

102A-1. Authority to create special sewer assessment districts.

The Montgomery County Council may create from time to time within the Washington Suburban Sanitary District in Montgomery County special sewer assessment districts to provide for the extension of sewer facilities and the levying of benefit assessments therein for the financing of the extension. The districts may be created when the County Council shall have determined that any extension in the six-year sewer program, as approved by it pursuant to the provisions of Section 71-45, is necessary for the implementation of programs for staging the orderly growth of the County; for service to programmed construction of other public facilities in the County; or for the elimination of public health and sanitation problems; and that alternative methods of funding are necessary to achieve any of these objectives. The district shall encompass all properties which could be served by the programmed extension, and the construction of the extension is hereby declared to be a general benefit to all these properties.

102A-2. Hearing prior to creation of assessment district.

Prior to the establishing of any assessment district and the levying of any assessment, the County Council shall hold a public hearing thereon after thirty days' notice thereof published in a newspaper of general circulation in the County. Notice of the time and place of the hearing, together with a description of the programmed extension and the district to be established shall be mailed to the owner or owners of each parcel of land proposed to be assessed for benefit received from the programmed extension, such mailing to be made by depositing a written notice in the United States mail at least two weeks before the date of the hearing and shall be to the owners and to their addresses as the same appear on the real property assessment records of Montgomery County. Prior to the hearing, the Washington Suburban Sanitary Commission shall be requested to furnish the County Council with an engineering determination of the maximum area limits which could be served by the programmed extension; the estimated cost and time for construction of the extension; and the amounts and sources of funds available to the Commission to defray the cost of the construction. If such information is not furnished, the hearing shall proceed on the basis of the information contained in the latest Commission six-year capital improvements program approved under the provisions of aforesaid Section 71-45.

102A-3. Determining of need and resolution.

If, after the hearing, as provided for above, the Council shall determine for any of the reasons set forth in Section 102A-1 that a special sewer assessment district is required for the public interest, health, safety or welfare, it shall by law designate the area of such assessment district and direct that the programmed extension be undertaken pursuant to agreement or agreements entered into with