter, the  
 35 sanitary districts created are under the jurisdiction of the Commission of seven (7)  
 36 voting members and one (1) nonvoting member. Each voting member of the  
 37 Commission shall be appointed by the Board of County Commissioners of St. Mary's  
 38 County as follows: one (1) member from each of the first, third, sixth, seventh and  
 39 eighth districts, one (1) member from the second and ninth election districts and one  
 40 (1) member from the fourth and fifth election districts. Each voting member shall  
 41 reside in the election district he represents, be a resident taxpayer of the county and

1 be a qualified voter. The voting members of the Commission shall be appointed [for]  
2 AND SHALL SERVE AT LEAST ONE (1) [a] three-year term and shall serve until their  
3 successors are appointed and have qualified. The nonvoting member of the commission  
4 shall be the commanding officer of the Patuxent River Naval Air Station or a  
5 designated representative of the commanding officer. The nonvoting member shall  
6 represent the interests of the United States Navy with respect to the water and sewer  
7 services provided by the Commission to the Patuxent River Naval Air Station and the  
8 Webster Field Annex. The nonvoting member shall serve until the succeeding  
9 commanding officer is appointed. If the commanding officer designates a  
10 representative, the representative shall serve at the pleasure of the commanding  
11 officer and may be replaced at any time. Those persons serving as members of the  
12 Commission immediately prior to June 1, 1976, shall continue to serve in their  
13 respective positions until the expiration of their terms. As the term of each voting  
14 member expires, his successor shall be appointed by the Board of County  
15 Commissioners of St. Mary's County. Except for a nonvoting member, any vacancy in  
16 the membership of the Commission shall be filled by appointment by the Board of  
17 County Commissioners of St. Mary's County for the unexpired term.

18 113-3.

19 B. The creation of the sanitary districts is adopted, approved, ratified and  
20 confirmed. The sanitary districts are designated and constituted for the purpose of this  
21 chapter to be separate sanitary districts AND[,] are subject to all of the provisions of  
22 this chapter [and are separate taxing districts for the purposes of this chapter].

23 113-4.

24 The sanitary district boundary lines of any sanitary district may be changed by  
25 the adoption by the Commission of a resolution which shall refer to a plat of St. Mary's  
26 County upon which the revised sanitary district lines are shown clearly and which sets  
27 forth findings that the change in the boundary lines of any sanitary district is  
28 necessary or desirable for the public health, safety and welfare of the residents within  
29 the revised sanitary districts and the revised sanitary districts are feasible from an  
30 engineering and financial standpoint. [However, outstanding bonds or other  
31 obligations may not in any manner be adversely affected by any change of sanitary  
32 district lines.] The resolution is not legally effective until it is approved by the County  
33 Commissioners of St. Mary's County after public hearing held following not less than  
34 ten (10) days' notice in one (1) or more newspapers having a general circulation in St.  
35 Mary's County and until a copy of the resolution and plat is recorded among the land  
36 records of St. Mary's County. Upon approval by the County Commissioners of St.  
37 Mary's County and filing of the plat and resolution as provided in this subsection, the  
38 revised sanitary districts are designated and constituted for the purpose of this  
39 chapter to be separate sanitary districts, are subject to all the provisions of this  
40 chapter [and are separate taxing districts]. The filing of the plat and resolution  
41 constitutes legal notice to the public of the action of the Commission and the County  
42 Commissioners.

1 113-5.

2 A. The Commission shall cause studies, plans and estimates to be made for  
3 water supply and sewerage systems in those portions of St. Mary's County in which  
4 the Commission determines that the facilities are necessary and may divide each  
5 sanitary district into water and sewerage districts in such a way as shall, in its  
6 judgment, best serve the needs of the various communities and shall promote  
7 convenience and economy of installation and operation. Whenever, and as, the studies  
8 and plans are completed, the Commission shall give notice by publication in one (1)  
9 newspaper published within the county for three (3) weeks [and by handbills posted  
10 and circulated in the localities where improvements are contemplated]. The  
11 Commission shall state in the notice the probable cost of the contemplated  
12 improvements and shall further state in it that plans of the improvements may be  
13 inspected at the Commission's office and that any person interested in the  
14 improvements will be heard by the Commission at a time to be specified in the notice,  
15 but not less than ten (10) days after first publication of it. If ten (10) residents and  
16 landowners in the sanitary district in which the improvements are contemplated,  
17 within ten (10) days after the last of the publications of the notice, file a petition with  
18 the Commission protesting against the proposed improvements, the Commission shall  
19 grant them a hearing within fifteen (15) days after the petition is filed in the office of  
20 the Commission and after not less than five (5) days' notice of the time and place of the  
21 hearing by advertisement published in one (1) newspaper published within the county  
22 and by personal notices addressed to any one (1) or more persons whose names are  
23 signed to the petition. After due hearing, the Commission shall decide upon the  
24 reasonableness of the objections stated in the petition and shall dispose of them by  
25 written order concurred in by a majority of the Commissioners. The order shall be  
26 published in the same manner as notices are required to be published, and a copy of  
27 which shall be mailed to any one (1) or more of the petitioners. If the petitioners are  
28 not satisfied with the Commission's decision, they have the right to take and enter,  
29 within ten (10) days after the last publication of the order, an appeal to the County  
30 Commissioners of St. Mary's County, who shall review the Commission's decision and  
31 decide on the necessity and propriety of the improvements contemplated [and whether  
32 the district can stand the cost of them]. The decision of the County Commissioners is  
33 final.

34 [B. The foregoing provisions of this section are not applicable to the proposed  
35 sewer system, including necessary modifications and changes, for the Mattapan  
36 Sanitary District shown on the plats of the sanitary district recorded among the land  
37 records of St. Mary's County in Liber M.R.F. 1, Folios 2 to 5, inclusive, in a plat book  
38 indexed "St. Mary's County Metropolitan Commission," such proposed sewer system  
39 having been approved by the Commission and by the County Commissioners of St.  
40 Mary's County. The Commission, without further public hearing, may, in its  
41 discretion, proceed with the financing and construction of the sewer system.]

