TOWN OF CHESAPEAKE CITY, MARYLAND
ORDINANCE NO: 5.28.2013

AN ORDINANCE OF THE TOWN OF CHESAPEAKE CITY TO ADOPT WATER AND SEWER REGULATIONS KNOWN AS THE CHESAPEAKE CITY WATER AND SEWER ORDINANCE.

WHEREAS, Section 26-72, *et seq.* of the Charter of the Town of Chesapeake City grants the Town the authority to exercise the power to construct, maintain, and operate water and sewer facilities;

WHEREAS, that it is in the best interest of the Town to adopt a Water and Sewer General Administration Ordinance; and

WHEREAS, the passage of this Ordinance is made pursuant to the power and authority granted as hereinabove stated.

NOW, THEREFORE, BE IT ENACTED AND ORDAINED BY THE MAYOR AND COUNCIL OF CHESAPEAKE CITY, MARYLAND AS FOLLOWS:

SECTION 1. The document entitled "Water & Sewer General Administration FINAL VERSION dated June 17, 2013 (the "Water and Sewer Ordinance") as amended is hereby adopted by the Town of Chesapeake City. A copy of the Water and Sewer Ordinance is attached hereto and is incorporated herein as if fully set forth in this Section.

SECTION 2. Should any provision, section, paragraph, or subparagraph of this ordinance, including, any code or text adopted hereby, be declared null and void, illegal, unconstitutional, or otherwise determined to be unenforceable by a court having jurisdiction, the same shall not affect the validity, legality, or enforceability of any other provision, section, paragraph, or subparagraph hereof, including any code or text adopted hereby. Each such provision, section, paragraph, or subparagraph is expressly declared to be and is deemed severable.

SECTION 3. 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 having been introduced on May 28, 2013 and adopted on June 17, 2013, we hereby affix our signatures. Effective July 8, 2013. A summary of this Ordinance shall be published in at least one newspaper having general circulation within the Town of Chesapeake City.

BY AUTHORITY OF THE MAYOR
AND COUNCIL OF THE TOWN OF
CHESAPEAKE CITY, MARYLAND

Clerk

Dean Geracimos, Mayor

5
Ayes

Ø
Nayes

Ø
Absent

Approved as to Form:

Thomas N. Yeager,
Attorney for the Town of Chesapeake City

WATER & SEWER
GENERAL ADMINISTRATION
FINAL VERSION, June 17, 2013

INDEX

Section 1.1 Sewer & Water Systems
Section 1.2 Sewer and Water Rents
Section 1.3 Collection and Billing Duties of Clerk/Treasurer
Section 1.4 Receipts for Payments
Section 1.5 Rent Payment to be in Full
Section 1.6 Delinquent Renters
Section 1.7 Payment and Adjustment of Rents; Discontinuances
Section 1.8 Applications for Service
Section 1.9 Sewer and Water Connection Fees
Section 1.10 Ready-To-Serve Fee
Section 1.11 Left blank intentionally
Section 1.12 Contracts for Service Outside Town Limits
Section 1.13 Extension of Water Mains and/or Sewers
Section 1.14 Services Ready to Use

ARTICLE II
WATER
Water Service Connections

Section 2.1 Water Connections
Section 2.2 Temporary Water Services
Section 2.3 Tapping Mains; Performance of Work.
Section 2.4 Responsibilities
REVISED Ordinance Section 2.4

ARTICLE III
METERS

Section 3.1 Meters and Meter Locations
Section 3.2 Control and Supervision of Meters; Repairs
Section 3.3 Tampering or Interfering with Meters

ARTICLE IV
MATERIALS AND MAINTENANCE

Section 4.1 Use of Stopcocks with Branch Pipes
Section 4.2 Inspections and Repairs to Prevent Waste of Water
Section 4.3 Renewal of Extension

ARTICLE V
WATER USÈ CURTAILMENT

Section 5.1 Authority of Mayor to Order Curtailment
Section 5.2 Notice To Consumers to Curtail Unnecessary Use

ARTICLE VI
UNLAWFUL AND PROHIBITED ACTS

Section 6.1 **Unlawful Opening of Fire Hydrants**
Section 6.2 **Prohibited Acts Generally**
Section 6.3 **Unlawful Connections or Ferrules**
Section 6.4

ARTICLE VII
GENERAL PROVISIONS – SEWERS

Section 7.1 **Definitions**
Section 7.2 **Connections, Openings Or Alterations: Permit Required**
Section 7.3 **Water Pollution Prohibited**
Section 7.4.1 **When Toilets Required; Connection to Public Sewer; Time Limit to Connect**
Section 7.4.2 **Out of Town Regulations**
Section 7.5 **Privies and Cesspools Restricted**
Section 7.6 **Sanitary Maintenance of Privies and Cesspools**
Section 7.7 **Damaging or Destroying Sewage Works Equipment**
Section 7.8 **Notice of Violations**
Section 7.9 **Violations and Penalties**
Section 7.10 **Liability for Damages**

ARTICLE VIII
BUILDING SEWERS AND CONNECTIONS

Section 8.1 **Installation, Connection and Replacement Costs; Indemnification Of Town-**
Section 8.2 **Separate Sewers for Each Building; Exception**
Section 8.3 **Use of Old Sewers for New Buildings**
Section 8.4 **Sewer Elevation, Location and Grade**
Section 8.5 **When Pumps Required**
Section 8.6 **Safeguards and Barricades; Restoration**
Section 8.7 **Inspections and Supervision of Connections by Superintendent**

