

AN ORDINANCE TO AMEND
TITLE 13
OF THE CODE OF EMMITSBURG
ENTITLED
PUBLIC SERVICES

SECTION I: **BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 13, Section 13.04.030 of the Emmitsburg Municipal Code, be amended as follows. New language is designated by being in **BOLD CAPITAL LETTERS**, and deleted language is designated by being in ~~[brackets and strike out]~~.

Chapter 13.04 – Water System

13.04.030 - Water rates.

- A. *{Unchanged}*
- B. *{Unchanged}*

~~[C. — Collection of Charges. All water charges shall be charged to and collected from the owner of the property served. Charges are payable in full upon receipt of the quarterly bill. These bills are mailed by the first of January, April, July and October. If any bill remains unpaid after thirty (30) days from the date the bill is sent, a late charge will be assessed, and the town clerk shall give the owner of the property served written notice by mail. The notice shall be mailed to the owner's last known address or a copy shall be left on the owner's property. The notice shall notify the owner of the property served that the bill is in arrears and that water service will be discontinued. If the amount due remains unpaid after the expiration of ten days from the giving of such notice, the town clerk shall forthwith discontinue water service to the property. The services will remain disconnected until the delinquent amount and a reconnection charge is paid in full. If any person shall turn the service on again without proper authority from the mayor and board of commissioners after the same has been disconnected, he/she shall be guilty of a misdemeanor. The fee for the service disconnection and reconnection is one hundred dollars (\$100.00) in advance. If any bill remains unpaid after thirty (30) days from the date the notice is sent, the bill and reconnection charge shall be collectible from the property owner in the same manner and subject to the same interest as taxes are collectible in Frederick County. Such charges and bills shall be a first lien on the property.]~~

~~[D.]~~ C. Unusually Excessive Water Use. In the event that a meter reading reflects an unusually high water usage, whereas the bill is more than twenty-five (25) percent higher in that quarter for the last three years, which is due to a broken pipe, leak or other malfunction in the plumbing system on the property, then the town may allow for a first and only occurrence during a three-year period beginning with said request, a reduction in the amount of the water and sewer bill. In order to be granted the reduction, the property owner must submit a written request to the town manager for the reduction and state the nature of the cause of the high water usage and the action taken to correct and resolve the problem. The revised bill will be established as based upon the average of the water usage for the property for the same quarter during the three previous years.

SECTION II: **BE IT RESOLVED, ENACTED AND ORDAINED** by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 13, Chapter 13.04 of the Emmitsburg Municipal Code, be amended by adding thereto the following as Section 13.04.035:

Chapter 13.04 Water System

13.04.035 **COLLECTION OF CHARGES**

- A. THE BILLING AND COLLECTION PROCEDURES IN THIS SECTION ARE POLICY PROCEDURES ONLY AND CONSTITUTE GUIDELINES WHICH DO NOT CREATE ANY REQUIREMENTS OR STANDARDS WHICH, UPON NON-COMPLIANCE, WILL GIVE RISE TO ANY CLAIM, CAUSE OF ACTION OR BASIS FOR NON-PAYMENT FOR SERVICES RENDERED. THE FAILURE OF THE TOWN TO COMPLY STRICTLY WITH ANY OF THESE POLICY PROCEDURES AND GUIDELINES IS NOT A WAIVER OR RELINQUISHMENT OF ANY OF THE RIGHTS OF THE TOWN TO SEEK PAYMENT FOR WATER SERVICES RENDERED NOR DOES SUCH FAILURE CREATE ANY DEFENSE TO THE OBLIGATION OF THE USER TO PAY FOR WATER SERVICES RENDERED.**
- B. ALL CHARGES FOR WATER SERVICE ARE THE OBLIGATION OF AND SHALL BE CHARGED TO AND COLLECTED FROM THE OWNER OF THE PROPERTY SERVED. ALL WATER SERVICE ACCOUNTS WILL BE ESTABLISHED IN THE NAME OF THE PROPERTY OWNER WHERE SERVICE IS RENDERED. BILLS WILL BE MAILED IN THE NAME OF THE PROPERTY OWNER TO THE PROPERTY ADDRESS. UPON WRITTEN REQUEST MADE ANNUALLY BY THE PROPERTY OWNER, THE TOWN WILL MAIL BILLS, LATE NOTICES, DISCONNECTION NOTICES AND ANY OTHER NOTICES AND COMMUNICATIONS TO THE PROPERTY OWNER TO SUCH OTHER ADDRESS AS HAS BEEN DESIGNATED BY THE PROPERTY OWNER OR TO THE PROPERTY OWNER IN THE CARE OF A DESIGNATED PROPERTY MANAGEMENT COMPANY AT THAT COMPANY'S ADDRESS. NO ACCOUNTS WILL BE ESTABLISHED AND NO BILLS WILL BE MAILED IN THE NAME OF TENANTS.**
- C. CHARGES FOR WATER SERVICE ARE PAYABLE IN FULL UPON RECEIPT OF THE QUARTERLY BILL. BILLS FOR WATER SERVICE CHARGES WILL BE MAILED BY THE FIRST OF JANUARY, APRIL, JULY AND OCTOBER. THE FINAL DUE DATE FOR THE PAYMENT OF BILLS IS THE 5TH DAY OF THE FOLLOWING MONTH, RESPECTIVELY, FEBRUARY, MAY, AUGUST AND NOVEMBER. IF THE 5TH DAY OF THE MONTH IS A HOLIDAY OR WEEKEND, THE FINAL DUE DATE SHALL BE EXTENDED TO THE NEXT BUSINESS DAY. ANY BILL REMAINING UNPAID AFTER ITS DUE DATE SHALL ACCRUE A LATE CHARGE OF 5% OF THE AMOUNT UNPAID, AND THE TOWN SHALL NOTIFY THE OWNER OF THE PROPERTY SERVED THAT THE BILL IS IN ARREARS AND THAT WATER SERVICE WILL BE DISCONTINUED IF PAYMENT IS NOT RECEIVED. THE NOTICE SHALL BE MAILED TO THE OWNER'S LAST KNOWN ADDRESS OR A COPY SHALL BE LEFT ON THE OWNER'S PROPERTY. IF THE AMOUNT DUE REMAINS UNPAID AFTER THE EXPIRATION OF TEN DAYS FROM THE GIVING OF SUCH NOTICE, THE TOWN SHALL FORTHWITH DISCONTINUE WATER SERVICE TO THE PROPERTY. THE SERVICES WILL REMAIN DISCONNECTED UNTIL THE DELINQUENT AMOUNT AND A RECONNECTION**

