

HOUSE BILL 1530

L2

EMERGENCY BILL

4lr3340

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

Introduced and read first time: March 3, 2014

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **St. Mary's County Metropolitan Commission – Collection of Unpaid Charges**

3 FOR the purpose of repealing provisions that require certain connection charges and a
4 certain system improvement charge of the St. Mary's County Metropolitan
5 Commission to be treated as County taxes for collection purposes; repealing
6 provisions that require property subject to a certain connection charge or a
7 certain system improvement charge to be sold at the same time and in the same
8 manner as properties are sold for County taxes under certain circumstances;
9 repealing provisions that prohibit certain property redeemed from a County tax
10 sale or sold after a final tax sale from being redeemed or sold until certain
11 connection charges due on it are paid; repealing a provision that requires a
12 certain unpaid water and sewer service bill to be collectible from the owner of
13 the property served in a certain manner; making this Act an emergency
14 measure; and generally relating to the collection of unpaid charges of the St.
15 Mary's County Metropolitan Commission.

16 BY repealing and reenacting, with amendments,
17 The Public Local Laws of St. Mary's County
18 Section 113–12 D., 113–14 G., and 113–29 M.
19 Article 19 – Public Local Laws of Maryland
20 (2007 Edition and February 2013 Supplement, as amended)

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

23 **Article 19 – St. Mary's County**

24 113–12.

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



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

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

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

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

15 **[(5)]** For purposes of collection:

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

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

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

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

26 **[(7)] (5)** To give notice to the general public of existing liens and
27 charges against any property within any sanitary district abutting on any water or
28 sewer main, the Commission shall keep a public record of all names of owners of
29 property, locations of the property, lot numbers when of record, and the amount of the
30 connection charges or other charges that may become liens.

31 **[(8)] (6)** The records shall be kept in the land records of St. Mary's
32 County, and the Clerk of the Circuit Court for the County shall furnish space
33 necessary to keep and preserve the records, that, when recorded in the public record,
34 are legal notice of all existing liens within any sanitary district.

35 **[(9)] (7)** If any liens, connection charges, or other charges remain
36 unpaid for thirty (30) days after becoming overdue, they may be collected by an action

1 to enforce the liens, and any judgment or decree obtained shall have the force and
2 effect of a judgment in personam.

3 [(10)] (8) The Commission may file an action to enforce the liens
4 against the owner of record at the time the levy was made, or the owner of record at
5 the time the suit is filed, or any owner of record between these dates.

6 113–14.

7 G. If any bill shall remain unpaid for thirty (30) days after the due date, [it
8 shall be collectible from the owner of the property served in the same manner as other
9 debts are collectible in the County. The] **THE** service charges and all penalties and late
10 charges shall be a first lien against the property, and the same procedures as set forth
11 in section 113–12.D. of this chapter shall be followed by the Commission in collecting
12 those debts.

13 113–29.

14 M. (1) The System Improvement Charge shall be payable at the Office of
15 the Commission at a time that the Commission determines.

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

20 (3) The entire unpaid System Improvement Charge shall be overdue
21 and in default after thirty (30) days after the payment is due for all or any part of the
22 System Improvement Charge required by the Commission, at which time the
23 Commission may proceed to enforce payment.

24 (4) Any statute of limitations to the contrary notwithstanding and
25 subject only to prior State and County taxes, the System Improvement Charge shall be
26 a first lien on the property against which it is assessed until paid.

27 [(5) For purposes of collection:

28 (A) The System Improvement Charge shall be treated as County
29 taxes and be advertised in the same manner as and with County taxes;

30 (B) All property subject to the System Improvement Charges
31 shall be sold for System Improvement Charges at the same time and in the same
32 manner as the properties are sold for County taxes; and

33 (C) Applicable laws relating to the collection of County taxes
34 shall relate to the collection of the System Improvement Charges.

1 (6) Property redeemed from a County tax sale and property sold by the
2 County Commissioners after a final tax sale may not be redeemed or sold until the
3 System Improvement Charges are paid.]

4 **[(7) (5)]** To give notice to the general public of existing liens and
5 charges against any property within any sanitary district abutting on any water or
6 sewer main, the Commission shall keep a public record of all names of owners or
7 property, locations of the property, lot numbers when of record, and the amount of the
8 System Improvement Charges, water service charges, or [charges] that may become
9 liens.

10 **[(8) (6)]** If any liens, System Improvement Charges or other charges
11 remain unpaid for thirty (30) days after becoming overdue, they may be collected by an
12 action to enforce the liens, and any judgment or decree obtained shall have the force
13 and effect of a judgment in personam.

14 **[(9) (7)]** The Commission may file an action to enforce the liens
15 against the owner of record at the time the levy was made, or the owner of record at
16 the time the suit is filed, or any owner of record between these dates.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act is an emergency
18 measure, is necessary for the immediate preservation of the public health or safety,
19 has been passed by a yea and nay vote supported by three-fifths of all the members
20 elected to each of the two Houses of the General Assembly, and shall take effect from
21 the date it is enacted.