

Chapter 354

(House Bill 678)

AN ACT concerning

~~Environment~~ Somerset County – Water and Sewer Service – Late Fees

FOR the purpose of authorizing ~~a sanitary commission~~ the sanitary district in Somerset County to charge a late fee for certain unpaid water and sewer usage charges; authorizing the Sanitary Commission in Somerset County to require the payment of certain late fees before reconnecting certain water service; providing that when a certain charge is in default it will accrue interest from a certain date and at a certain rate; and generally relating to water and sewer service charges in Somerset County.

BY repealing and reenacting, without amendments,
 Article – Environment
 Section 9–601(a), (d), (j), and (k)
 Annotated Code of Maryland
 (2007 Replacement Volume and 2010 Supplement)

BY repealing and reenacting, with amendments,
 Article – Environment
 Section 9–662
 Annotated Code of Maryland
 (2007 Replacement Volume and 2010 Supplement)

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

Article – Environment

9–601.

- (a) In this subtitle the following words have the meanings indicated.
- (d) (1) “District” means an entity that is created under this subtitle.
 - (2) “District” includes a board, body, or commission that assumes the principal functions of a district that is created under this subtitle and later abolished.
- (j) “Project” means a water system, sewerage system, solid waste disposal system, or solid waste acceptance facility or any part of these that a district owns, constructs, or operates.

(k) “Sanitary commission” means a sanitary commission created under this subtitle.

9–662.

(a) For each project that it operates, a district may charge the owners of parcels serviced by or connected to the project:

(1) A minimum charge; ~~and~~

(2) A usage charge that is based on the use of the project by the owner of the parcel; ~~AND~~

~~(3) A LATE FEE FOR ANY UNPAID USAGE CHARGE.~~

(b) The district shall use funds received from charges made under this section:

(1) To operate, maintain, and repair the project;

(2) To maintain proper depreciation allowances;

(3) To pay operation expenses of the district;

(4) To repay advances made by member counties under § 9–628 of this subtitle; and

(5) To pay the principal and interest on bonds issued under this subtitle.

(c) For water service, the sanitary commission:

(1) Shall make a minimum charge:

(i) That is based on the size of the meter serving the property and is uniform throughout the service area for each size of meter; and

(ii) That, for properties to which no meter is connected, is reasonable and uniform throughout the service area; and

(2) Subject to the meter size and uniformity requirements of this subsection, may change the minimum charge as necessary.

(d) For sewerage service, the sanitary commission shall:

(1) Make a minimum charge that is reasonable and uniform throughout the service area; and

(2) Collect, each year, the minimum charge in the same manner as the sanitary commission collects benefit assessments.

(e) If a minimum charge for sewerage service is unpaid, the minimum charge has the same status as an unpaid benefit assessment.

(f) For solid waste disposal systems, the sanitary commission shall make a minimum charge that is reasonable and uniform throughout the service area.

(g) If the sanitary commission uses a water meter, the sanitary commission shall connect the water meter at the sanitary commission's expense.

(h) For water usage, the sanitary commission shall make a charge that:

(1) Is based on meter readings; or

(2) If no water meter is connected to the property, is:

(i) Based on the estimated water usage; and

(ii) Uniform among unmetered properties in the service area.

(i) For sewerage systems and solid waste disposal systems, the sanitary commission shall make a reasonable usage charge.

(j) Except for bills for minimum charges for sewerage services, the sanitary commission:

(1) Shall send to each property owner:

(i) For water service, a bill for minimum charges and usage charges for water once each 3 or 6 months; and

(ii) For other charges, a bill once each 3, 6, or 12 months; and

(2) May stagger the frequency and dates of bills sent under this section.

(k) The property owner promptly shall pay any bill sent under this section.

(l) If a water bill is unpaid for 30 days after being sent, and after written notice is left on the premises or mailed to the last known address of the owner, the sanitary commission may:

(1) Disconnect water service to the property; and

(2) Require, before reconnecting water service, payment of the entire water bill plus ~~ANY APPLICABLE LATE FEES AND~~ a reconnection charge reasonably related to the cost of reconnection, as established by ordinance of the governing body of the county or municipal corporation in which the water service is provided.

(m) (1) If a charge for which a bill sent under this section is in default 60 days after the bill is sent, the charge is in default.

(2) When a charge is in default, ~~it is~~ ~~THE CHARGE:~~

~~(I) SHALL ACCRUE INTEREST FROM THE DATE OF DEFAULT AT A RATE SET BY THE SANITARY COMMISSION; AND~~

~~(II) IS~~ a lien on the property ~~{and the}~~

~~(3) THE~~ sanitary commission may collect ~~{the}~~ ~~A DEFAULTED~~ charge in the same manner as benefit assessments.

(N) IN SOMERSET COUNTY, NOTWITHSTANDING ANY OTHER PROVISIONS OF LAW:

(1) THE DISTRICT MAY CHARGE AN OWNER OF A PARCEL SERVICED BY OR CONNECTED TO A PROJECT THAT THE DISTRICT OPERATES A LATE FEE FOR ANY UNPAID USAGE CHARGE THAT IS BASED ON THE USE OF THE PROJECT BY THE OWNER OF THE PARCEL;

(2) THE COMMISSION MAY REQUIRE, BEFORE RECONNECTING WATER SERVICE, PAYMENT OF ANY APPLICABLE LATE FEES IN ADDITION TO ANY OTHER CHARGE AUTHORIZED BY THIS SECTION; AND

(3) A CHARGE THAT IS IN DEFAULT SHALL ACCRUE INTEREST FROM THE DATE OF DEFAULT AT A RATE SET BY THE SANITARY COMMISSION.

SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect October 1, 2011.

Approved by the Governor, May 10, 2011.