42 [C.]B. For the purpose of providing for the studies, plans, organization and any  
43 other expenses or costs of any water or sewerage facilities [in any sanitary district],

1 the County Commissioners may furnish the Commission from time to time any sum  
2 that the County Commissioners deem proper, all of which shall be repaid out of the  
3 next bond issue, if any[, for the particular sanitary district]. If the County  
4 Commissioners do not expect bonds to be issued [for the particular sanitary district]  
5 within two (2) years of the date on which the sum is furnished to the Commission, the  
6 County Commissioners may waive repayment of the advances. The authority for  
7 advances granted by this subsection is in addition to other advances authorized by this  
8 chapter.

9 113-6.

10 A. For the purpose of providing funds for the design, construction,  
11 establishment, purchase or condemnation of water supply and sewerage systems in  
12 any of the sanitary districts, the Commission, upon the approval of the County  
13 Commissioners of St. Mary's County, is authorized and empowered to issue bonds,  
14 from time to time, upon the full faith and credit of St. Mary's County, in such amounts  
15 as it may deem to be necessary to carry on its work, but at no time shall the total issue  
16 of bonds [in any sanitary district] for all purposes under this chapter exceed  
17 twenty-five (25) percent of the total value of the property assessed for county taxation  
18 purposes within ALL OF the sanitary [district] DISTRICTS IN WHICH PUBLIC WATER  
19 OR SEWER FACILITIES ARE LOCATED. Subject to the conditions contained herein,  
20 the form, tenor, manner of selling and all other matters relating to the issuance of  
21 bonds under this chapter shall be prescribed in a resolution to be adopted by the St.  
22 Mary's County Metropolitan Commission prior to sale of the bonds. The issuance of  
23 such bonds may not be subject to any limitations or conditions contained in any other  
24 law, and the Commission may sell such bonds in such manner, either at public or  
25 private sale, and for such price, as it may determine to be for the best interests of the  
26 Commission and the County Commissioners of St. Mary's County. The bonds shall be  
27 serial bonds issued upon the serial maturing plan and in such denominations as shall  
28 be determined by the Commission. The bonds may be redeemable before maturity at  
29 the option of the Commission at such price and under such terms and conditions as  
30 may be fixed by the Commission prior to the issuance of the bonds, shall bear interest  
31 at such rate or rates payable semiannually, as shall be determined by a resolution of  
32 the St. Mary's County Metropolitan Commission adopted prior to the delivery of the  
33 bonds, and shall mature in not more than thirty (30) years after date of issue and shall  
34 be forever exempt from state, city and county taxation as hereinafter provided. They  
35 shall be issued under the signature and seal of the Commission and shall be  
36 unconditionally guaranteed as to payment of both principal and interest by the County  
37 Commissioners of St. Mary's County, a political subdivision of the State of Maryland,  
38 which guaranty shall be endorsed on each of the bonds in the following language: "The  
39 payment of interest when due and the principal at maturity is guaranteed by the  
40 County Commissioners of St. Mary's County, Maryland." Such endorsement shall be  
41 signed on each of the bonds by the President and by the Clerk of the Board of County  
42 Commissioners of the county, or another person lawfully assigned to the functions of  
43 the Clerk, within ten (10) days after the bonds are presented by the Commission to  
44 them for endorsement.

1 113-7.

2 A. For the purpose of retiring the bonds authorized to be issued by this  
3 chapter and of paying the interest thereon, the Commission, BY AND THROUGH THE  
4 COUNTY COMMISSIONERS OF ST. MARY'S COUNTY, shall cause to be levied,  
5 against all assessable property within the sanitary districts [for which the bonds have  
6 been issued, by the County Commissioners of St. Mary's County, annually] IN WHICH  
7 PUBLIC WATER OR SEWER FACILITIES ARE LOCATED, so long as any of the bonds  
8 are outstanding and not paid, [a] AN ANNUAL tax sufficient to provide the sum which  
9 the Commission may deem sufficient and necessary, in conjunction with any amounts  
10 as the Commission may estimate that it will be able to collect out of the [benefit  
11 assessments] SYSTEM IMPROVEMENT CHARGES, CAPITAL CONTRIBUTION  
12 CHARGES, and charges levied by it but not yet paid and any further funds then  
13 available for the purpose, to meet the interest on the bonds as it becomes due and to  
14 pay the principal thereof as the bonds mature. The tax shall be determined, levied,  
15 collected and paid over in the manner following, that is to say, at least seventy-five  
16 (75) days before July 1 of each year, the County Commissioners shall certify to the  
17 Commission the whole valuation of the assessable property within [each sanitary  
18 district] THE SANITARY DISTRICTS IN WHICH PUBLIC WATER OR SEWER  
19 FACILITIES ARE LOCATED. The Commission shall then determine in the manner  
20 above prescribed the amount which it deems necessary to be raised during the ensuing  
21 year for the payment of interest on outstanding bonds and principal of all serial bonds  
22 maturing in the year, and after deducting all amounts in hand, or in contemplation,  
23 applicable to payments of the principal of and interest on the bonds as hereinbefore  
24 and hereinafter in the chapter provided, it shall determine the number of cents per  
25 one hundred dollars (\$100.00) necessary to raise the amount [for each such sanitary  
26 district] NEEDED and shall certify same to the Board of County Commissioners at  
27 least sixty (60) days before July 1 of each year. The County Commissioners in their  
28 next annual levy shall levy the tax on all land and improvements and all other  
29 property assessed for county tax purposes within the [respective sanitary district,]  
30 SANITARY DISTRICTS IN WHICH PUBLIC WATER OR SEWER FACILITIES ARE  
31 LOCATED, which tax shall be levied and collected and have the same priority rights,  
32 bear the same interest and penalties and in every respect be treated the same as  
33 county taxes. The tax so levied for the ensuing year shall be collected by the tax  
34 collecting authorities, and every one hundred twenty (120) days they shall remit the  
35 whole amount of the tax so collected to the Commission. From the money so received,  
36 together with the amount in hand to the credit of fund or funds for the payment of the  
37 principal of and interest on the bonds, the Commission shall first pay all of the  
38 principal of and interest on the bonds as it becomes due and shall then deposit the  
39 residue of the moneys in some bank or banks in the county to the joint credit of the  
40 County Commissioners and the Commission. The Commission is authorized to pay the  
41 interest on any bonds it may issue out of the proceeds of the sale of the bonds, but not  
42 more than two (2) years' interest may be expended. Nothing contained in this section  
43 or in this chapter shall be construed as in any manner relieving the County  
44 Commissioners of St. Mary's County of its unconditional pledge of its full faith and

1 credit and unlimited taxing power to the payment of principal of and interest on any  
2 bonds issued by the Commission pursuant to Section 161.

