

Chapter 426

(House Bill 887)

AN ACT concerning

St. Mary's County – Metropolitan Commission – New Facilities

FOR the purpose of requiring the St. Mary's County Metropolitan Commission to obtain the approval from the St. Mary's County Commissioners before submitting a certain loan application under certain circumstances; requiring the Commission to cause studies, plans, and estimates to be made for new facilities in certain portions of the county; requiring the Commission to give certain notice of new facilities, make available the plans of the new facilities, and hold a certain hearing on the proposed new facilities under certain circumstances; requiring any excess revenue made by the Commission in the sale or transfer of certain debt to be exempt from taxation; authorizing the costs of certain changes related to the establishment of the Commission's water supply or sewerage systems or other works to be borne and paid for in full or in part by the Commission, subject to a prior rights determination by the Commission; and generally relating to establishing, expanding, or extending water or sewerage systems in St. Mary's County.

BY repealing and reenacting, with amendments,
The Public Local Laws of St. Mary's County
Section 113-1, 113-3C., 113-5A., 113-6B., 113-7C., 113-11G., 113-17D., 113-19C.,
and 113-20
Article 19 – Public Local Laws of Maryland
(2007 Edition and 2022 Supplement)

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

Article 19 – St. Mary's County

113-1.

For the purposes of this chapter the following definitions shall apply:

A. Capital Contribution Charge. The term "capital contribution charge" shall mean an amount based on capital costs that is imposed and collected on a new connection to a water supply or sewerage system under this chapter.

B. Connection Charge. The term "connection charge" shall mean a capital contribution charge or connection fee.

C. Connection Fee. The term “connection fee” shall mean an amount based on the cost of connection that is imposed on a new connection to a water supply or sewerage system under this chapter.

D. County. The term “County” shall mean the Commissioners of St. Mary’s County.

E. Dwelling. The term “dwelling” shall mean a principal residence of a homeowner and includes the lot on which a house is situated.

F. EDU. The term “EDU” shall mean equivalent dwelling unit and shall equate to the generally accepted average volume in gallons per day, of wastewater generated by one (1) residential dwelling unit, as determined and allocated by the St. Mary’s County Department of Land Use and Growth Management.

G. Facilities Plan. The term “facilities plan” shall mean a plan prepared periodically by the Metropolitan Commission, in conjunction with the St. Mary’s County Department of Land Use and Growth Management to evaluate, identify and prioritize recommended capital improvements to public water and sewer systems in St. Mary’s County, over a specified time period.

H. Homeowner. The term “homeowner” shall mean a person who resides in a dwelling and has an ownership interest in the dwelling, including a life estate, joint tenancy, tenancy in common, tenancy by the entirety, or fee simple interest.

I. Metropolitan Commission. The term “Metropolitan Commission” shall mean the organization known as the St. Mary’s County Metropolitan Commission, to include the staff of the Metropolitan Commission.

J. NEW FACILITY. THE TERM “NEW FACILITY” OR “NEW FACILITIES” SHALL MEAN EACH WATER OR SEWERAGE SYSTEM THAT IS EITHER A NEW SYSTEM OR AN EXPANSION OR EXTENSION OF AN EXISTING SYSTEM, WHICH PROVIDES NEW WATER OR SEWERAGE SERVICE TO PROPERTIES NOT PREVIOUSLY SERVED BY PUBLIC WATER OR SEWER.

K. Principal Residence. The term “principal residence” shall mean a house that is occupied by a homeowner for more than six (6) months of a consecutive twelve-month period, unless the reason for non-occupancy is the result of hospitalization or residency in a long-term health care institution.

[K.] L. Publication. The term “publication” shall mean notice to all persons having any interest in a property.

[L.] M. Ready-To-Serve Charge. The term “ready-to-serve charge” shall mean the minimum charge for water service.

[M.] N. Remote Area. The term “remote area” shall mean an area in which it is economically not feasible to provide service at the uniform rate because of the distance of the area from the principal facilities of the Metropolitan Commission.

