

**ORDINANCE**

FOR THE PURPOSE OF establishing an Environmental and Solid Waste Service Fee to fund environmental and solid waste programs, which protect the health and welfare of St. Mary's County citizens pursuant to State mandates governing solid waste management and recycling. The ordinance includes: the establishment of an environmental and landfill service fee for the County of St. Mary's; procedures for setting and modifying the amounts of the environmental and solid waste service fee; payment and collection methods; and establishment of an appeals process.

**RECITALS**

**WHEREAS**, On October 24, 2006 the Board of County Commissioners adopted Ordinance No. 06-09, "The Comprehensive Solid Waste Management and Recycling Plan" pursuant to the authority granted by the St. Mary's County Code.

**WHEREAS**, this Ordinance adopted by the Board of County Commissioners for St. Mary's County, Maryland, authorized the Board to establish by Resolution a Schedule of Fees as they deem necessary in connection with the use and operation of the solid waste acceptance facilities; and

**WHEREAS**, the Board proposes to assess a portion of the cost associated with the availability of County solid waste disposal and recycling services to the community via a residential Environmental and Solid Waste Service Fee; and

**WHEREAS**, the Solid Waste Advisory Committee (SWAC) has provided alternative funding methodologies for the County's Solid Waste and Recycling Programs to the Board of County Commissioners for their consideration; and

**WHEREAS**, the Board believes that it is in the best interest of public health, safety and welfare if fees are adopted in accordance with the adopted Comprehensive Solid Waste Management and Recycling Plan; and

**WHEREAS**, the Board is empowered by the St. Mary's County Code to fix and collect reasonable service fees from any person, firm, corporation, municipal corporation, special district, or other County for the use, construction, operation, and maintenance of disposal areas or facilities; and

**WHEREAS**, all revenues collected through the Environmental and Solid Waste Service Fee shall be accounted for using an Enterprise Fund and pledged to the payment of Solid Waste and Recycling system obligations, which may include; staffing, administration, capital outlay, equipment replacement, debt service, operations, maintenance, any capital projects, and other direct and indirect costs associated with combined solid waste and recycling programs; and

**WHEREAS**, achieving financial self-sufficiency is an important objective of the Comprehensive Solid Waste Management and Recycling Plan.

**WHEREAS**, it has been documented that the County should establish and maintain a predictable revenue and expenditure structure that provides funding to help support the solid waste and recycling systems; and

**WHEREAS**, there are certain services and programs that benefit all residents and all should share in the cost of these programs and services. These fees or charges are justified by the costs of solid waste management and recycling programs, planning, mandated actions, and public health protection, which are available to all residences in the County and which the County must address; and

**WHEREAS**, in the event the County constructs new facilities that afford the opportunity for improved properties, such as commercial or industrial, or other non-residential properties classified by the Maryland Department of Assessment and Taxation, to access such facilities, the Board of County Commissioners for St. Mary's County, Maryland will consider establishing a non-residential Environmental and Solid Waste Service Fee.

**SECTION 1. AUTHORITY**

This Ordinance is adopted pursuant to St. Mary's County Code, Chapter 103-1, Refuse Disposal and Article 25, Section 14A(a)(1) of the Annotated Code of Maryland.

**SECTION 2. DEFINITIONS**

- 2.1 **Definitions.** For the purpose of this Ordinance, the terms defined in this section shall have the meanings given them, unless the context clearly indicates otherwise.
- A. "County" is St. Mary's County, Maryland."
  - B. "Assessor" is the person appointed to the office of the Department of Assessment and Taxation for St. Mary's County, Maryland.
  - C. "County Treasurer" is the person elected to the Office of the County Treasurer for St. Mary's County, Maryland.
  - D. "Board" is the Board of County Commissioners for St. Mary's County, Maryland.
  - E. "Environmental and Solid Waste Service Fee" is the charge established by the Board of County Commissioners for St. Mary's County, Maryland, 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.
  - F. "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.
  - G. "Non-Residential 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.