3 113-8.

4 Whenever the studies and plans for water supply or sewerage systems for any  
5 sanitary district shall have been completed and the Commission shall have decided,  
6 after opportunity for a hearing has been given, to proceed with the construction  
7 thereof, it shall advertise, by notice in one (1) newspaper published in St. Mary's  
8 County and such newspapers and technical press as it may deem proper, for bids for  
9 the construction of said system or systems, in part or as a whole, as in its judgment  
10 may appear advisable. The contract shall be let to the lowest responsible bidder or the  
11 Commission may reject any and all bids, and if, in its discretion, the prices quoted are  
12 unreasonable or unbalanced, it may readvertise the work or any part of it, or may do  
13 **OR CAUSE TO BE DONE** any part or all of the work by [day labor,] **THE**  
14 **COMPETITIVE PROCUREMENT OF GOODS, MATERIALS, OR SERVICES** [provided  
15 that at any time the]. **THE** Commission [may, in its discretion,] **MAY NOT** expend [for  
16 day labor for construction work] **ON THE GOODS, MATERIALS, OR SERVICES** an  
17 amount and exceeding [five] **TEN** thousand dollars [(\$5,000.00)] **(\$10,000)** without  
18 having procured those goods, materials, or services by advertising or receiving  
19 **COMPETITIVE** bids. All such contracts shall be protected by such bonds, penalties and  
20 conditions as the Commission may require, all of which shall be enforced in any court  
21 having jurisdiction.

22 113-12.

23 A. (1) In this section, the following words have the meanings indicated.

24 (2) **CAPITAL CONTRIBUTION CHARGE** means an amount based on  
25 capital costs that is imposed and collected on a new EDU connection to a water supply  
26 or sewerage system under this Chapter.

27 (3) **CONNECTION CHARGE** means a [capital contribution charge]  
28 **CAPITAL CONTRIBUTION CHARGE** or connection fee.

29 (4) **CONNECTION FEE** means an amount based on the cost of  
30 connection that is imposed on a new connection to a water supply or sewerage system  
31 under this Chapter.

32 (5) **EDU** means an equivalent dwelling unit.

33 (6) **PUBLICATION** means notice to all persons having any interest in  
34 the property.

35 B. (1) For every new water or sewer connection made under this Chapter,  
36 the Commission [shall] **MAY** impose and collect a reasonable connection fee, that is  
37 not less than the actual cost of connection.

1           (2) The connection fee shall be uniform throughout a designated  
2 service area for connections of those sizes and classes for which average costs  
3 reasonably may be ascertainable, and for all other connections, the connection fee  
4 shall be an amount not less than the actual cost of the connection.

5           (3) The Commission may revise the connection fee annually.

6           (4) Connection fees collected by the Commission shall be applied to  
7 paying the actual cost of the connections.

8           (5) The connection fee shall be due and payable to the Commission at  
9 the time the property owner makes an application or is otherwise required to connect  
10 to a water main or sewer.

11           (6) If the property owner fails to make the connection by the time  
12 required by the Commission as set forth in § 113–10 of this Chapter, the connection  
13 fee shall become due and payable on the connection deadline date, shall be assessed  
14 immediately, and shall be subject to the rules of collection provided in subsection D of  
15 this section.

16           C. (1) In addition to the connection fee, the commission shall impose and  
17 collect a [capital contribution charge] **CAPITAL CONTRIBUTION CHARGE** for each  
18 new EDU connected to a water supply or sewerage system under this Chapter.

19           (2) The [capital contribution charges] **CAPITAL CONTRIBUTION**  
20 **CHARGES** collected shall be used by the Commission to pay:

21           (A) The capital costs of construction new water supply or sewer  
22 collection systems, to the extent that the projects are identified in the Commission's  
23 six-year capital improvement plan;

24           (B) The capital cost of central treatment facility capacity  
25 expansion, as the projects are identified in the Commission's six-year capital  
26 improvement plan;

27           (C) Existing bonds issued as of October 1, 2007, to fund the costs  
28 of central treatment facility capacity expansions, but limited to that portion of existing  
29 debt corresponding to any unallocated capacity that exists on October 1, 2007; and

30           (D) Existing bonds issued as of October 1, 2007, to fund the costs  
31 of constructing water supply or sewer collection systems, but limited that portion of  
32 existing debt corresponding to any unallocated capacity that exists on October 1, 2007.

33           (3) (A) The [capital contribution charge] **CAPITAL**  
34 **CONTRIBUTION CHARGE** shall be assessed on a per EDU basis and shall be a  
35 uniform charge assessed equally to **PROPERTIES OF SIMILAR CLASSIFICATION**



1 THROUGHOUT all sanitary districts. THERE SHALL BE A UNIFORM RATE  
2 APPLICABLE TO RESIDENTIAL PROPERTIES AND A UNIFORM RATE APPLICABLE  
3 TO COMMERCIAL PROPERTIES.

4 (B) The Commission may revise the [capital contribution  
5 charge] CAPITAL CONTRIBUTION CHARGE annually.

6 (C) The [capital contribution charge] CAPITAL  
7 CONTRIBUTION CHARGE shall be due and payable to the Commission at the time a  
8 property owner makes an application or otherwise is required to connect to a water  
9 main or sewer.

10 (D) If the property owner fails to make the connection by the  
11 date required by the Commission as set forth in § 113-10 of this Chapter, the [capital  
12 contribution charge] CAPITAL CONTRIBUTION CHARGE shall:

13 (I) Become due and payable on the connection deadline  
14 date;

15 (II) Be assessed immediately; and

16 (III) Be subject to the same rules of collection provided in  
17 subsection D of this section.

18 (4) For purposes of determining the [capital contribution charge]  
19 CAPITAL CONTRIBUTION CHARGE, the capital costs referred to in paragraphs (2)(A)  
20 and (B) of this subsection shall include the principal of, interest on, and any  
21 redemption premium or other costs with respect to any bonds of the Commission  
22 issued after October 1, 2007.

23 (5) (A) When bonds have not been issued at the time the [capital  
24 contribution charge] CAPITAL CONTRIBUTION CHARGE is calculated, the  
25 Commission may, in calculating the [capital contribution charge] CAPITAL  
26 CONTRIBUTION CHARGE, establish a schedule for the principal of, interest on, and  
27 other costs of bonds the Commission plans to issue.