CHARGE IS PAID IN FULL. THE CHARGE FOR THE SERVICE DISCONNECTION AND RECONNECTION IS ONE HUNDRED DOLLARS (\$100.00). ANY BILL AND, IF APPLICABLE, RECONNECTION CHARGE REMAINING UNPAID AFTER THIRTY (30) DAYS FROM THE DATE THE LATE NOTICE IS SENT IS COLLECTIBLE FROM THE PROPERTY OWNER IN THE SAME MANNER AND SUBJECT TO THE SAME INTEREST AS TAXES ARE COLLECTIBLE IN FREDERICK COUNTY. SUCH CHARGES AND BILLS SHALL BE A FIRST LIEN ON THE PROPERTY. ANY PERSON WHO, WITHOUT PROPER AUTHORITY FROM THE MAYOR AND BOARD OF COMMISSIONERS, RECONNECTS WATER SERVICE TO THE PROPERTY AT WHICH SERVICE HAS BEEN DISCONNECTED PURSUANT TO THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

D. ALL BILLS MAY BE PAID AT ANY OF THE FOLLOWING LOCATIONS OR IN THE FOLLOWING MANNER:

- 1. IN PERSON, BY CASH, CHECK OR CREDIT CARD, AT THE EMMITSBURG TOWN OFFICE.**
- 2. BY MAILING THE PAYMENT TO THE EMMITSBURG TOWN OFFICE.**
- 3. BY ONLINE BANKING, IF SUCH PAYMENT PROCEDURE IS AVAILABLE THROUGH THE CUSTOMER'S BANK OR OTHER FINANCIAL INSTITUTION AND IS COMPATIBLE WITH THE PROCEDURES AND BILLING SYSTEMS OF THE TOWN.**
- 4. ONLINE USING THE ONLINE BILL PAY FUNCTION ON THE TOWN'S WEBSITE LOCATED AT WWW.EMMITSBURGMD.GOV.**
- 5. BY PLACING THE PAYMENT IN THE DROP-BOX LOCATED IN THE FRONT OF THE OLD TOWN OFFICE BUILDING AT 22 EAST MAIN STREET.**

SECTION III: BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

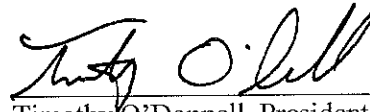
PASSED this 5th day of September, 2017
by a vote of 5 for, 0 against, 0 absent, and 0 abstain.

ATTEST:

EMMITSBURG BOARD OF COMMISSIONERS:



Madeline Shaw, Town Clerk

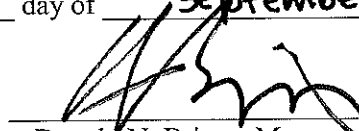


Timothy O'Donnell, President

MAYOR

APPROVED VETOED

this 5th day of September, 2017.



Donald N. Briggs, Mayor

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Madeline Shaw, Town Clerk
Date: