

SENATE BILL 1051

M3

4lr3284
CF HB 1161

By: **Senator Mautz**

Introduced and read first time: February 2, 2024

Assigned to: Education, Energy, and the Environment

A BILL ENTITLED

1 AN ACT concerning

2 **Dorchester County – Sanitary Commission – Transfer of Powers to County**
3 **Council**

4 FOR the purpose of authorizing the Dorchester County Council to, by public local law,
5 abolish the Dorchester County Sanitary Commission, establish a department of
6 public facilities and services, and provide for the department's abilities and
7 functions, subject to certain requirements; transferring certain responsibilities from
8 the Dorchester County Sanitary Commission to the Dorchester County Council; and
9 generally relating to the dissolution of the Dorchester County Sanitary Commission.

10 BY repealing and reenacting, with amendments,

11 Article – Environment

12 Section 9–622(a)(1) and (c)(1), 9–649(c), 9–656(a), 9–657(i) and (j), 9–658(c), (g), and
13 (i), 9–662(n), 9–666.1, 9–674 through 9–679, and 9–1605.2(d)

14 Annotated Code of Maryland

15 (2014 Replacement Volume and 2023 Supplement)

16 BY adding to

17 Article – Environment

18 Section 9–629.1

19 Annotated Code of Maryland

20 (2014 Replacement Volume and 2023 Supplement)

21 BY repealing and reenacting, without amendments,

22 Article – Environment

23 Section 9–649(a) and (b), 9–658(a) and (b), 9–672, and 9–673

24 Annotated Code of Maryland

25 (2014 Replacement Volume and 2023 Supplement)

26 BY repealing

27 Article – Local Government

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 Section 12–104
 2 Annotated Code of Maryland
 3 (2013 Volume and 2023 Supplement)

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

6 **Article – Environment**

7 9–622.

8 (a) (1) The sanitary commission of each single county district consists of the
 9 following numbers of sanitary commissioners, each appointed by the governing body of the
 10 member county:

11 (i) Allegany County – 7;

12 (ii) [Dorchester County – 6;

13 (iii)] Somerset County, except as provided in paragraph (2) of this
 14 subsection – 5;

15 [(iv)] (III) Worcester County – 5; and

16 [(v)] (IV) Other counties – 3.

17 (c) (1) The term of a sanitary commissioner in a single county district is as
 18 follows:

19 (i) [In Dorchester County, 6 years expiring on July 1 of the
 20 appropriate year.

21 (ii)] In Allegany County, 6 years expiring on June 1 of the appropriate
 22 year.

23 [(iii)] (II) In Somerset County, 6 years expiring, as required by the
 24 terms of the sanitary commissioners on July 1, 1982, on June 1 or January 1 of the
 25 appropriate year.

26 [(iv)] (III) In any other county, 6 years expiring on January 1 of the
 27 appropriate year.

28 **9–629.1.**

29 (A) IN THIS SECTION, “DEPARTMENT” MEANS A DEPARTMENT OF PUBLIC
 30 FACILITIES AND SERVICES.

1 **(B) THIS SECTION APPLIES ONLY TO DORCHESTER COUNTY.**

2 **(C) NOTWITHSTANDING ANY OTHER PROVISION OF LAW, THE COUNTY**
3 **COUNCIL MAY EXERCISE A POWER UNDER THIS SECTION.**

4 **(D) THE COUNTY COUNCIL, BY PUBLIC LOCAL LAW, MAY:**

5 **(1) ESTABLISH A DEPARTMENT OF PUBLIC FACILITIES AND**
6 **SERVICES; AND**

7 **(2) PROVIDE FOR THE ORGANIZATION AND FUNCTIONS OF THE**
8 **DEPARTMENT.**

9 **(E) THE COUNTY COUNCIL MAY ASSIGN TO A DEPARTMENT:**

10 **(1) RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE, REPAIR,**
11 **SERVICE, AND MANAGEMENT OF:**

12 **(I) PUBLIC WORKS, PUBLIC BUILDINGS, PUBLICLY OWNED AND**
13 **PRIVATE WATER AND SEWERAGE FACILITIES AND PROJECTS, AND CAPITAL**
14 **PROJECTS;**