28 (B) The schedule and related [capital contribution charge]  
29 CAPITAL CONTRIBUTION CHARGE provided in subparagraph (A) of this paragraph  
30 may be adjusted by the Commission when planned future bonds are issued.

31 D. (1) The connection charges set forth in subsections B. and C. of this  
32 section shall be payable at the Office of the Commission at a time that is determined  
33 by the Commission.

34 (2) If any connection charges remain unpaid for a period of thirty (30)  
35 days after the payment is due, in addition to any other charges, the Commission may

1 impose a late charge not to exceed one and one-half (1 1/2) percent per month until all  
2 delinquent charges are paid.

3 (3) If all or any part of a connection charge remains unpaid after  
4 thirty (30) days after the due date of payment, the entire unpaid connection charge  
5 shall be overdue and in default, at which time the Commission may proceed to enforce  
6 payment.

7 (4) Any statute of limitations to the contrary notwithstanding, and  
8 subject only to prior State and County taxes, the connection charge shall be a first lien  
9 on the property against which it is assessed until paid.

10 (5) For purposes of collection:

11 (A) The connection charges shall be treated as County taxes and  
12 be advertised in the same manner as and with County taxes;

13 (B) All property subject to the connection charges shall be sold  
14 for the connection charges at the same time and in the same manner as the properties  
15 are sold for County taxes; and

16 (C) Applicable laws relating to the collection of County taxes  
17 shall relate to the collection of the connection charges.

18 (6) Property redeemed from a County tax sale and property sold by the  
19 County Commissioners after a final tax sale may not be redeemed or sold until the  
20 connection charges due on it are paid.

21 (7) To give notice to the general public of existing liens and charges  
22 against any property within any sanitary district abutting on any water or sewer  
23 main, the Commission shall keep a public record of all names of owners of property,  
24 locations of the property, lot numbers when of record, and the amount of the  
25 connection charges or other charges that may become liens.

26 (8) The records shall be kept in the land records of St. Mary's County,  
27 and the Clerk of the Circuit Court for the County shall furnish space necessary to keep  
28 and preserve the records, that, when recorded in the public record, are legal notice of  
29 all existing liens within any sanitary district.

30 (9) If any liens, connection charges, or other charges remain unpaid  
31 for thirty (30) days after becoming overdue, they may be collected by an action to  
32 enforce the liens, and any judgment or decree obtained shall have the force and effect  
33 of a judgment in persona.

34 (10) The Commission may file an action to enforce the liens against the  
35 owner of record at the time the levy was made, or the owner of record at the time the  
36 suit is filed, or any owner of record between these dates.

1       E. [(1)] For property owners who elect to defer connection under section  
2 113-10B of this Chapter, the connection charges described in this section shall include  
3 an additional cost reflecting the delay in connection.

4               [(2) The connection fee and the capital contribution charge are due  
5 when the property owner applies, or as otherwise required, to connect to a water main  
6 or sewer.

7               (3) For new development, the applicable charges will become due at  
8 the same time the public works agreement becomes executed.]

9 113-14.

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

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

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

1 connected to the system, then a reasonable flat rate, as determined by the  
2 Commission, shall be charged to all properties in which meters have not been  
3 installed. This rate shall be uniform within a sanitary district.

4 113-16.

5 B. From and after payment to the proper parties of the agreed purchase  
6 price, or other amounts found to be due by the Commission, the Commission may take  
7 possession of, maintain and operate the system, whether private or municipal, as part  
8 of its general system. From the date of the payment, all properties along the line of  
9 any water main or sewer of the system as acquired shall stand in the same relation,  
10 bear the same [benefit assessment] **SYSTEM IMPROVEMENT CHARGE** and be subject  
11 to the same regulations and penalties as though the system so acquired had been  
12 constructed and put into operation by the Commission under the provisions of this  
13 chapter. However, a building or premises actually connected in an adequate manner  
14 with the acquired system at the time of its purchase may not be required to pay any  
15 connection charge.

16 113-19.

17 A. Any employee or agent of the Commission shall have the right of entry, at  
18 all reasonable hours, upon any private premises and into any building in any sanitary  
19 district while in pursuit of his official duties, upon first presenting proper credentials  
20 from the Commission.

21 **B. WHILE IN PURSUIT OF OFFICIAL DUTIES, ANY EMPLOYEE OR AGENT**  
22 **OF THE COMMISSION SHALL HAVE A RIGHT OF ENTRY INCLUDING REASONABLE**  
23 **VEHICULAR INGRESS TO AND EGRESS FROM DESIGNATED EASEMENTS AT ANY**  
24 **COMMISSION PUMPING STATION, ELEVATED WATER STORAGE TANK, WELL, OR**  
25 **OTHER RELATED OR APPURTENANT EQUIPMENT.**

26 C. Any restraint or hindrance offered to the entry, **ACCESS, INGRESS, OR**  
27 **EGRESS** by any owner or tenant **OF ANY AFFECTED PROPERTY**, or agent of the  
28 owner or tenant, or any other person is a misdemeanor punishable under Section 176.

29 113-22.

30 Any land owned by a church and constituting the premises occupied by a church  
31 or its parsonage and used exclusively for public worship or for other religious or  
32 customary purposes of a church or parsonage and not for investment, gain or other  
33 secular purposes shall be exempt from the [benefit assessments] **EQUIVALENT OF**  
34 **THREE (3) EDUS OF SYSTEM IMPROVEMENT CHARGES** provided for by this  
35 chapter [in respect of a frontage of not exceeding one hundred fifty (150) feet]. The  
36 Commission, in its discretion to be exercised in each individual case, may grant or  
37 withhold a further exemption [of the land so owned and used in respect of any  
38 frontage thereof in excess of one hundred fifty (150) feet hereinbefore provided for].

1 113-26.

2 For any services rendered by the Commission to sanitary districts in which it  
3 neither owns nor operates a water or sewerage system at the request of or with the  
4 approval of the County Commissioners, the Commission shall render a bill to the  
5 County Commissioners for the cost of the services. For any other services rendered by  
6 the Commission to the County at the request of or with the approval of the County  
7 Commissioners, the Commission shall render a bill to the County Commissioners for  
8 the cost of the services, less one-tenth (1/10) of those costs for each sanitary district in  
9 which the Commission owns and operates a water or sewerage system. The County  
10 Commissioners shall make provision for the payment of those bills [by the Treasurer  
11 of St. Mary's County] upon proper verification of the costs incurred.

