

Subject: To Amend Chapter 223 of the *Code of St. Mary's County, Maryland*, to Provide for and Set the Environmental and Solid Waste Service Fee

ORDINANCE

TO AMEND CHAPTER 223 OF THE *CODE OF ST. MARY'S COUNTY, MARYLAND*, TO PROVIDE FOR AND SET THE ENVIRONMENTAL AND SOLID WASTE SERVICE FEE

WHEREAS, pursuant to §13-403(b)(3) of the *Local Government Article* of the *Annotated Code of Maryland*, the Commissioners of St. Mary's County are authorized to set and collect reasonable service charges and fees for the maintenance and operation of facilities for the disposal of garbage; and

WHEREAS, a notice of a public hearing was advertised on April 6, 2018 and April 13, 2018 in *The Enterprise*, a newspaper of general circulation in St. Mary's County, and a public hearing was held on April 17, 2018, to receive public comment and consider the setting of the Environmental and Solid Waste Service Fee; and

WHEREAS, the Commissioners of St. Mary's County find that it is in the best interest of the health, safety and welfare of the citizens of St. Mary's County to set the Environmental and Solid Waste Service Fee,

NOW, THEREFORE, BE IT ORDAINED by the Commissioners of St. Mary's County, pursuant to §13-403(b)(3) of the *Local Government Article* of the *Annotated Code of Maryland* that

SECTION I. Article X of Chapter 223 of the *Code of St. Mary's County, Maryland*, be repealed and re-enacted to read as follows:

ARTICLE X. - ENVIRONMENTAL AND SOLID WASTE SERVICE FEE

Sec. 223-31. - Authority.

This article is adopted pursuant to §13-403(b)(3) of the *Local Government Article* of the *Annotated Code of Maryland*.

Sec. 223-32. - Definitions.

For the purpose of this article, the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.

1. *County* is St. Mary's County, Maryland.
2. *Assessor* is the person appointed to the office of the Department of Assessment and Taxation for St. Mary's County, Maryland.

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3. *County Treasurer* is the person elected to the office of the County Treasurer for St. Mary's County, Maryland.
4. *[Intentionally omitted]*
5. *Environmental and Solid Waste Service Fee* is the charge established by the Commissioners of St. Mary's County payable by persons who own improved residential property in St. Mary's County for solid waste management and recycling services available to the property. Each improved residential property will be assessed based on the number of dwelling units.
6. *Residential property* is all improved real property in St. Mary's County that is residentially zoned and contains one or more dwelling units, including mobile homes or agricultural residences as established by the Department of Assessment and Taxation. A residential property includes, but is not limited to, a single-family home, a duplex, a triplex, a four-plex, an apartment building, a mobile home and/or trailer, condominium, a townhouse, a cooperative housing unit, or a residential building on a perma-lease.
7. *Nonresidential property* is all improved real property in St. Mary's County containing improvements on properties zoned for uses other than residential and classified by the Maryland Department of Assessment and Taxation as commercial, industrial, institutional, etc.

Sec. 223-33. - General provisions.

1. *Administration.* This article shall be administered by the County Treasurer with assistance of the Department of Assessment and Taxation and County staff.
2. *Establishment of an official service area.* For purposes of collecting an environmental and solid waste service fee, the boundaries of the County shall constitute the boundaries of the solid waste and recycling service area.

Sec. 223-34. - Establishment of residential Environmental and Solid Waste Service Fee amount.

1. *Establishment.* The County hereby imposes an Environmental and Solid Waste Service Fee on all improved residential properties in St. Mary's County as defined herein. The owner of the property shall be responsible for payment of the Environmental and Solid Waste Service Fee imposed in the manner set forth by the Commissioners of St. Mary's County.
2. *Categories of residential property.* All owners of improved residential property, as defined herein, shall pay an Environmental and Solid Waste Service Fee for said properties as set forth herein.
3. *Rates.* Beginning July 1, 2018, the established annual rate for the residential Environmental and Solid Waste Service Fee is Ninety-one dollars (\$91.00) per dwelling unit with a two percent increase every year on July 1.
4. *Split classifications.* The owner of property classified as both residential and nonresidential shall pay the Environmental and Solid Waste Service Fee pursuant to the provisions of this article.

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Sec. 223-35. - Residential Environmental and Solid Waste Service Fee billing and collection.

The County Treasurer shall bill the residential Environmental and Solid Waste Service Fee on the property tax statements as a separate item, which shall be due, payable and collected in the same manner as real property taxes and subject to the same penalties and interest as overdue real property taxes.

Sec. 223-36. - Appeals.

1. *Requests for appeals.* Written requests for appeal of the Environmental and Solid Waste Service Fee shall be made to the office of the County Treasurer and must be received or postmarked on or before December 31 of the year in which the fee is due.
2. *General appeal requirements.*
 - A. Written requests for appeal may be submitted by the property owner or their duly authorized representative.
 - B. The burden is on the property owner to provide evidence demonstrating that the property qualifies for a reduction in the Environmental and Solid Waste Service Fee.
 - C. This article requires that the property owner pay the Environmental and Solid Waste Service Fee pending disposition of the appeal.
3. *Appeal procedures and criteria.* The Commissioners of St. Mary's County hereby adopt the following guidelines for determining whether an appeal of a residential Environmental and Solid Waste Service Fee may be granted to owner(s) of an improved residential property. Appeals shall not be based upon the value of the property, and may be granted, in whole or in part, only under the circumstances as described in subsections A., B., and C., below.
 - A. Administrative or clerical errors may be the basis of an appeal.
 - B. Misclassification of the residential property for purpose of calculating the charge as of January 2 of the year in which the fee is due; i.e., the number of dwelling units is inaccurate.
 - C. A dwelling unit was (1) uninhabitable, or (2) was destroyed or demolished as of January 2 of the year in which the fee is due and the property owner provides convincing evidence that demonstrates to the County's satisfaction that it is likely that this condition will continue for the entire year.
4. *Appeals process.* The following steps shall be used in deciding appeals of Environmental and Solid Waste Service Fee(s):
 - A. Written requests for appeal shall be filed with the St. Mary's County Treasurer.
 - B. The Treasurer or the designee of the Treasurer will review the requests for appeal and information regarding the classification of the property from the Department of Assessment and Taxation, and shall decide the appeal based on this information. The Treasurer may grant an appeal in full or in part, and may deny an appeal. The property owner shall be notified in writing of the decision.

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SECTION II. This Ordinance shall be effective July 1, 2018.

Those voting Aye: 4

Those voting Nay: 1

Those Abstaining: 0

Date of Adoption: may 15, 2018

ATTEST:

COMMISSIONERS OF ST. MARY'S COUNTY

Rebecca B. Bridgett
Rebecca B. Bridgett
County Administrator

James R. Guy
James R. Guy, Commissioner President

— NAY —
Michael L. Hewitt, Commissioner

Approved as to form and legal sufficiency:

Tom Jarboe
Tom Jarboe, Commissioner

David A. Weiskopf
David A. Weiskopf
Acting County Attorney

Todd B. Morgan
Todd B. Morgan, Commissioner

John E. O'Connor
John E. O'Connor, Commissioner