15 **(II) WATER SUPPLY FACILITIES AND PROJECTS;**

16 **(III) WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL**
17 **FACILITIES AND PROJECTS;**

18 **(IV) SOLID WASTE COLLECTION, RECYCLING, AND DISPOSAL**
19 **FACILITIES AND PROJECTS;**

20 **(V) STORM DRAINAGE, EROSION, AND SEDIMENT CONTROL**
21 **FACILITIES AND PROJECTS;**

22 **(VI) LIGHTING FOR ROADS, HIGHWAYS, ALLEYS, AND OTHER**
23 **PUBLIC PLACES; OR**

24 **(VII) MOSQUITO CONTROL FACILITIES AND PROGRAMS; AND**

25 **(2) ANY OTHER FUNCTION OR DUTY THAT IS NOT INCONSISTENT WITH**
26 **THIS SECTION.**

1 **(F) (1) SUBJECT TO PARAGRAPHS (3) AND (4) OF THIS SUBSECTION, IF**
2 **THE COUNTY COUNCIL ASSIGNS TO A DEPARTMENT THE RESPONSIBILITY FOR**
3 **WATER AND SEWERAGE FUNCTIONS, THE COUNTY COUNCIL SHALL ABOLISH BY**
4 **PUBLIC LOCAL LAW:**

5 **(I) ANY SANITARY DISTRICT OR COMMISSION ESTABLISHED**
6 **FOR THE COUNTY UNDER THIS SUBTITLE; AND**

7 **(II) ANY WATER OR SEWER AUTHORITY ESTABLISHED FOR THE**
8 **COUNTY UNDER SUBTITLE 9 OF THIS TITLE.**

9 **(2) BEFORE ABOLISHING A WATER OR SEWER AUTHORITY OR**
10 **SANITARY DISTRICT OR COMMISSION, THE COUNTY COUNCIL MAY REQUEST THAT**
11 **THE ENTITY PROVIDE TO THE COUNTY APPROPRIATE INFORMATION TO ASSIST THE**
12 **COUNTY COUNCIL IN COMPLYING WITH PARAGRAPH (3) OF THIS SUBSECTION.**

13 **(3) THE PUBLIC LOCAL LAW SHALL PROVIDE:**

14 **(I) FOR THE RETIRING, REFUNDING, REFINANCING,**
15 **TRANSFER, OR ASSUMPTION OF ANY APPLICABLE OUTSTANDING BONDS OF THE**
16 **ABOLISHED ENTITY;**

17 **(II) FOR THE ASSUMPTION OF ALL EXISTING ASSETS AND**
18 **LIABILITIES OF THE ABOLISHED ENTITY BY THE COUNTY, SUBJECT TO AN AUDIT OF**
19 **THE ASSETS AND LIABILITIES BY A CERTIFIED PUBLIC ACCOUNTANT;**

20 **(III) FOR THE TRANSFER OF ALL REAL AND PERSONAL**
21 **PROPERTY OF THE ABOLISHED ENTITY TO THE COUNTY;**

22 **(IV) FOR THE TRANSFER OF RESPONSIBILITY AND**
23 **ADMINISTRATION OF ANY LEGALLY ENFORCEABLE AGREEMENT BETWEEN THE**
24 **ABOLISHED ENTITY AND ANOTHER PARTY TO THE COUNTY;**

25 **(V) FOR THE CONTINUED EFFECT OF ORDERS, RULES, AND**
26 **REGULATIONS OF THE ABOLISHED ENTITY, UNTIL REVOKED OR MODIFIED BY THE**
27 **COUNTY COUNCIL;**

28 **(VI) THAT ANY REVENUES OF AN ABOLISHED ENTITY REMAIN**
29 **DEDICATED FOR THE PURPOSE COLLECTED AND ARE NOT TRANSFERRED INTO THE**
30 **COUNTY'S GENERAL FUND; AND**

31 **(VII) THAT ALL MATTERS PENDING BEFORE THE ABOLISHED**
32 **ENTITY MAY CONTINUE AND SHALL BE COMPLETED BY THE DEPARTMENT.**

1 **(4) ANY EMPLOYEE OF A WATER OR SEWER AUTHORITY OR OF A**
2 **SANITARY DISTRICT OR COMMISSION EMPLOYED ON THE DATE THAT THE**
3 **AUTHORITY, DISTRICT, OR COMMISSION IS ABOLISHED WHO TRANSFERS TO THE**
4 **DEPARTMENT OR TO A MUNICIPALITY OR LOCAL COMMUNITY SHALL TRANSFER**
5 **WITHOUT ANY LOSS OF SALARY, RETIREMENT BENEFITS, INSURANCE BENEFITS,**
6 **LEAVE TIME, SENIORITY LEVEL, OR OTHER EMPLOYEE BENEFITS.**

7 **(G) (1) IF THE COUNTY COUNCIL ABOLISHES A WATER OR SEWER**
8 **AUTHORITY OR SANITARY DISTRICT OR COMMISSION, THE COUNTY COUNCIL SHALL**
9 **EXERCISE THE POWERS OF A WATER OR SEWER AUTHORITY OR SANITARY DISTRICT**
10 **OR COMMISSION.**

11 **(2) THE COUNTY COUNCIL MAY:**

12 **(I) ADOPT REGULATIONS FOR WATER AND SEWERAGE**
13 **MANAGEMENT;**

14 **(II) ACQUIRE, CONSTRUCT, OPERATE, OR MAINTAIN WATER**
15 **AND SEWERAGE SYSTEMS AS THE COUNTY COUNCIL CONSIDERS TO BE IN THE**
16 **PUBLIC INTEREST AND NECESSARY TO PROTECT THE GENERAL HEALTH AND**
17 **WELFARE; AND**

18 **(III) SET RATES, FEES, AND ASSESSMENTS FOR WATER AND**
19 **SEWERAGE SERVICES AND BENEFITS.**

20 9-649.

21 (a) This section does not authorize the creation of a service area that includes
22 territory in another service area.

23 (b) If the required number of property owners sign a petition that requests the
24 creation of a service area in a district, the sanitary commission shall review the petition.

25 (c) The required number of petitioning property owners is[:

26 (1) In Dorchester County, the lesser of:

27 (i) 25 percent of the property owners in the proposed service area;
28 or

29 (ii) 25 property owners in the proposed service area; and

30 (2) In], IN any [other] member county, WITH THE EXCEPTION OF
31 **DORCHESTER COUNTY**, 25 property owners in the proposed service area.

1 9-656.

2 (a) (1) To pay the principal and interest on bonds issued under this subtitle, a
3 sanitary commission may set reasonable benefit assessments and reasonable connection
4 charges.

5 (2) In Allegany County, a sanitary commission may also set reasonable
6 benefit assessments to pay the cost of capital improvements to a water or sewerage system.

7 (3) The Sanitary Commission of Worcester County may also set reasonable
8 benefit assessments and reasonable connection charges to pay other costs on bonds issued
9 under this subtitle.

10 (4) In Dorchester County, [a sanitary commission] **THE COUNTY**
11 **COUNCIL** may also set reasonable benefit assessments to pay the cost of capital
12 improvements and repairs to a water or sewerage system.

13 9-657.

14 (i) (1) In this subsection “Bonnie Brook Service Area” includes the Bonnie
15 Brook Sanitary District.

16 (2) In the Bonnie Brook Service Area, in order to make capital
17 improvements and repairs or to establish a reserve for capital improvements and repairs,
18 the Dorchester County [Sanitary Commission] **COUNCIL** may make a uniform assessment
19 on each lot that abuts on a way in which a water main is laid.

20 (3) An assessment under this subsection is in addition to any charges made
21 under § 9-662 of this subtitle.

22 (4) An assessment under this section shall be based on a flat fee for each
23 lot under uniform rules and regulations approved by the Dorchester County
24 [Commissioners] **COUNCIL**.

25 (j) (1) In this subsection, “service area number 1” includes sanitary district
26 number one.

27 (2) In service area number 1, the Dorchester County [Sanitary
28 Commission] **COUNCIL** shall impose, on each parcel that abuts any way in which a sewer
29 is built, a benefit assessment of at least \$50.

30 9-658.

31 (a) When the sanitary commission has determined a benefit assessment, and
32 except as otherwise provided in this section, the sanitary commission shall levy a benefit

1 assessment, so that the levy will be effective on the July 1 that next follows the first March
2 31 that occurs on or before which the construction is completed on the project for which the
3 benefit assessment is made.