12 113-27.

13 B. Nothing contained in any amendment to this chapter effective June 1,  
14 1976, shall be construed as impairing the validity of any proceedings or action taken  
15 under the provisions of this chapter prior to that date. All such proceedings taken  
16 under this chapter, including without limitation the creation and enlargement of any  
17 sanitary districts and the establishment and imposition of [benefit assessments]  
18 **SYSTEM IMPROVEMENT CHARGES** and charges (whether pursuant to this chapter  
19 alone or pursuant to Article 43 of the Annotated Code of Maryland as authorized by §  
20 427A of Article 43) are ratified, validated and confirmed. The authorization, sale and  
21 issuance of all bonds and bond anticipation notes issued prior to that date by the St.  
22 Mary's County Metropolitan Commission are ratified and confirmed, and all such  
23 bonds and bond anticipation notes are validated as being validly authorized, sold and  
24 issued.

25 C. The determination and imposition of [benefit assessments] **SYSTEM**  
26 **IMPROVEMENT CHARGES** and other charges by the St. Mary's County Metropolitan  
27 Commission since its creation are expressly ratified, validated and confirmed,  
28 including without limitation those schedules of [benefit assessments] **SYSTEM**  
29 **IMPROVEMENT CHARGES** and charges determined, imposed and placed in effect on  
30 the following dates:

31 (1) Mattapany Sanitary District: January 9, 1969; October 1, 1970;  
32 July 1, 1971.

33 (2) Pine Hill Run Sanitary District No. 8: October 1, 1973; July 1,  
34 1975.

35 (3) Leonardtown Sanitary District No. 3: July 1, 1975.

36 (4) Indian Creek Sanitary District No. 10: July 1, 1975.

37 (5) Luckland Run Sanitary District No. 1: January 1, 1976.

1 113-29.

2 A. (1) In this section, the following words have the meanings indicated:

3 (2) EDU means an equivalent dwelling unit.

4 (3) PUBLICATION means notice to all persons having any interest in  
5 the property.

6 ~~B. (1) For every property, whether improved or unimproved, binding on a~~  
7 ~~street, road, lane, alley, right-of-way or easement [in which a Commission water~~  
8 ~~distribution system or sewerage system has been built,] **FOR WHICH AN EDU HAS**~~  
9 ~~**BEEN ALLOCATED BY THE ST. MARY'S COUNTY OFFICE OF LAND USE AND**~~  
10 ~~**GROWTH MANAGEMENT,** the Commission shall impose and collect a per EDU~~  
11 ~~system improvement charge [for every EDU allocated by the St. Mary's County Office~~  
12 ~~of Land Use and Growth Management] **AT THE SAME TIME THE EDU IS**~~  
13 ~~**ALLOCATED.**~~

14 B. (1) For every property, whether improved or unimproved, [binding on  
15 a street, road, lane, alley, right-of-way or easement in which a Commission water  
16 distribution system or sewerage system has been built,] **TO WHICH AN EDU HAS**  
17 **BEEN ALLOCATED FOR PUBLIC WATER OR SEWER SERVICE BY THE ST. MARY'S**  
18 **COUNTY OFFICE OF LAND USE AND GROWTH MANAGEMENT,** the Commission  
19 shall impose and collect **ON a per EDU BASIS, A [system improvement charge]**  
20 **SYSTEM IMPROVEMENT CHARGE** [for every EDU allocated by the St. Mary's County  
21 Office of Land Use and Growth Management].

22 (2) System [improvement charges] **IMPROVEMENT CHARGES** shall:

23 (A) Be assessed and payable on a monthly basis; and

24 (B) Be uniform and apply to every EDU equally.

25 (3) System [improvement charges] **IMPROVEMENT CHARGES** shall  
26 be used by the Commission to pay the costs associated with:

27 (A) The capital costs of central treatment facility performance  
28 upgrades, if the projects are identified in the Commission's six-year capital  
29 improvement plan;

30 (B) The capital costs of the repair and replacement of existing  
31 water supply and/or sewer collection systems, if the projects are identified in the  
32 Commission's six-year capital improvement plan; and

1           (C) That portion of existing bonds, as of October 1, 2007, that  
2 was issued to fund the costs of repair, replacement and, where appropriate,  
3 construction of existing water supply or sewer collection systems and bonds issued to  
4 fund the costs of capital treatment facility capacity allocated to existing system users  
5 as of October 1, 2007.

6           (4) In determining the [system improvement charge] **SYSTEM**  
7 **IMPROVEMENT CHARGE**, the capital costs referred to in subsection B.(3) of this  
8 section shall include the principal of, interest on, and any redemption premium or  
9 other costs with respect to any bonds of the Commission issued after October 1, 2007.

10           (5) (A) When bonds have not been issued at the time the [capital  
11 contribution charge] **SYSTEM IMPROVEMENT CHARGE** is calculated, in calculating  
12 the [capital contribution charge] **SYSTEM IMPROVEMENT CHARGE**, the Commission  
13 may establish a schedule for the principal of, interest on, and other costs of bonds the  
14 Commission plans to issue in accordance with paragraph (4) of subsection H. of this  
15 section.

16           (B) The Commission may adjust the schedule and related  
17 [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** provided in  
18 subparagraph (A) of this paragraph when planned future bonds are issued.

19           C. (1) When collected, the [system improvement charge] **SYSTEM**  
20 **IMPROVEMENT CHARGES** shall be placed, by the Commission, into an  
21 interest-bearing account containing all of the [system improvement charge] **SYSTEM**  
22 **IMPROVEMENT CHARGES** collected, notwithstanding the sanitary district from  
23 which the [charge] **CHARGE** was collected.

24           (2) The [system improvement charges] **SYSTEM**  
25 **IMPROVEMENT CHARGES**, together with any interest accrued on the charges, shall  
26 remain in the general account, to be assessed and used by the Commission on an  
27 as-needed basis to fund the costs of any extensive system repair and replacement and  
28 central facility upgrade, as described in subsection B. of this section, in any sanitary  
29 district within which a system repair or replacement may be needed.

