

Chapter 455

(House Bill 1109)

AN ACT concerning

Caroline County – Bay Restoration Fee – Lien Against Property

FOR the purpose of establishing in Caroline County that an unpaid Bay Restoration Fee is a lien against the property ~~on which~~ *served by* the wastewater facility, onsite sewage disposal system, or holding tank ~~is located~~; requiring a notice of lien to be recorded in the land records of Caroline County; and generally relating to the Bay Restoration Fee.

BY repealing and reenacting, with amendments,

Article – Environment

Section 9–1605.2(d)

Annotated Code of Maryland

(2007 Replacement Volume and 2009 Supplement)

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

Article – Environment

9–1605.2.

(d) (1) Subject to the approval of the Administration, a local government or a billing authority for a water or wastewater facility may establish a program to exempt from the requirements of this section a residential dwelling able to demonstrate substantial financial hardship as a result of the restoration fee.

(2) (i) Except as provided in subparagraph (ii) of this paragraph, the Bay Restoration Fee shall be collected by the local government or the billing authority for the water or wastewater facility, as appropriate, on behalf of the State.

(ii) For a wastewater facility without a billing authority, the Comptroller may collect the restoration fee from the facility owner.

(3) A local government, billing authority for a water or wastewater facility, or any other authorized collecting agency:

(i) May use all of its existing procedures and authority for collecting a water or sewer bill, an onsite sewage disposal system bill, or a holding tank bill in order to enforce the collection of the Bay Restoration Fee; and

(ii) Shall establish a segregated account for the deposit of funds collected under this section.

(4) (I) IN CAROLINE COUNTY, AN UNPAID BAY RESTORATION FEE SHALL BE A LIEN AGAINST THE PROPERTY ~~ON WHICH THE~~ SERVED BY A WASTEWATER FACILITY, ONSITE SEWAGE DISPOSAL SYSTEM, OR HOLDING TANK ~~IS LOCATED~~.

(II) A NOTICE OF LIEN SHALL BE RECORDED IN THE LAND RECORDS OF CAROLINE COUNTY.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2010.

Approved by the Governor, May 4, 2010.