4 (b) (1) The Allegany County Sanitary Commission may make the levy of a
5 benefit assessment effective on the date on which the construction is completed on the
6 project for which the benefit assessment is made.

7 (2) If the Allegany County Sanitary Commission makes a levy on the date
8 on which the construction is completed, it shall prorate the levy on the basis of the benefit
9 assessment for an entire year and the time remaining until July 1.

10 (c) (1) The Dorchester County [Sanitary Commission] COUNCIL may make
11 the levy of a benefit assessment effective on the date on which:

12 (i) The construction is substantially completed; or

13 (ii) The system is in use for the project for which the benefit
14 assessment is made.

15 (2) If the Dorchester County [Sanitary Commission] COUNCIL makes a
16 levy on the date on which the construction is substantially completed or when the system
17 is in use, it shall prorate the levy on the basis of the benefit assessment for an entire year
18 and the time remaining until July 1.

19 (g) (1) To enforce the collection of unpaid benefit assessments or other charges
20 that are at least 60 days overdue, the sanitary commission, at any time, may:

21 (i) Sue any person who was an owner of record of the parcel at any
22 time since the benefit assessment was last paid; or

23 (ii) File a bill in equity to enforce a lien through a decree of sale of
24 property against any person who was an owner of record of the parcel at any time since the
25 benefit assessment was last paid.

26 (2) In addition to the actions that the sanitary commission may take under
27 paragraph (1) of this subsection, [in Allegany County, Dorchester County, Garrett County,
28 and Somerset County, the sanitary commission] **THE ENTITIES THAT** may disconnect the
29 service **INCLUDE:**

30 **(I) THE DORCHESTER COUNTY COUNCIL;**

31 **(II) THE SANITARY COMMISSION IN ALLEGANY COUNTY;**

32 **(III) THE SANITARY COMMISSION OF GARRETT COUNTY; AND**

1 **(IV) THE SANITARY COMMISSION IN SOMERSET COUNTY.**

2 (3) When recorded, the lien is legal notice to any person who has any
3 interest in a parcel.

4 (i) (1) In addition to any remedy under subsection (g) of this section, [in
5 Allegany County, Dorchester County, and Somerset County, the sanitary commission] **THE**
6 **ENTITIES THAT** may request the county tax collector to conduct a sale of real property to
7 enforce a lien representing any unpaid benefit assessment or other charges under this
8 subtitle at a county tax sale in accordance with the same procedures governing the sale of
9 property for delinquent property taxes **INCLUDE:**

10 **(I) THE DORCHESTER COUNTY COUNCIL;**

11 **(II) THE SANITARY COMMISSION IN ALLEGANY COUNTY; AND**

12 **(III) THE SANITARY COMMISSION IN SOMERSET COUNTY.**

13 (2) In Allegany County, the tax collector in Allegany County may conduct
14 a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of this
15 subsection.

16 (3) In Dorchester County, the tax collector in Dorchester County may
17 conduct a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of
18 this subsection.

19 (4) In Somerset County, the tax collector in Somerset County may conduct
20 a county tax sale for the purpose of enforcing a lien as specified in paragraph (1) of this
21 subsection.

22 9-662.

23 (n) (1) This subsection applies only in Dorchester County and Somerset
24 County.

25 (2) Notwithstanding any other provisions of law:

26 (i) A district **IN SOMERSET COUNTY OR THE DORCHESTER**
27 **COUNTY COUNCIL** may charge an owner of a parcel serviced by or connected to a project
28 that the district operates a late fee for any unpaid usage charge that is based on the use of
29 the project by the owner of the parcel;

30 (ii) A sanitary commission **IN SOMERSET COUNTY OR THE**
31 **DORCHESTER COUNTY COUNCIL** may require, before reconnecting water service,
32 payment of any applicable late fees in addition to any other charge authorized by this
33 section; and

1 (iii) A charge that is in default shall accrue interest from the date of
2 default at a rate set by the sanitary commission **IN SOMERSET COUNTY OR BY THE**
3 **DORCHESTER COUNTY COUNCIL.**

4 9-666.1.

5 (a) The provisions of this section are applicable in Dorchester County.

