

CITY OF SALISBURY
ORDINANCE NO. 2005

AN ORDINANCE of the Mayor and the Council of the City of Salisbury to amend Chapter 13.04 – General Provisions – Water and Sewer Service Charges, and Chapter 13.08 – Water, so that water and sewer rates can be changed from time to time by resolution rather than by ordinance.

WHEREAS, the Council has determined that the provisions of Chapter 13.04 – General Provisions – Water and Sewer Service Charges, and Chapter 3.08 – Water, should be amended so that water and sewer rates can be changed from time to time by resolution rather than by ordinance.

NOW, THEREFORE, be it enacted and ordained by the Council of the City of Salisbury, Maryland, that Chapter 13.04 – General Provisions – Water and Sewer Service Charges, Sections 13.04.030, 13.04.040, 13.04.050, and 13.04.060; and Chapter 13.08 – Water, Sections 13.08.040, 13.08.050, 13.08.100, 13.08.110, 13.08.120, 13.08.150, and 13.08.160; shall be amended as follows:

Chapter 13.04

GENERAL PROVISIONS – WATER AND SEWER SERVICE CHARGES

Section 13.04.030 Inspections--Penalty for refusal to permit inspection.

All properties connected with the sanitary sewer system of the city may be inspected from time to time by employees of the department of building, **[housing and zoning] permits and inspections** and the department of public works* or other agency of the city for purpose of checking the amount and nature of the effluent being discharged into the sanitary sewer system. Any person who shall refuse to permit an inspection of any such property for the purposes aforesaid shall be guilty of a misdemeanor and, upon conviction thereof by the Circuit Court for

the county, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor more than one hundred dollars (\$100.00) or by imprisonment for not less than ten days nor more than thirty (30) days. (Prior code § 132-7)

* Editor's Note: See Article X, Department of Public Works, of the Charter.

Section 13.04.040 Discontinuance of service--Notice of disconnection.

Should any property owner or occupant of property connected with the city water or sanitary sewer system refuse to permit an inspection of such property for the purposes outlined in Section 13.04.030, then such property shall be disconnected from the sanitary sewer system and shall not be reconnected thereto until the inspection of the property has been completed and the cost of such disconnection and reconnection is paid to the city. Before disconnecting any property under the provisions hereof, the director of the department of building, **[housing and zoning]** permits and inspections shall give five days' notice by letter addressed to the person refusing to permit such inspection notifying such person that sewer service shall be discontinued unless the inspection provided for herein is permitted. (Prior code § 132-8)

Section 13.04.050 Sewer charges imposed.

The charges for sewage removal, treatment and disposal are imposed upon all properties located within the corporate limits of the city, and charges for collection, removal, treatment and disposal are imposed upon all properties located outside the corporate limits of the city which are connected with the city's sanitary sewer system, in **[the amounts computed as hereinafter provided]** accordance with rates set from time to time by the city council by resolution, and such sewer charge shall be billed and collected from the owner of each such property in the manner provided by this chapter. (Prior code § 132-9)

Section 13.04.060 Computation of sewer charges.

The sewer charges imposed in Section 13.04.050 shall be computed as follows:

A. For properties paying metered water charges, for all consumption, the sewer charge shall be **[an amount equal to]** based on the amount of such metered water consumption; provided that, for properties not using city water but measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other device approved by the city, the amount of effluent so discharged shall be considered as establishing the amount of water consumption for the purpose of determining the amount of the sewer charge.

B. Sewer charge for properties inside corporate limits, but not using city water.

1. For properties located inside the corporate limits but not using city water and not measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other measuring device approved by the city, the sewer charge shall be computed by determining the number of water fixtures located in such property and charging for such **[an amount set forth in the following schedule]** in accordance with a schedule of rates established from time to time by the city council by resolution:

[Annual In-City Rates

Rate 1	One to two fixtures	\$155.40
Rate 2	Three to five fixtures	\$273.00
Rate 3	Six to ten fixtures	\$408.80
Rate 4	Eleven to fifteen fixtures	\$544.60
Rate 5	Sixteen to twenty fixtures	\$680.40

For every five or less fixtures above twenty (20) fixtures, the rate shall be rate number 5 plus seventy-five (\$75.00) for each increment of five or less fixtures.]

2. When, in the opinion of the director of the department of public works, any property, whether inside or outside the corporate limits, is desirous of connection to the city's sanitary sewer or any county urban service district sanitary sewer and has an expected flow of one hundred thousand (100,000) gallons per year or greater, he will require that the property owner install, at the property owner's expense, an appropriate measuring device for determining the basis of the sewer charge. This device shall be placed under the city's direct supervision and shall be in accordance with city standards. The device must meet city approval and shall be accessible to city personnel at all times for maintenance, repair and reading. A reasonable charge will be made for maintenance, repair or replacement.

3. Any properties now connected to the city's sanitary sewer that, in the opinion of the director of the department of public works, have a flow of one hundred thousand (100,000) gallons per year or greater will have until January 1, 1973, to install and place in service the measuring device. Any existing, operating device and its installation shall be upgraded to meet city standards by January 1, 1973.