[N.] O. Remote Area Charge. The term “remote area charge” shall mean an additional service charge to meet the additional cost of providing service to a remote area property.

[O.] P. Service Area. The term “service area” shall mean any [area of St. Mary’s County identified as a growth area in the St. Mary’s County Comprehensive Land Use Plan] **WATER SERVICE AREA AND SEWERAGE SERVICE AREA IN ST. MARY’S COUNTY, MARYLAND, AS IDENTIFIED IN THE ST. MARY’S COUNTY COMPREHENSIVE WATER AND SEWERAGE PLAN.**

[P.] Q. Service Charge. The term “service charge” shall mean those charges and fees prescribed in this chapter which are assessed and collected to pay the operational costs of the Metropolitan Commission.

[Q.] R. Special Service Area. The term “special service area” shall mean an area to which the Metropolitan Commission has determined it to be economically infeasible to extend or construct a public water or sewer system.

[R.] S. Special Service Area Fee. The term “special service area fee” shall mean the fee assessed and collected by the Metropolitan Commission to offset the costs of constructing a water or sewer system to serve a special service area.

[S.] T. Staff. The term “staff” shall mean any and all employees of the Metropolitan Commission to include the Director and any such assistant director(s), general counsel, department heads and supporting staff as shall be deemed necessary and appropriate, from time to time, to fulfill the requirements of this chapter.

[T.] U. System Improvement Charge. The term “system improvement charge” shall mean the monthly per EDU charge, collected by the Metropolitan Commission to pay for the costs of capital projects for the comprehensive improvement or replacement of existing water or sewerage systems and central treatment and processing facility expansions and upgrades.

113–3.

C. [When] **WITH THE EXCEPTION OF REFUNDING, REFINANCING, AND SIMILAR TRANSACTIONS WHERE NO ADDITIONAL DEBT LIABILITY WOULD BE INCURRED**, the Metropolitan Commission [plans to borrow any money,] **SHALL SUBMIT FOR REVIEW TO AND OBTAIN THE APPROVAL FROM** the Commissioners of St. Mary’s County [shall review and approve] **OF** any loan application [before the Metropolitan

Commission submits the] **WHERE THE METROPOLITAN COMMISSION SEEKS TO INCUR DEBT ON THE FULL FAITH AND CREDIT OF ST. MARY'S COUNTY, MARYLAND, PRIOR TO THE SUBMISSION OF THE** loan application to a lender.

113-5.

A. (1) The Metropolitan Commission shall cause studies, plans and estimates to be made for [water supply and sewerage systems] **NEW FACILITIES** in those portions of St. Mary's County in which the Metropolitan Commission determines that the facilities are necessary and may divide each sanitary district into water and sewerage districts in such a way as shall, in its judgment, best serve the needs of the various communities and shall promote convenience and economy of installation and operation.

(2) (A) Whenever, and as, the studies and plans are completed, the Metropolitan Commission shall give notice by publication in one (1) newspaper published within St. Mary's County for three (3) weeks.

(B) The Metropolitan Commission shall state in the notice the probable cost of the [contemplated improvements] **NEW FACILITIES** and shall further state in it that plans of the [improvements] **NEW FACILITIES** may be inspected at the Metropolitan Commission's Office and that any person interested in the [improvements] **NEW FACILITIES** will be heard by the Metropolitan Commission at a time to be specified in the notice, but not less than ten (10) days after first publication of it.

(3) (A) If ten (10) residents and landowners in the sanitary district in which the [improvements] **NEW FACILITIES** are contemplated, within ten (10) days after the last of the publications of the notice, file a petition with the Metropolitan Commission protesting against the proposed [improvements] **NEW FACILITIES**, the Metropolitan Commission shall grant them a hearing within fifteen (15) days after the petition is filed in the office of the Metropolitan Commission and after not less than five (5) days' notice of the time and place of the hearing by advertisement published in one (1) newspaper published within St. Mary's County and by personal notices addressed to any one (1) or more persons whose names are signed to the petition.