30           D. (1) When the Commission determines the appropriate [system  
31 improvement charge] **SYSTEM IMPROVEMENT CHARGE** for a given property, the  
32 Commission shall classify each property into one (1) of the following seven (7) classes:

33           (A) Agricultural;

34           (B) Small acreage;

35           (C) Industrial or business;

36           (D) Subdivision residential;

1                   (E)    Multi-unit residential;

2                   (F)    Multi-unit business; or

3                   (G)    Institutional.

4                   (2)    The Commission may subdivide each of the classes in any manner  
5 it considers to be in the public interest.

6                   (3)    Immediately after an [ESU] EDU is allocated for water or sewer  
7 service, the Commission shall initiate collection of the [system improvement charge]  
8 **SYSTEM IMPROVEMENT CHARGE** in accordance with the property classification.

9                   (4)    The Commission shall notify, in writing, all owners of the  
10 properties as to:

11                   (A)    Under which class their respective properties fall;

12                   (B)    The amount of the [system improvement charge] **SYSTEM**  
13 **IMPROVEMENT CHARGE** imposed on the property; and

14                   (C)    A time and place for a public hearing on the classification.

15                   (5)    The notice shall:

16                   (A)    Be mailed to the last known address of the owner;

17                   (B)    Be served in person on any adult occupying the premises; or

18                   (C)    In the case of vacant or unimproved property, be posted on  
19 the premises.

20                   (6)    The classification of any property made by the Commission is final,  
21 and may only be changed:

22                   (A)    At the public hearing held in accordance with this  
23 subsection; or

24                   (B)    If the use of the property changes.

25                   (7)    The [system improvement charge] **SYSTEM IMPROVEMENT**  
26 **CHARGE** shall be imposed for both water supply and sewerage facilities, whether  
27 constructed, purchased, established or otherwise acquired, and shall be [assesses]  
28 **ASSESSED** as a uniform per [ESU] EDU charge for each class of property.



1           E. (1) Whenever, through error, inadvertence or oversight or by reason of  
2 any judgment or decree, any property subject to a [system improvement charge]  
3 **SYSTEM IMPROVEMENT CHARGE** under this chapter has not had the [system  
4 improvement charge] **SYSTEM IMPROVEMENT CHARGE** imposed against it, or  
5 where it has been imposed by an erroneous description or in the wrong name, or where  
6 service on the owner has not be had, or where it has been set aside by judgment or  
7 decree, the Commission, on the discovery of the error, inadvertence or oversight, or  
8 within a reasonable time after the rendition of the judgment or decree, the  
9 Commission, may impose and collect the [system improvement charge] **SYSTEM**  
10 **IMPROVEMENT CHARGE** at the uniform rate and in the applicable property  
11 classification.

12           (2) The subsection applies to all errors, omissions, or mistakes made  
13 previously by the Commission or to any judgment or decree rendered previously.

14           (3) Appropriate adjustments for any payments shall be made in  
15 respect to that property.

16           F. (1) When there is more than one (1) contiguous lot in the same block  
17 under one (1) ownership appurtenant to a single residence, the Commission shall  
18 impose the [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** based  
19 on the number of EDU's assigned to each property in accordance with all applicable  
20 zoning and land use regulations.

21           (2) (A) Land classified as agricultural by the Commission, when in  
22 actual use for farming or trucking purposes, may not be subject to the [system  
23 improvement charge] **SYSTEM IMPROVEMENT CHARGE** when the agricultural land  
24 has constructed through it or in front of it a sewer or water main, **IF** a water or sewer  
25 connection is **NOT** made.

26           (B) When a water or sewer connection is made and is for every  
27 EDU connected the land shall become subjected to the [system improvement charge]  
28 **SYSTEM IMPROVEMENT CHARGE.**

29           (3) Public parks or playgrounds owned by a municipal corporation and  
30 any property or building owned by either a regularly organized volunteer fire  
31 department or a volunteer rescue squad are exempt from the imposition of a [system  
32 improvement charge] **SYSTEM IMPROVEMENT CHARGE** while used for public  
33 purposes.

34           (4) If property in the sanitary district is, at the time of construction of  
35 a Commission water line or sanitary sewer line, connected to a public water system or  
36 public sewer system operated either by a municipal corporation or by a water or sewer  
37 company subject to the requirements of the State Department of Health and Mental  
38 Hygiene, or if following construction of the Commission line the property is connected  
39 to the other specified public system in accordance with the Commission, the property

1 is exempt from the imposition and collection of a [system improvement charge]  
2 **SYSTEM IMPROVEMENT CHARGE** until it is served by or connected to the  
3 Commission's water supply or sanitary sewerage system, as the case may be.

4 (5) When a property that has been exempted from a system  
5 improvement charge under this subsection is no longer exempted from the charge, the  
6 property shall be classified in its then current class and become subject to the system  
7 improvement charge.

8 G. (1) Except as otherwise provided, [system improvement charges]  
9 **SYSTEM IMPROVEMENT CHARGES** for water supply and sewer construction and  
10 acquisition shall be uniform for each EDU within each class of property throughout  
11 the County for any one (1) year.

12 (2) The Commission shall determine the amount of the [system  
13 improvement charge] **SYSTEM IMPROVEMENT CHARGE** per EDU within each class  
14 of property for both water and sewer service as costs and conditions require, but a  
15 [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** for any class of  
16 property for any given year once levied by the Commission may not be increased.

17 H. (1) The rate of the [system improvement charge] **SYSTEM**  
18 **IMPROVEMENT CHARGE** shall be based on the Commission's six-year capital  
19 improvement plan, as revised annually.

20 (2) The capital improvement plan shall identify those capital projects  
21 which will be undertaken by the Commission during the most immediate six-year  
22 period, including any comprehensive improvement or replacement of existing water or  
23 wastewater systems and central treatment and processing facility expansions and  
24 upgrades.

25 (3) To calculate the [system improvement charge] **SYSTEM**  
26 **IMPROVEMENT CHARGE**, the total of all debt service on bonds and the total of  
27 amortized costs of all projects in the capital improvement budget for the given year,  
28 both totals excluding any costs included in the capital improvement charge under §  
29 113-12 of this Chapter, shall be combined and divided by the total of the number of  
30 allocated EDUs and the number of EDUs expected to be allocated by the St. Mary's  
31 Office of Land Use and Growth Management for a given year.

32 (4) Where amortized costs are included in the calculation of the  
33 charge, the Commission shall establish the period of amortization and the interest  
34 rate.