6 (b) On the request of property owners whose property is not in a service area and
7 is not in an area that is contiguous to a service area, the [sanitary commission] **THE**
8 **COUNTY COUNCIL** may:

9 (1) Extend a project to include the properties that are the subject of the
10 request; or

11 (2) Provide other services to the properties.

12 (c) The [sanitary commission] **COUNTY COUNCIL** may require that the property
13 owners agree to the terms and conditions authorized under § 9-666(b) of this subtitle.

14 (d) Property covered under this section and owners of property covered under this
15 section shall be subject to the provisions of § 9-658(d) through (g), inclusive.

16 9-672.

17 (a) In Part VII of this subtitle the following words have the meanings indicated.

18 (b) “Shared facility” means a water system or sewerage system that serves:

19 (1) More than 1 lot;

20 (2) More than 1 single family residence or its equivalent; or

21 (3) A series of water systems or sewerage systems that each serve 1 lot.

22 (c) “Shared facility area” means the territory served by a shared facility.

23 9-673.

24 Part VII of this subtitle applies only to Dorchester County.

25 9-674.

26 (a) The Dorchester County [Sanitary District, Inc.,] **COUNCIL** may:

1 (1) Construct, buy, own, hold, lease, repair, maintain, improve, and operate
2 a shared facility; and

3 (2) Contract with any person, any agency of the federal government or this
4 State, or any municipality for services that relate to the facility.

5 (b) The shared facility may be built only:

6 (1) Outside an incorporated area of Dorchester County; and

7 (2) (i) Outside a service area; or

8 (ii) If inside a service area, to serve territory that the Sanitary
9 Commission determines is not feasible to serve with an existing project.

10 (c) The shared facility may not serve more than 14 single family residences or
11 their equivalent.

12 9-675.

13 (a) The owners of property in territory that may be served by a shared facility
14 may file a written petition with the [Sanitary Commission] **DORCHESTER COUNTY**
15 **COUNCIL** that requests the [Sanitary Commission] **DORCHESTER COUNTY COUNCIL**:

16 (1) To build a shared facility; and

17 (2) To designate a shared facility area.

18 (b) The petition shall include:

19 (1) Plans for the proposed shared facility that will enable the [Sanitary
20 Commission] **DORCHESTER COUNTY COUNCIL** to determine the cost and feasibility of
21 the proposed shared facility; and

22 (2) A map of the proposed shared facility area.

23 (c) The petitioners shall provide, at their own expense, the map and plans
24 required by this section.

25 9-676.

26 (a) Within 90 days from the date the complete petition is filed, the [Sanitary
27 Commission] **DORCHESTER COUNTY COUNCIL** shall decide on the petition.

1 (b) In deciding on a petition, the [Sanitary Commission] **DORCHESTER COUNTY**
2 **COUNCIL** may designate a shared facility area if the [Sanitary Commission]
3 **DORCHESTER COUNTY COUNCIL** finds that:

4 (1) The proposed shared facility is necessary for the public health, safety,
5 and welfare of the residents of Dorchester County who would be affected by the proposed
6 shared facility; and

7 (2) It is feasible:

8 (i) To construct the proposed shared facility; and

9 (ii) To establish the proposed shared facility area.

10 (c) (1) If the [Sanitary Commission] **DORCHESTER COUNTY COUNCIL**
11 denies the petition, the petitioners, within 30 days after the denial, may [appeal to] **ASK**
12 the Dorchester County [Commissioners] **COUNCIL FOR RECONSIDERATION OF THE**
13 **PETITION**.

14 (2) The Dorchester County [Commissioners] **COUNCIL**:

15 (i) Shall determine whether the proposed shared facility meets the
16 applicable standards of this section; and

17 (ii) May affirm, modify, or reverse [the] A decision [of the Sanitary
18 Commission].

19 (d) When a petition is approved by the [Sanitary Commission or the] Dorchester
20 County [Commissioners] **COUNCIL**, the [Sanitary Commission] **DORCHESTER COUNTY**
21 **COUNCIL** shall:

22 (1) Adopt a resolution that:

23 (i) Provides for construction of the shared facility; and

24 (ii) Designates the boundaries of the shared facility area; and

25 (2) File the resolution among the Dorchester County land records.

26 9-677.

