

Chapter 99

SEWER AND WATER ASSESSMENT RATES

[HISTORY: Adopted by the Board of Commissioners of the Town of Thurmont 6-15-1970. Readopted or revised 1-8-1986 by Res. No. 85-6. Subsequent amendments noted where applicable.]

§ 99-1. Front-foot benefit rate.

The construction of sewer and/or water mains within the corporate limits of the Town of Thurmont is hereby declared to be a benefit to all property abutting upon the same. The cost of said construction hereafter paid or incurred by the Commissioners of Thurmont shall be levied as a front-foot benefit assessment on all property abutting on any street, road, alley or right-of-way in which any sewer or water main is to be laid.

§ 99-2. Classification of properties.

In determining the rate or rates at which such front-foot assessments shall be levied, the Commissioners may classify properties according to the uses to which they are put. Such classifications may include, particularly but without limitation, any or all of the following: agricultural, small acreage, industrial, business, subdivision, residential, multi-unit residential, multi-unit business and institutional. Such classifications and front-foot assessment rates may be changed from contract to contract, as may become necessary. With respect to any multi-unit classification, the assessment may be based on the number of units on each property rather than on the number of front-feet abutting upon the water or sewer main. In the case of any agricultural classification, no assessment shall be levied against any land so classified until some improvement on such land is connected to a water or sewer main, and then such land shall become liable to an assessment for such reasonable frontage as the Commissioners may determine.

§ 99-3. Time of payment.

If the cost of such sewer or water system shall have been financed by the Commissioners in whole or in part by a bond issue, said front-foot assessments shall be payable annually during the life of the bonds and shall be sufficient in aggregate amount to pay the interest on the outstanding bonds and to provide for their retirement. If said cost shall not have been financed in whole or in part by a bond issue, said front-foot assessments shall be payable over such period of time as the Commissioners may determine.

§ 99-4. Notification of classification and assessment; hearing.

The Commissioners shall notify in writing all assessed property owners as to the classification of their properties and the amount of their assessments, naming in said notice a time and place when and where said owners will be heard. The notices may be mailed to the last known address of the owner, or served in person upon any adult occupying the premises, or, in the case of vacant or unimproved property, posted upon the premises. The classification of, and the benefit charges assessed against, any property shall be final, subject to revision at said hearing or an adjournment thereof.

§ 99-5. Determination of assessment in case of unusual lots or frontage.

In the case of corner lots, irregularly shaped lots and shallow lots which front on more than one street, and also in the case of small acreage and agricultural property, the Commissioners may determine upon such lengths of frontage for assessment as they deem reasonable and fair.

§ 99-6. Default; lien upon property.

Front-foot assessment charges, as above specified, shall be a first lien on property against which they are assessed, subject only to prior state and county charges; and shall be enforced by the Commissioners of Thurmont pursuant to the provisions of Art. 43, Sec. 413 of the Annotated Code of Maryland¹ or such other provisions of law as shall be appropriate. Such front-foot assessment charges shall be in default after 30 days from the date of levy, and shall bear interest at the rate of 1% per month from and after the time of default.

§ 99-7. Extinguishment of charges.

Any front-foot assessment charge provided for herein may be extinguished at any time, upon the payment to Commissioners of a sum equal to the amount of the annual assessment charge (calculated for this purpose at the rate applicable to the class in which the subject property may then be, but in no event less than the rate applicable to residential property) multiplied by the number of years that the assessment has yet to run, and discounted at the rate of interest payable on such bonds as may have been issued to finance the construction for which the assessment was made. Upon the receipt of such sum, the Commissioners shall devote such sum to the purchase and redemption of such outstanding bonds. Any extinguishment of an assessment charge so made, however, shall be conditional until the expiration of the period during which such assessment charges would ordinarily have been payable; and if, following extinguishment, the use of the property changes to another class yielding a greater annual benefit charge than that utilized for computing the extinguishment amount, the Commissioners may reclassify the property and reimpose a benefit charge for the remaining number of years, calculating the reimposed charge so as to give credit for the sum paid for extinguishment.

§ 99-8. Connections to water and sewer mains required.

From and after the effective date of this chapter, the owner of any property within the corporate limits of the Town of Thurmont shall have said property connected with a sewer or water main installed on new extensions. The assessed charge shall be based on the contract price per front-foot for the water and sewer connections. Any property owner connecting to any established water and sewer mains before the effective date of this chapter shall pay the regular connection fees.

§ 99-9. Right to contract with developers.

Nothing contained in this chapter shall be construed to prevent or prohibit the Commissioners of Thurmont from entering into contractual arrangements with a developer of real estate for the installation of sewer and water mains, pursuant to the resolution concerning real estate development passed at the regular meeting of the Commissioners of Thurmont of August 7, 1963, and as amended at the regular meeting of November 1, 1964, and as the same may be amended from time to time.

¹Editor's Note: See now § 9-713, Health Environmental Article, Annotated Code of Maryland, 1983 replacement volume.