

HOUSE BILL 1161

M3

4lr2418
CF SB 1051

By: **Dorchester County Delegation**

Introduced and read first time: February 7, 2024

Assigned to: Environment and Transportation

Committee Report: Favorable with amendments

House action: Adopted

Read second time: March 8, 2024

CHAPTER _____

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

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 Section 9–649(a) and (b), 9–658(a) and (b), 9–672, and 9–673
 2 Annotated Code of Maryland
 3 (2014 Replacement Volume and 2023 Supplement)

4 BY repealing
 5 Article – Local Government
 6 Section 12–104
 7 Annotated Code of Maryland
 8 (2013 Volume and 2023 Supplement)

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

11 **Article – Environment**

12 9–622.

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

16 (i) Allegany County – 7;

17 (ii) [Dorchester County – 6;

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

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

21 [(v)] (IV) Other counties – 3.

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

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

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

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

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

3 **9-629.1.**

4 (A) IN THIS SECTION, "DEPARTMENT" MEANS A DEPARTMENT OF PUBLIC
5 FACILITIES AND SERVICES.

6 (B) THIS SECTION APPLIES ONLY TO DORCHESTER COUNTY.

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

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

10 (1) ESTABLISH A DEPARTMENT OF PUBLIC FACILITIES AND
11 SERVICES; AND

12 (2) PROVIDE FOR THE ORGANIZATION AND FUNCTIONS OF THE
13 DEPARTMENT.

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

15 (1) RESPONSIBILITY FOR CONSTRUCTION, MAINTENANCE, REPAIR,
16 SERVICE, AND MANAGEMENT OF:

17 (I) PUBLIC WORKS, PUBLIC BUILDINGS, PUBLICLY OWNED AND
18 PRIVATE WATER AND SEWERAGE FACILITIES AND PROJECTS, AND CAPITAL
19 PROJECTS;

20 (II) WATER SUPPLY FACILITIES AND PROJECTS;

21 (III) WASTEWATER COLLECTION, TREATMENT, AND DISPOSAL
22 FACILITIES AND PROJECTS;

23 (IV) SOLID WASTE COLLECTION, RECYCLING, AND DISPOSAL
24 FACILITIES AND PROJECTS;

25 (V) STORM DRAINAGE, EROSION, AND SEDIMENT CONTROL
26 FACILITIES AND PROJECTS;

27 (VI) LIGHTING FOR ROADS, HIGHWAYS, ALLEYS, AND OTHER
28 PUBLIC PLACES; OR

29 (VII) MOSQUITO CONTROL FACILITIES AND PROGRAMS; AND

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

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

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

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

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

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

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

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

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

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

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

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

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

3 (4) (I) ~~ANY~~ SUBJECT TO SUBPARAGRAPH (II) OF THIS PARAGRAPH,
4 ANY EMPLOYEE OF A WATER OR SEWER AUTHORITY OR OF A SANITARY DISTRICT OR
5 COMMISSION EMPLOYED ON THE DATE THAT THE AUTHORITY, DISTRICT, OR
6 COMMISSION IS ABOLISHED WHO TRANSFERS TO THE DEPARTMENT OR TO A
7 MUNICIPALITY OR LOCAL COMMUNITY SHALL TRANSFER WITHOUT ANY LOSS OF
8 SALARY, RETIREMENT BENEFITS, INSURANCE BENEFITS, LEAVE TIME, SENIORITY
9 LEVEL, OR OTHER EMPLOYEE BENEFITS.

10 (II) ANY EMPLOYEE DESCRIBED IN SUBPARAGRAPH (I) OF THIS
11 PARAGRAPH MAY CONTINUE TO PARTICIPATE AS A MEMBER OF THE STATE
12 EMPLOYEES' PENSION SYSTEM ONLY IF THE EMPLOYEE IS EMPLOYED IN AN
13 ELIGIBLE POSITION WITH A PARTICIPATING EMPLOYER AS DEFINED UNDER §
14 20-101 OF THE STATE PERSONNEL AND PENSIONS ARTICLE.

15 (G) (1) IF THE COUNTY COUNCIL ABOLISHES A WATER OR SEWER
16 AUTHORITY OR SANITARY DISTRICT OR COMMISSION, THE COUNTY COUNCIL SHALL
17 EXERCISE THE POWERS OF A WATER OR SEWER AUTHORITY OR SANITARY DISTRICT
18 OR COMMISSION.

19 (2) THE COUNTY COUNCIL MAY:

20 (I) ADOPT REGULATIONS FOR WATER AND SEWERAGE
21 MANAGEMENT;

22 (II) ACQUIRE, CONSTRUCT, OPERATE, OR MAINTAIN WATER
23 AND SEWERAGE SYSTEMS AS THE COUNTY COUNCIL CONSIDERS TO BE IN THE
24 PUBLIC INTEREST AND NECESSARY TO PROTECT THE GENERAL HEALTH AND
25 WELFARE; AND

26 (III) SET RATES, FEES, AND ASSESSMENTS FOR WATER AND
27 SEWERAGE SERVICES AND BENEFITS.

28 9-649.

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

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

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

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

2 (i) 25 percent of the property owners in the proposed service area;
3 or

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

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

7 9–656.

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

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

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

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

19 9–657.

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

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

26 (3) An assessment under this subsection is in addition to any charges made
27 under § 9–662 of this subtitle.

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

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

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

6 9–658.

7 (a) When the sanitary commission has determined a benefit assessment, and
8 except as otherwise provided in this section, the sanitary commission shall levy a benefit
9 assessment, so that the levy will be effective on the July 1 that next follows the first March
10 31 that occurs on or before which the construction is completed on the project for which the
11 benefit assessment is made.

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

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

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

20 (i) The construction is substantially completed; or

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

29 9-662.

30 (n) (1) This subsection applies only in Dorchester County and Somerset
31 County.

1 (2) Notwithstanding any other provisions of law:

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

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

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

13 9-666.1.

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

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

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

20 (2) Provide other services to the properties.

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

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

25 9-672.

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

27 (b) "Shared facility" means a water system or sewerage system that serves:

28 (1) More than 1 lot;

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

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

1 (c) "Shared facility area" means the territory served by a shared facility.

2 9-673.

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

4 9-674.

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

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

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

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

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

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

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

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

17 9-675.

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

21 (1) To build a shared facility; and

22 (2) To designate a shared facility area.

23 (b) The petition shall include:

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

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

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

3 9-676.

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

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

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

12 (2) It is feasible:

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

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

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

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

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

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

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

27 (1) Adopt a resolution that:

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

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

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

1 9-677.

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

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

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

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

9 9-678.

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

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

16 9-679.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

17 (2) The shared facility is acquired.

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

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

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

25 (i) Identifies the owners of the parcel;

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

28 (iii) Shows the amount of the lien.

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

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

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

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

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

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

13 9–1605.2.

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

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

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

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

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

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

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

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

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

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

5 (5) (i) In Caroline County, an unpaid Bay Restoration Fee shall be a
6 lien against the property served by a wastewater facility, on-site sewage disposal system,
7 or holding tank.

8 (ii) A notice of lien shall be recorded in the land records of Caroline
9 County.

10 **Article – Local Government**

11 [12–104.

12 In Dorchester County, the governing body may include in the merit system of the
13 county the employees of the Dorchester County Sanitary District.]

14 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
15 ~~October~~ July 1, 2024.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.