27 (a) The [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall propose
28 and, [with the approval of the Dorchester County Commissioners given] after a public
29 hearing, adopt rules and regulations to carry out the provisions of this subtitle that relate
30 to shared facilities.

1 (b) These rules and regulations shall include provisions for:

2 (1) Classification of properties in the shared facilities area; and

3 (2) Levy of benefit assessments in accordance with this subtitle.

4 9-678.

5 (a) The Dorchester County [Commissioners] **COUNCIL** may advance funds [to
6 the Dorchester County Sanitary District, Inc.,] to meet the organizational and preliminary
7 costs of establishing and constructing the shared facility.

8 (b) From the first revenues received from benefit assessments made for the
9 shared facility, the [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall repay
10 advances made under this section.

11 9-679.

12 (a) In accordance with the rules and regulations that the Dorchester County
13 [Commissioners approve] **COUNCIL APPROVES:**

14 (1) The [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall
15 make benefit assessments on the property in a shared facility area in an amount that is
16 enough to:

17 (i) Pay the principal and interest on each bond issued and any other
18 obligation incurred by the Sanitary Commission in constructing the shared facility; and

19 (ii) Pay any other costs incurred in building the shared facility; and

20 (2) The [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** may
21 establish reasonable charges on each parcel in the shared facility area.

22 (b) (1) The [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall
23 give to the owner of each parcel in the shared facility area written notice of:

24 (i) The class and subclass of the parcel;

25 (ii) The benefit assessment for the parcel; and

26 (iii) The time and place of the hearing to which the owner is entitled
27 under this section.

28 (2) The [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall
29 mail the notice to the owner at the last known address of the owner on the Dorchester
30 County tax assessment records.

1 (c) The [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall give
2 each property owner an opportunity for a hearing before the [Sanitary Commission]
3 **DORCHESTER COUNTY COUNCIL**.

4 (d) After the hearing, the [Sanitary Commission] **DORCHESTER COUNTY**
5 **COUNCIL** may adjust the classification or benefit assessment as appropriate.

6 (e) The [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall make
7 the levy of each benefit assessment the [Sanitary Commission] **DORCHESTER COUNTY**
8 **COUNCIL** determines under this section so that the levy is effective for the July 1 that
9 follows the first March 31 that occurs on or after the date:

10 (1) Construction is completed on the shared facility; or

11 (2) The shared facility is acquired.

12 (f) While unpaid, benefit assessments and other charges are a lien on the parcel
13 for which made.

14 (g) The lien granted by this subsection is subordinate only to State taxes and
15 municipal taxes.

16 (h) (1) As to each lien that arises against a parcel in the shared facility area,
17 the [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall keep a public record
18 that:

19 (i) Identifies the owners of the parcel;

20 (ii) Describes the parcel and gives any lot number of record that
21 applies to the parcel; and

22 (iii) Shows the amount of the lien.

23 (2) The [Sanitary Commission] **DORCHESTER COUNTY COUNCIL** shall
24 file the record of liens with the Clerk of the Circuit Court for Dorchester County, for filing
25 among the land records for Dorchester County.

26 (3) The record of liens shall be legal notice of all existing liens in the shared
27 facility area.

28 (i) (1) To enforce the collection of unpaid benefit assessments or other charges
29 that are at least 60 days overdue, the [Sanitary Commission] **DORCHESTER COUNTY**
30 **COUNCIL**, at any time, may:

1 (i) Sue any person who was an owner of record of the parcel at any
2 time since the benefit assessment was last paid; or

3 (ii) File a bill in equity to enforce a lien through a decree of sale of
4 property against any person who was an owner of record of the parcel at any time since the
5 benefit assessment was last paid.

6 (2) When recorded, the lien shall be legal notice to any person who has any
7 interest in a parcel.

8 9–1605.2.

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

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

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

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

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

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

25 (4) (i) This paragraph applies only in Dorchester County.

26 (ii) An unpaid Bay Restoration Fee shall be a lien against the
27 property served by a wastewater facility, on–site sewage disposal system, or holding tank.

28 (iii) A notice of lien shall be recorded in the land records of Dorchester
29 County.

30 (iv) The County Council may collect the Bay Restoration Fee [on
31 behalf of the Dorchester County Sanitary District].