**SECTION 3. GENERAL PROVISIONS**

- 3.1 **Administration.** This ordinance shall be administered by the County Treasurer with assistance of the Department of Assessment and Taxation and County staff.
- 3.2 **Procedure for Revising the Residential Environmental and Solid Waste Service Fee.** The Board shall set the residential Environmental and Solid Waste Service Fee annually by Resolution, and shall state the effective date for the enactment of the revised fee(s) on or before June 1 each year. The recommended operational and capital requirements for the County's solid waste and recycling programs, and the current number of improved residential properties as provided by the Department of Assessment and Taxation, will be utilized to establish the fee.
- 3.3 **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.

**SECTION 4.0 ESTABLISHMENT OF RESIDENTIAL ENVIRONMENTAL AND SOLID WASTE SERVICE FEE AMOUNT**

- 4.1 **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 Fees imposed in the manner set forth by the Board.
- 4.2 **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.

- 4.3 **Rates.** Beginning July 1, 2007, the established annual rate for the residential Environmental and Solid Waste Service Fee is \$60 per dwelling unit. All other provisions and user fees cited in the Rules and Regulations for Use of Solid Waste Disposal Facilities in St. Mary's County as adopted May 23, 2006 and amended by Resolution No. 2006-04 and made effective July 1, 2006 shall remain in effect.
- 4.4 **Split Classifications.** The owner of property classified as both residential and non-residential property shall pay the Environmental and Solid Waste Service Fee pursuant to the provisions of this Ordinance.

#### SECTION 5.0 RESIDENTIAL ENVIRONMENTAL AND SOLID WASTE SERVICE FEE BILLING AND COLLECTION

- 5.1 **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 and/or personal property taxes and subject to the same penalties and interest as overdue real and/or personal property taxes.

#### SECTION 6.0 APPEALS

- 6.1 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.
- 6.2 **General Appeal Requirements**
- 6.2.1 Written requests for appeal may be submitted by the property owner or their duly authorized representative.
- 6.2.2 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.
- 6.2.3 This Ordinance requires that the property owner pay the environmental and solid waste service fee pending disposition of the appeal.
- 6.3 **Appeal Procedures and Criteria.** The Board hereby adopts 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 Sections 6.3.1, 6.3.2 and 6.3.3 below.
- 6.3.1 Administrative or clerical errors may be the basis of an appeal.
- 6.3.2 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.
- 6.3.3 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.
- 6.4 **Appeals Process.** The following steps shall be used in deciding appeals of Environmental and Solid Waste Service Fee(s).
- 6.4.1 Written requests for appeal shall be filed with the Office of the St. Mary's County Treasurer.
- 6.4.2 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.

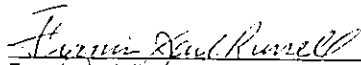
SECTION 7.0 EFFECTIVE DATE

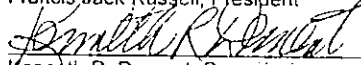
This Ordinance shall become effective as of the date of adoption.

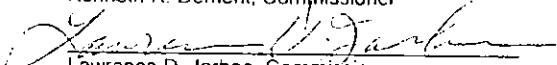
Those voting aye: 5  
Those voting nay: 0  
Those abstaining or absent: -  
Approval Date: 5/15/07  
Effective Date: 5/15/07

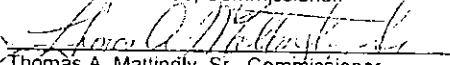
ATTEST   
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BOARD OF COUNTY COMMISSIONERS  
FOR ST. MARY'S COUNTY, MARYLAND

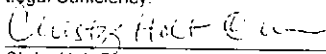
  
Francis Jack Russell, President

  
Kenneth R. Dement, Commissioner

  
Lawrence D. Jarboe, Commissioner

  
Thomas A. Mattingly, Sr., Commissioner

  
Daniel H. Raley, Commissioner

Approved as to Form and  
Legal Sufficiency:  
  
Christ Holt Chesser  
County Attorney