

A DISTRICT MAY NOT CONSTRUCT, IMPROVE, OPERATE, OR EXTEND ANY PROJECT THAT WOULD DUPLICATE OR COMPETE WITH ANY UTILITY THAT IS SIMILAR TO A PROJECT AND SERVES SUBSTANTIALLY THE SAME PURPOSES, UNLESS:

(1) THE UTILITY IS A PRIVATELY OWNED WATER SYSTEM OR SEWERAGE SYSTEM; AND

(2) THE SANITARY COMMISSION FINDS THAT THE UTILITY IS UNFIT FOR INCORPORATION INTO THE DISTRICT'S SYSTEM.

REVISOR'S NOTE: This section is new language derived without substantive change from the first and sixth sentences of former Article 43, § 651.

In the introductory paragraph of this section, the former reference to a "public or private" utility is deleted as included in "any utility".

The second and third sentences of former Article 43, § 651 are deleted. The second sentence allowed member counties to designate projects to be undertaken by the district, implying that the power of a district would extend to projects so designated. The third sentence provided that if the member counties failed to designate projects to be undertaken, the district would have "all the power granted by this subtitle". Since either designating a project or failing to designate a project would give a district power over the project, these former sentences are unnecessary.

9-644. LIMITATIONS ON POWERS OF COUNTIES.

(A) DUPLICATION OF TERRITORY.

A COUNTY THAT HAS CREATED A DISTRICT MAY NOT CREATE A NEW DISTRICT THAT WOULD SERVE TERRITORY SERVED BY AN EXISTING DISTRICT.

(B) JOINING OR CREATING NEW DISTRICT.

UNLESS, BY ORDINANCE OR RESOLUTION, EVERY OTHER MEMBER COUNTY OF EACH DISTRICT OF WHICH THE MEMBER COUNTY IS ALREADY A MEMBER APPROVES, A MEMBER COUNTY MAY NOT JOIN OR CREATE ANOTHER DISTRICT.

REVISOR'S NOTE: This section is new language derived without substantive change from the fourth and fifth sentences of former Article 43, § 651.

9-645. RESERVED.