C. For residential properties located outside the corporate limits but not using city water and not measuring the amount of effluent discharged into the sanitary sewer system by means of a sewage flow meter or other measuring device approved by the city, the sewer charge shall be computed by determining the number and kind of water fixtures located in such property and charging for the same an annual amount equal to two hundred (200) percent of those set forth for properties located in the corporate limits **[in the tabulation of subsection (B) of this section]** as established from time to time by the city council by resolution. Any property located outside the corporate limits required by the director of the department of public works to have a measuring device installed under authority of subsection (B) of this section shall pay an amount equal to

two hundred (200) percent of the rates for properties located in the corporate limits, except county urban service district sanitary sewer, which shall pay the stipulated rate for that particular district. (Ord. 1824 § 1, 2001; Ord. 1667, 1997; Ord. 1688 § 3, 1998; Ord. 1604 § 3, 1995; Ord. 1588 § 3, 1994; Ord. 1563 § 3, 1993; prior code § 132-10)

Chapter 13.08

WATER

Section 13.08.040 Payment of water charges--Nonpayment--Discontinuance and resumption of service.

A. Property owners are responsible for payment of all water charges, and if any bill rendered for water charges shall not be paid within forty-five (45) days after the close of the billing period for which such bill was rendered, a penalty of five percent of the amount of such bill shall be payable in addition to the amount of said bill. If any such bill shall not be paid within sixty (60) days after the close of the billing period for which same is rendered, water service shall be discontinued. The [city treasurer] Director of Internal Services is directed to issue one written notice by postcard or other appropriate means to the property owner at any time during such sixty-day period warning him that the water service will be discontinued unless payment is made as herein provided.

B. Fees. All fees adopted by [the ordinance codified in] resolution by the council under authority of this chapter and all other fees currently in effect shall remain so unless changed at a future date by the Salisbury city council. (Ord. 1563 § 5, 1993; prior code § 132-26)

Section 13.08.050 Installation of fire service connections.

Sprinkler or fire service connections shall be constructed by the city from the street main to a point in the public sidewalk area at the property owner's request and expense, such cost to be

determined by the city engineer. No fire service connection shall be installed without the submission of plans and the approval thereof by the director of the department of building, **[housing and zoning]** permits and inspections and the city engineer. (Prior code § 132-27)

Section 13.08.100 Refusal to permit inspections.

Should any property owner or occupant of property connect with the water supply system of the city refuse to permit an inspection of such property, then such property shall be disconnected from the water supply system of the city and shall not be reconnected thereto until the inspection of the property has been completed and a reconnection fee of twenty-five dollars (\$25.00) is paid to the city. Before disconnecting any property under the provisions hereof, the director of the department of building, **[housing and zoning]** permits and inspections shall give five days' written notice by letter addressed to the person refusing to permit such inspection, notifying such person that water service shall be discontinued unless the inspection provided for herein is permitted. (Prior code § 132-32)

Section 13.08.110 Inspections authorized--Records--Penalty for refusal to permit inspection.

All properties connected with the water supply system of the city may be inspected from time to time by the director of the department of building, **[housing and zoning]** permits and inspections or his authorized representative. Complete records of the inspections provided for herein shall be compiled and maintained by the department of building, **[housing and zoning]** permits and inspections. An owner or occupant of a property connected with the water supply system of the city who shall refuse to permit an inspection of any such property shall be guilty of a misdemeanor and, upon conviction thereof by the trial magistrate of the county of the circuit court for the county, shall be punished by a fine of not less than twenty-five dollars (\$25.00) nor

more than one hundred dollars (\$100.00) or by imprisonment for not less than ten days nor more than thirty (30) days. (Prior code § 132-33)

Section 13.08.120 Schedules for metered water consumption charges established.

The schedules for metered water consumption charges applicable to properties located within the corporate limits of the city and for metered water consumption charges applicable to properties located outside the corporate limits of the city for the sale and distribution of water from the municipal water system of the city are established, **[approved and adopted as set out in this chapter]** from time to time by the city council by resolution. (Prior code § 132-34)

Section 13.08.150 Service charges for commercial and industrial activities.

A. Commercial and industrial activities within the corporate limits which do not use the municipal water supply for their entire operational needs and who are supplied with fire service or standby operational service shall pay **[the following]** charges as established from time to time by the city council by resolution.

[1. For each fire service, per annum: three hundred dollars (\$300.00);

2. For each standby operational service, per annum: three hundred dollars (\$300.00).]

B. Commercial and industrial activities located outside the corporate limits which are supplied with fire service, regardless of whether or not they use the municipal water supply for their entire operational needs, and commercial and industrial activities outside the corporate limits who do not use the municipal water supply for their entire operational needs and who are supplied with standby operational service shall pay **[the following]** charges as established from time to time by the city council by resolution.

[1. For each fire service, per annum: six hundred dollars (\$600.00);

2. For each standby operational service, per annum: six hundred dollars

(\$600.00).] (Prior code § 132-37)

[B.] Section 13.08.160 Service Area Assessments.

These assessments are currently based on the actual cost to the city of the utility construction spread out over the assessable frontage of properties served by the construction. Each July 1st the service area assessment rates are indexed in accordance with the recognized cost of living adjustment for the preceding year. (Ord. 1688 § 4, 1998; Ord. 1563 § 4, 1993; prior code § 132-39)

AND BE IT FURTHER ENACTED AND ORDAINED BY THE COUNCIL OF THE CITY OF SALISBURY, MARYLAND, that this Ordinance shall take effect from and after the date of its final passage.

THIS ORDINANCE was introduced and read at a meeting of the Council of the City of Salisbury held on the _____ day of _____, 2006, and having been published as required by law, in the meantime, was finally passed by the Council on the _____ day of _____, 2006.

Brenda J. Colegrove
City Clerk

Michael P. Dunn
President of the City Council
of the City of Salisbury

Approved by me, this _____ day
of _____, 2006.

Barrie P. Tilghman,
Mayor of the City of Salisbury