(B) After due hearing, the Metropolitan Commission shall decide upon the reasonableness of the objections stated in the petition and shall dispose of them by written order concurred in by a majority of the members of the Metropolitan Commission Board. The order shall be published in the same manner as notices are required to be published, and a copy of which shall be mailed to any one (1) or more of the petitioners.

(C) If the petitioners are not satisfied with the Metropolitan Commission's decision, they have the right to take and enter, within ten (10) days after the last publication of the order, an appeal to the Commissioners of St. Mary's County, who shall review the Metropolitan Commission's decision and decide on the necessity and

propriety of the improvements contemplated. The decision of the Commissioners of St. Mary's County is final.

113-6.

B. The principal amount of any Metropolitan Commission debt as permitted hereunder, the interest payable thereon, and any income derived therefrom, including any [profit] **EXCESS REVENUE** made by the Metropolitan Commission in the sale or transfer thereof, shall be and remain exempt from taxation by the State of Maryland and by the several counties and municipal corporations of this State.

113-7.

C. Penalty. In order that the prompt payment of principal and interest on all outstanding debt shall be assured, the prompt and proper performance of the respective acts and duties heretofore defined is specifically enjoined, and any failure upon the part of any person, persons, body corporate or agent to perform the necessary acts and duties hereafter set forth to pay over the funds as required, or to use the funds for the payment of the principal and interest on the outstanding debt, is hereby declared a misdemeanor and punishable as other misdemeanors are punishable by Section [176] **113-21 OF THIS CHAPTER**.

113-11.

G. Penalties. Any violation of any of the provisions of this section is a misdemeanor punishable under Section [176] **113-21 OF THIS CHAPTER**.

113-17.

D. Any violation of this provision is a misdemeanor punishable under Section [176] **113-21 OF THIS CHAPTER**.

113-19.

C. Any restraint or hindrance offered to the entry, access, ingress or egress by any owner or tenant of any affected property, or agent of the owner or tenant, or any other person is a misdemeanor punishable under Section [176] **113-21 OF THIS CHAPTER**.

113-20.

A. All individuals, firms or corporations having buildings, conduits, pipes, tracks, poles or other structures or obstructions in, on, over, under or through any public road, street or alley of any sanitary district which blocks or impedes the construction and establishment of the Metropolitan Commission's water supply or sewerage systems or other works shall, upon reasonable notice from the Metropolitan Commission, promptly so shift,

adjust, accommodate or remove the structures or obstructions as to fully meet the exigencies occasioning the action.

B. The costs of such changes [shall] **MAY** be borne and paid for **IN FULL OR IN PART** by the Metropolitan Commission, **SUBJECT TO A PRIOR RIGHTS DETERMINATION BY THE METROPOLITAN COMMISSION.**

C. Every public service corporation, company or individual, before it or they shall begin any excavation or construction in any street, road, alley or public highway within any sanitary district, shall file with the Metropolitan Commission plans of such work and construction showing the location and depth in such street, road, alley or public highway of the proposed main, conduit, pole, pipe or other structure, and the construction or work may not be begun until the plans have been approved by the Metropolitan Commission, nor shall any change be made in the approved plans or in the work or construction as shown upon the plans except on further approval of the Metropolitan Commission.

D. Whenever any main, conduit, pole, pipe or other structure is put in without the filing of plans with the Metropolitan Commission and the approval thereof by it, or when any change is made in the location of such main, conduit, pipe, pole or other structure as shown upon the plans approved by the Metropolitan Commission, or any approved change therein, the Metropolitan Commission, if and when such conduit, main, pipe or pole, or other structure interferes with the construction of or operation of its water or sewerage system or other works, may remove such conduit, main, pipe, pole or other structures or change the location thereof at the cost and expense of the party so putting them in, or their heirs, assigns or successors, and without any liability upon the part of the Metropolitan Commission for damage that might be done to same by reason of the Metropolitan Commission's operations in constructing or maintaining its systems or works.

E. Any violation of the provisions of this section is a misdemeanor punishable under Section [176] **113-21 OF THIS CHAPTER.**

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2023.

Approved by the Governor, May 3, 2023.