35 (5) The [system improvement charge] **SYSTEM IMPROVEMENT**  
36 **CHARGE** may not be revised more than once each year, together with the annual  
37 revision to the capital improvement plan.

1           I.    (1)   (A)   In this subsection the following words have the meaning  
2 indicated:

3                           (B)   DWELLING means a principal residence of a homeowner  
4 and includes the lot on which the house is situated.

5                           (C)   HOMEOWNER means a person who:

6                                   (I)   Resides in a dwelling; and

7                                   (II)   Has an ownership interest in the dwelling, including a  
8 life estate, joint tenancy, tenancy in common, tenancy by the entirety, or fee simple  
9 interest.

10                           (D)   PRINCIPAL RESIDENCE means a house that is occupied  
11 by a homeowner:

12                                   (I)   For more [that] THAN six (6) months of a consecutive  
13 12-month period that includes the date of application for a deferral of a [capital  
14 contribution charge] **SYSTEM IMPROVEMENT CHARGE**; or

15                                   (II)   For less than six (6) months of a consecutive  
16 12-month period that includes the date of application for a deferral of a [capital  
17 contribution charge] **SYSTEM IMPROVEMENT CHARGE** due to illness or the need of  
18 special care, if the homeowner is otherwise qualified under the provisions of this  
19 subsection.

20                           (2)   The Commission may establish financial criteria to determine the  
21 eligibility of a homeowner whose dwelling is subject to a [system improvement charge]  
22 **SYSTEM IMPROVEMENT CHARGE** under this section for a deferral of the monthly  
23 payment of that charge.

24                           (3)   The Commission may defer the monthly payment of a [system  
25 improvement charge] **SYSTEM IMPROVEMENT CHARGE** on the dwelling of a  
26 homeowner who:

27                                   (A)   Files an application with the Commission; and

28                                   (B)   Meets the financial eligibility criteria that the Commission  
29 establishes.

30                           (4)   A homeowner who applies for a deferral or payment of a monthly  
31 [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** levied on a  
32 dwelling shall submit to the Commission an application of the form that the  
33 Commission provides.

34                           (5)   A homeowner may apply for deferral on only one (1) dwelling.

1           (6) A homeowner who applies for deferral of payment of a [system  
2 improvement charge] **SYSTEM IMPROVEMENT CHARGE** shall apply at the time of  
3 payment of monthly service charges.

4           (7) Subject to paragraph (3) of this subsection, the Commission shall  
5 terminate the deferral of payment of a monthly [system improvement charge]  
6 **SYSTEM IMPROVEMENT CHARGE** if a homeowner dies, sells, or alienates the  
7 dwelling subject to the deferral.

8           (8) The Commission may defer the monthly payment of a [system  
9 improvement charge] **SYSTEM IMPROVEMENT CHARGE** by an unmarried, surviving  
10 spouse on the death of a homeowner or the unmarried, former spouse on the divorce of  
11 a homeowner if the succeeding spouse qualifies under the provisions of paragraph (3)  
12 of this subsection.

13           (9) When the Commission terminates the deferral of payment of a  
14 monthly [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** under the  
15 provisions of paragraph (7) of this subsection:

16                   (A) All deferred charges, with interest calculated on the  
17 cumulative annual payments for the deferral period, shall become [use] **DUE** and  
18 payable immediately; and

19                   (B) The annual levy of [system improvement charge] **SYSTEM**  
20 **IMPROVEMENT CHARGES** shall resume.

21           (10) (A) A deferred [system improvement charge] **SYSTEM**  
22 **IMPROVEMENT CHARGE** that is due and payable on termination of a deferral by the  
23 Commission is a lien against the dwelling in accordance with subsection L. of this  
24 section.

25                   (B) After the Commission terminates the deferral of payment of  
26 a [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** under paragraph  
27 (7) of this subsection, the provisions of this subsection do not impair in any way the  
28 ability of the Commission to collect [a system improvement charge] **A SYSTEM**  
29 **IMPROVEMENT CHARGE** that is overdue and in default from a homeowner in  
30 accordance with subsection L. of this section.

31           (11) The Commission may require a homeowner who qualifies for  
32 deferral under this section to requalify at times and under circumstances that the  
33 Commission determines are reasonable and necessary.

34           (12) (A) The Commission may only implement the provisions of this  
35 subsection by adoption of a resolution of the Commission.

1                   (B) The Commission shall hold a public hearing at least ten (10)  
2 days prior to any action on the proposed resolution under this paragraph.

3                   (C) The Commission shall publish notice of the public hearing,  
4 together with a synopsis of the proposed resolution, in at least one (1) newspaper of  
5 general circulation in St. Mary's County once each week for two (2) successive weeks  
6 prior to the public hearing.

7           J. (1) On the allocation of an EDU, the Commission may permit a  
8 connection with a water main or sewer by a property owner whose property does not  
9 abut on the water main or sewer and who has not previously paid a [system  
10 improvement charge] **SYSTEM IMPROVEMENT CHARGE** for the construction of the  
11 water main or sewer.

12                   (2) If the Commission permits a connection with a water main or  
13 sewer under this subsection, the Commission shall classify the property and determine  
14 the [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** to be paid by  
15 the property owner.

16                   (3) If a connection is made under this subsection, the property owner  
17 and property, for all charges, rates and benefits, shall stand in every respect in the  
18 same position as if the property abutted on a water main or sewer.

19           K. (1) When an applicant applies for water or sewer lines in an area in  
20 which the Commission determines that it is economically not feasible to serve unless  
21 the applicant makes a substantial contribution to the cost of construction of the water  
22 and sewer lines, including the cost of connecting them with the Commission's system,  
23 the Commission may classify the applicant's property, together with other adjacent or  
24 adjoining properties that could be readily served from the construction required by the  
25 applicant, as a "remote area."

26                   (2) If the Commission approves an application for water and sewer  
27 lines and the applicant makes a contribution to the cost of construction in accordance  
28 with this subsection, the Commission may construct the water or sewer lines required  
29 by the applicant.

30                   (3) If the Commission constructs the water or sewer lines, it shall  
31 impose a [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** in  
32 accordance with this section.

