

**CODE HOME RULE  
BILL NO. 4-11**

**An Amended Bill Entitled:**

**“LaVale Sanitary District, §127-1, §127-2, §127-26, §127-27 and §127-40”**

**AN ACT TO REPEAL AND REENACT §127-1, §127-2, §127-26 and §127-27 AND TO ENACT §127-40 OF THE PUBLIC LOCAL LAWS OF ALLEGANY COUNTY (2011 EDITION), PROVIDING FOR THE CREATION, MEMBERSHIP, TERMS, OFFICERS AND OTHER PERSONNEL AND COMPENSATION; SECRETARY-TREASURER; WATER BILLS, NONPAYMENT; AND SEWER RATES OF THE LAVALE SANITARY COMMISSION; AND PROVIDING FOR THE EXPENDITURE OF FUNDS FOR STREET LIGHTS**

**Section I.** Pursuant to the authority granted by the Legislature of the State of Maryland, in Article 25B of the Annotated Code of Maryland, be it enacted by the Board of County Commissioners of Allegany County, Maryland, that §127-1, §127-2, §127-26 and §127-27 of the Code of Public Local Laws of Allegany County (2011 Edition), are hereby repealed and reenacted, and §127-40 is enacted, all of which shall provide as follows:

**127-1 Creation of Commission; membership. terms; officers and other personnel; compensation.**

For the purposes of carrying out the provisions of this Chapter, the Sanitary District created hereafter shall be under the jurisdiction of a Commission of five persons.

- A. Four persons shall be appointed by the Board of Commissioners of Allegany County, Maryland and shall reside in Allegany County within the limits of Election District 29, be resident taxpayers of said County, and qualified voters thereof.
- B. One Commissioner shall be an engineer in the employ of the Allegany County Department of Public Works, knowledgeable in the field of public water and sewer and designated by the Board of County Commissioners to serve at their pleasure. Said Commissioner shall be a full voting member of the Commission; however, said Commissioner shall serve without any additional compensation other than reimbursement for expenses incurred while serving on behalf of the Sanitary Commission.
- C. Term of Office. The Commissioners appointed to serve in accordance with Subsection A shall serve for terms of six years. Those Commissioners serving as of October 1, 2011 shall serve until the end of the terms for which they were appointed, and any person appointed to fill their position shall serve for a period of six years from that date. The additional Commissioner shall serve for a period of six years counting from October 1, 2011. All Commissioners shall serve until their successor is appointed.

- D. Officers. The Commission shall elect one of its members as Chairman and one of its members as Secretary-Treasurer.
- E. Additional Officers and Personnel. The Commission shall appoint, discharge at pleasure and shall fix the compensation of its Director, Chief Engineer, and such engineering, legal, clerical and other personnel as from time to time the Commission may deem necessary to carry out the provisions of this chapter.
- F. Salary of Commissioners. The four appointed Commissioners shall receive an annual salary as set by the Sanitary Commission which shall not exceed \$3,000 per annum. Commissioners may be reimbursed for reasonable expenses which they may incur as a result of serving as a Commissioner.

**127-2 Secretary-Treasurer.**

The Secretary-Treasurer elected by the Commission shall be the overseer of the collection of all charges and assessments made by the Commission and shall see to the receipt and account of all monies which shall be due and payable to said Commission from any source whatsoever. All monies deposited shall be protected by a depository bond or by such other securities as may be approved by said Commission. The Secretary-Treasurer shall give bond to the State of Maryland to the amount of \$10,000 worth of good and sufficient surety to be approved by said Commissioners with the condition "that if the above bounden, \_\_\_\_\_, shall well and faithfully execute his office, shall account to said Commission for all monies which may be received for account of the Commission, or be answerable for by law, then said obligation shall be void; otherwise to remain in full force and effect". The bond, when approved, shall be recorded in the Office of the Clerk of the Circuit Court for Allegany County.

**127-26 Water bills; nonpayment.**

Bills for the amount of the charges as above specified shall be sent monthly, quarterly or semi-annually as the Commission may determine to each property served and shall be thereupon payable at the office of the Commission; and if any bill remains unpaid after 30 days from the date of sending a penalty equal to one-half of one percent per month or for each fraction thereof calculated upon the amount of said bill shall be added thereto. If any bill shall remain unpaid for 60 days after being sent, the Commission shall, after written notice left upon the premises or mailed to the last known address of the owner, turn off the water for the property in question, and the water shall not be turned on again until said bill shall be paid in full, including any penalty assessed. If any bill shall remain unpaid for 60 days after being sent by the Commission, it shall be collectible from the owner of the property served in the same manner as other debts are collectible in the County, and said charges and all penalties shall be a first lien against said property.

**127-27 Sewer rates.**

The rates for sewage service shall consist of a minimum which shall be based upon the size of the water meter serving the property and of an additional charge based upon the

amount of water used in excess of the established minimum as shown by the amount of water passing through the water meter during the period between the last two readings. Bills for the amount of the surcharges as above specified shall be sent monthly, quarterly or semiannually, as the Commission may determine, to each property served and shall thereupon be payable at the office of the Commission. If any account shall not be paid within 30 days from the date the bill is mailed out, a penalty equal to one-half of one percent per month or for each fraction thereof calculated upon the amount of said bill shall be added thereto. If any bill shall remain unpaid for 60 days after being sent by the Commission, it shall be collectible from the owner of the property served in the same manner as other debts and taxes are collectible in the County, and said charges and all penalties shall be a first lien against said property.

**127-40 Expenditure of funds for street lighting.**

The Commission is authorized to enter into agreements and expend funds from its accounts to provide street lighting in those areas of District 29 which the Commission feels is beneficial to the citizens of LaVale.

**Section II.** All provisions of the Code of Public Local Laws of Allegany County, ordinances, regulations, and orders, or parts thereof, inconsistent with the terms and provisions of this Bill are hereby repealed.

**Section III.** This Bill shall be effective forty-five (45) days after its passage.

**PASSED** this \_\_\_\_\_ day of September, 2011.

**BOARD OF COUNTY COMMISSIONERS  
OF ALLEGANY COUNTY, MARYLAND**

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Michael W. McKay, President

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Creade V. Brodie, Jr., Commissioner

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William R. Valentine, Commissioner

ATTEST:

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Cathy E. Blank, Clerk