

TOWN OF ROCK HALL, MARYLAND

ORDINANCE NO. 2014-06

AN ORDINANCE concerning

Chapter 220 (Water) of the Code of the Town of Rock Hall, Maryland

Secondary Water Meters

FOR THE PURPOSE of protecting, maintaining, and enhancing the public health, safety, and general welfare by amending Chapter 220 (Water), § 220-10 of the Code of the Town of Rock Hall for the purpose of deleting Subsection (B) thereof relating to the usage of second or third water meters by commercial establishments; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to secondary water meters in the Town of Rock Hall.

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-716, the Council of the Town of Rock Hall (the “Council”) is authorized and empowered to adopt rules and regulations to provide for the maintenance and operation of any water supply system, sewerage system, drainage system, or refuse disposal system under its control; and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-723, the Council is authorized and empowered to establish reasonable rates for water service, and reasonable charges for sewer upkeep and sewer service to provide funds for maintenance, repair, and operation of any water or sewerage system and payment of all or part of the principal and interest on any indebtedness that is incurred to finance any water or sewerage system; and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-727, before setting or modifying a rate, charge, or assessment for water service, sewer upkeep, or sewer service, the Council shall give prompt notice of the proposed rate, charge, or assessment in at least one newspaper of general circulation in the area of the water or sewerage system and conduct a hearing on the necessity or advisability of the proposed rate, charge, or assessment; and

WHEREAS, pursuant to § 1013 of the Municipal Charter of the Town of Rock Hall, the Council is authorized to charge and collect such service rates, water rents, ready-to-serve charges, or other charges as it deems necessary for water supplied and the removal of sewage; and

WHEREAS, in accordance with the foregoing authority, on July 7, 1994, the Council passed Ordinance No. 94-05, which took effect on July 27, 1994 and added a new subsection (B) to Chapter 115 (Water), § 115-10 of the Code of the Town of Rock Hall for the purpose of permitting certain commercial establishments to have second or third water meters installed, subject to approval by the Utilities Board, to obtain relief from sewer charges for water usage that did not enter the Town’s sanitary sewer system; and

WHEREAS, subsequent to the passage of Ordinance No. 94-05, Chapter 115 was renumbered Chapter 220 the sections therein, including § 115-10, were renumbered accordingly; and

WHEREAS, on June 18, 2014, during a duly-advertised open public meeting, the Council approved its budget for the 2015 fiscal year, which budget is dependent in part upon the increased revenue to the Town resulting from terminating the usage of second and third water meters by commercial establishments; and

WHEREAS, in accordance with its duly-adopted FY 2015 budget, the Council is desirous of amending Chapter 220, § 220-10(B) for the purpose of terminating the usage of second or third water meters by commercial establishments effective July 1, 2014; and

WHEREAS, the Council has determined that it is in the best interests of and consistent with the health, safety, and welfare of the citizens of the Town to amend Chapter 220 (Water), § 220-10 of the Code for the purpose of deleting Subsection (B) thereof relating to the usage of second or third water meters by commercial establishments.

NOW, THEREFORE, BE IT ORDAINED AND ENACTED by the Council of the Town of Rock Hall, Maryland that:

SECTION 1. Chapter 220 (Water) of the Code is hereby amended as follows:

§ 220-10 Meters and meter settings.

A. *UNCHANGED*

- B. ~~[Certain commercial establishments, subject to approval by the Utilities Board, may have second or third meters installed, referred to as "secondary meters," to provide relief from sewer charges for water usage that does not enter the sanitary sewer system. Secondary meters shall be of a size and type deemed suitable by the Town for the installation contemplated. The secondary meters shall be under the ownership of the property owner, and the cost, installation and maintenance thereof shall be the sole responsibility of the property owner.]~~

~~[C.]~~ The Engineer shall determine the size and type of any water meter and the type and location of the settings. Outside meter settings will be used, except where obstructions or other considerations require that they be placed inside the building, in which case they shall be set as the Water Department Engineer shall require. When the water meter is set inside the cellar of the building, the property owner will be held responsible for the protection of the meter from injury due to freezing. Repairs and replacements of a meter so damaged shall be at the expense of the property owner.

~~[D]~~C. The outside meter housing or the curb box must be installed so that the top is on the ground surface of the permanent grade and within the public right-of-way whenever possible. In order to accomplish this, one of the following methods will be followed.

- (1) Where the curb and sidewalk do not exist, the property owner shall indicate the final grade of the ground surface at which an outside meter setting or a curb box is to be placed and the structure will be set at the grade given when it is installed. The water house connection shall not be installed until such grade is given. If the grade or location of the meter setting or the curb box is changed due to a change in elevation of the ground from that originally indicated, the property owner shall bear the expense of such change in grade or location.
- (2) Where the curbs and sidewalks exist, the top of the meter housing shall be placed at the straight line grade between the back of the curb and the street edge of the sidewalk.

~~[E]~~D. It shall be unlawful for any person not specifically authorized by the Council to interfere with, remove, replace or tamper with a meter or a meter seal.

~~[F]~~E. No connection shall be made to any water service pipe between the water main and the meter, except such bypass as the Town may install. If such unlawful connection is found, the water house connection will be cut off at the main until such unlawful connection is disconnected and abandoned. Any expense to which the Town shall be subjected due to the above work shall be paid for before service is restored.

~~[G]~~F. If it is found that such unlawful connection has been made to bypass a detector check in order to illegally obtain unmetered water, the detector check will be removed and replaced by a suitable meter. Such removal and replacement shall be paid for before service is restored.

SECTION 2. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 3. In this Ordinance, unless a section of the code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Language added after the date of introduction is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 4. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance is for any reason held invalid or unconstitutional by any court or competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 5. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 6. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

This Ordinance was introduced at a public meeting of the Council of the Town of Rock Hall, held on the **10th day of July, 2014** and having been reviewed and considered for final action after a public hearing on the **14th day of August, 2014**, was duly passed and enacted on the **3rd day of September, 2014**.

AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF ROCK HALL, MARYLAND, that this Ordinance shall become effective on the **24th day of September, 2014**.

VOTE

_____(Nay)
Robert E. Willis, Mayor

YEAS: 3

_____(Yea)
Brian L. Jones, Council Vice President

NAYS: 2

ABSTAINING _____

_____(Yea)
Olin B. Price, Councilmember

_____(Nay)
Susan A. Francis, Councilmember

_____(Yea)
Brian S. Nesspor, Councilmember

Approved as to form:

Charles D. MacLeod, Town Attorney

Date of Introduction:	July 10, 2014
Date of Public Hearing:	August 14, 2014
Date of Enactment:	September 3, 2014
Effective Date:	September 24, 2014