33           L. When the Commission improves a water system or sanitary sewerage  
34 system by replacing, augmenting, ungrading, or expanding it in order to provide  
35 increased or improved water or sewer service and the necessity for the improvement  
36 arises from changes, whether individually or cumulatively, in use or zoning category of  
37 the property, those properties shall derive a benefit from the improved facility and the  
38 Commission shall impose [system improvement charges] **A SYSTEM IMPROVEMENT**

1 CHARGE on the benefited property for the construction as part of the water or sewer  
2 system services.

3 M. (1) The [system improvement charge] **SYSTEM IMPROVEMENT**  
4 **CHARGE** shall be payable at the Office of the Commission at a time that the  
5 Commission determines.

6 (2) If any charges remain unpaid for a period of thirty (30) days after  
7 the payment is due, in addition to any other charges, the Commission may impose a  
8 late charge not to exceed one and one-half (1 1/2) percent per month until all  
9 delinquent charges are paid.

10 (3) The entire unpaid [system improvement charge] **SYSTEM**  
11 **IMPROVEMENT CHARGE** shall be overdue and in default after thirty (30) days after  
12 the payment is due for all or any part of the system improvement charge required by  
13 the Commission, at which time the Commission may proceed to enforce payment.

14 (4) Any statute of limitations to the contrary notwithstanding and  
15 subject only to prior State and County taxes, the system improvement charge shall be  
16 a first lien on the property against which it is assessed until paid.

17 (5) For purposes of collection:

18 (A) The [system improvement charge] **SYSTEM IMPROVEMENT**  
19 **CHARGE** shall be treated as County taxes and be advertised in the same manner as  
20 and with County taxes;

21 (B) All property subject to the [system improvement charges]  
22 **SYSTEM IMPROVEMENT CHARGE** shall be sold for system improvement charges at  
23 the same time and in the same manner as the properties are sold for County taxes;  
24 and

25 (C) Applicable laws relating to the collection of County taxes  
26 shall relate to the collection of the system improvement charges.

27 (6) Property redeemed from a County tax sale and property sold by the  
28 County Commissioners after a final tax sale may not be redeemed or sold until the  
29 [system improvement charges] **SYSTEM IMPROVEMENT CHARGES** are paid.

30 (7) To give notice to the general public of existing liens and charges  
31 against any property within any sanitary district abutting on any water or sewer  
32 main, the Commission shall keep a public record of all names of owners or property,  
33 locations of the property, lot numbers when of record, and the amount of the [system  
34 improvement charges] **SYSTEM IMPROVEMENT CHARGE**, water service charges, or  
35 that may become liens.

1           [(8) The records shall be kept in the Land Records of St. Mary's  
2 County, and the Clerk of the Circuit Court for the County shall furnish space  
3 necessary to keep and preserve the records, which, when recorded in the public record,  
4 is legal notice of all existing liens within any sanitary district.]

5           [(9) (8) If any liens, [system improvement charges] **SYSTEM**  
6 **IMPROVEMENT CHARGES** or other charges remain unpaid for thirty (30) days after  
7 becoming overdue, they may be collected by an action to enforce the liens, and any  
8 judgment or decree obtained shall have the force and effect of a judgment in personam.

9           [(10) (9) The Commission may file an action to enforce the liens  
10 against the owner of record at the time the levy was made, or the owner of record at  
11 the time the suit is filed, or any owner of record between these dates.

12           N. (1) All [system improvement charges] **SYSTEM IMPROVEMENT**  
13 **CHARGES** collected by the Commission shall be set aside in a separate fund to be  
14 known and designated at the "Metropolitan District Account."

15           (2) In order to determine the amount which it considers necessary to  
16 be imposed under § 113-7 of this Chapter, the Commission shall deduct the amount it  
17 estimates that it will be able to collect from the [system improvement charges]  
18 **SYSTEM IMPROVEMENT CHARGES** and other charges previously imposed by it, but  
19 not yet paid and to be set aside for the interest and principal payments and the  
20 amount of funds then available for the purpose of paying the principal of and interest  
21 on outstanding bonds, from the whole amount necessary to be raised in any one (1)  
22 year for interest and principal payments on outstanding bonds.

23           (3) The balance then remaining to be raised shall be the amount to be  
24 certified to the County Commissioners of St. Mary's County for collection by taxation  
25 as provided by § 113-7 of this Chapter.

26           O. (1) If the State, County, or any municipal corporation, commission,  
27 board, or agency of the State or County acquires for public use property that is subject  
28 to a [system improvement charge] **SYSTEM IMPROVEMENT CHARGE** levied by the  
29 St. Mary's Metropolitan Commission, the [system improvement charge] **SYSTEM**  
30 **IMPROVEMENT CHARGE** shall **CONTINUE TO** be paid **IN PERPETUITY** [through the  
31 date of acquisition and extinguished thereafter].

32           (2) If ANY [the] property **SUBJECT TO A SYSTEM IMPROVEMENT**  
33 **CHARGE** is acquired as provided in this section without eminent domain proceedings,  
34 the [amount necessary to pay the system improvement charge] **SYSTEM**  
35 **IMPROVEMENT CHARGE SHALL CONTINUE TO BE PAID IN PERPETUITY** [through  
36 the date of acquisition shall be paid to the Commission before the deed evidencing the  
37 transfer may be recorded among the Land Records of St. Mary's County].

1           (3) If [the] ANY property SUBJECT TO A SYSTEM IMPROVEMENT  
 2 CHARGE is acquired through eminent domain proceedings, the Commission shall be  
 3 named a party to the proceeding IF NECESSARY, and THE FINAL ORDER SHALL  
 4 REQUIRE THAT THE SYSTEM IMPROVEMENT CHARGE BE PAID CURRENT  
 5 THROUGH THE DATE OF CONVEYANCE AND SHALL REQUIRE THE CONTINUED  
 6 PAYMENT OF THE SYSTEM IMPROVEMENT CHARGE IN PERPETUITY [the Jury  
 7 shall make a separate award in favor of the Commission for the sum required to pay  
 8 the system improvement charge through the date of acquisition].

9           (4) If, by oversight or mistake, the Commission is not named a party to  
 10 the eminent domain proceedings, [or if no separate award for the sum necessary to  
 11 pay the system improvement charge system improvement charge through the date of  
 12 conveyance,] the condemning authority shall pay to the Commission the amount  
 13 required to pay the [system improvement charge] SYSTEM IMPROVEMENT CHARGE  
 14 through the date of conveyance at the same time the condemning authority pays the  
 15 amount awarded to the property owner in the proceedings.

16           SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
 17           October 1, 2009.

Approved:

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Governor.

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Speaker of the House of Delegates.

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President of the Senate.