ARTICLE IX
USE OF PUBLIC SEWERS

Section 9.1 **Prohibited Use of Sanitary Sewers**
Section 9.2 **Prohibited Waters and Wastes**
Section 9.4 **Maintenance of Interceptors**
Section 9.5 left blank intentionally
Section 9.6 **Approval of Plans of Treatment Facilities**
Section 9.7 **Maintenance of Facilities by Owner**
Section 9.8 **Control Manholes On Property Producing Industrial Wastes**
Section 9.9 **Standards for Measurements, Tests and Analyses**
Section 9.10 **Special Arrangements for Industrial Concerns**

ARTICLE X
PRIVATE SEWAGE DISPOSAL

Section 10.1 **When Authorized**
Section 10.2 **Permit Required; Application; Fee**
Section 10.3 **Effective Date of Permit; Inspections; Notice To Inspect**
Section 10.4 **Compliance With State Health Requirements**
Section 10.5 **Other Restrictions on Issuance of Permit; Prohibited Use of Sewers**

Section 10.6 Sanitary Operation and Maintenance
Section 10.7 Duty to Connect to Public Sewer Where Available
Section 10.8 Additional State Health Requirements
Section 10.9 Understanding billing

ARTICLE I
WATER & SEWER
GENERAL ADMINISTRATION

Section 1.1 Sewer & Water Systems

A. Article I shall provide the general administration of the water and sewer systems for the Town of Chesapeake City (Town).

B. The Mayor and Council of the Town of Chesapeake City hereby adopt the Cecil County Standard Specifications and Details for Water Mains and Sanitary Sewers and State regulations as may be amended from time to time.

C. For the purpose of this ordinance, the word Town shall mean the Town of Chesapeake City or its duly authorized officers, agents, representatives or employees.

D. For the purposes of this Ordinance, the word Lien shall mean a charge placed against real property for the satisfaction of unpaid fees, costs or services provided by the Town of Chesapeake City property.

E. Any employee or agent of the Town shall have the right of entry, at all reasonable hours, upon any private premises and into any building within the corporate limits of the Town while in the pursuit of his/hers official duties, and any restraint or hindrance offered to such entry by any owner or tenant or agent of said owner or tenant shall be a town infraction punishable as hereinafter where prescribed

F. Out of town consumers will be regulated by the same terms as in-town customers.

G. Definitions

1. RESIDENTIAL DWELLING - IN TOWN - A room or group of rooms occupied as living quarters by an individual, a single family, or other discrete group of persons with facilities that are used or intended to be used for living, sleeping, cooking, sanitation, and eating, including a single apartment unit, condominium unit, cooperative unit, townhouse unit, or house.

2. MULTI-DWELLING UNIT – A building with more than one dwelling unit. Apartments shall be in this category.

3. COMMERCIAL UNIT –IN TOWN- WATER DEPENDENT- A building unit used for any business that charges a fee for a service or product that depends on water for other then sanitary facilities. Examples of these properties will include but not limited to Bed & Breakfasts, Spas, Apartment Units, Restaurants, Marinas and Day Cares shall be in this category. These properties will use more than 10,000 gallons per quarterly billing period

4. COMMERCIAL UNIT - IN TOWN - NON-WATER DEPENDANT - A building unit used for any business that charges a fee for a service or product that does not depend on water other than sanitary facilities for the inhabitants. Offices and retail businesses shall be in this category. These properties will use less than 10,000 gallons per quarterly billing period

5. COMMERCIAL- MULTI-PURPOSE-Any commercial property that operates more than one business type on the same property will be charged one base rate for each operation.

6. COMMERCIAL UNIT – OUT OF TOWN - Any commercial unit outside of the Town limits or boundaries.

7. RESIDENTIAL DWELLING - OUT OF TOWN - A residential dwelling as described above outside of the Town limits or boundaries.

8. MINOR SUBDIVISION - The creation of four (4) or less parcels from the division of a single parcel of land.

9. MAJOR SUBDIVISION - The creation of more four (4) parcels from the division of a single parcel of land.

11. ACCESSORY APARTMENT - a separate, complete housekeeping unit that is substantially contained within the structure of a primary unit, with an outside entrance, intended to be rented separately. (Ref: P&Z Code, Article XI, Sect. 166)

12. APARTMENT UNIT - A multi family structure containing more than one living unit specifically for the purpose of rent or lease of those units.

13. EDU – EQUIVALENT DWELLING UNIT - Estimated average usage per unit is 250 gallons per day. No less than one EDU shall be assigned to any individual residential or commercial space. EDUs are not transferable from one location to another. EDUs shall be determined before the PWA signing and shall be paid for as described therein. Request for any change shall be provided to the Town by the property owner in writing at the earliest possible time and shall be at the discretion of the Town Council. The change shall be described in an addendum to the PWA and any fees/charges due the Town shall be paid before the Certificate of Occupancy is issued.

14. IN-LAW SUITE - A separate living unit with no separate outside entrance which is substantially contained within the structure of a single family unit. Unit may have a separate kitchen and bath and is limited to one per primary living unit.

15. SUPERINTENDENT- For the purposes of this Ordinance, the word Superintendent shall mean a duly authorized representative of the Town, responsible for the operation and maintenance of the Town's water and sewer facilities. In most cases the Superintendent is the W&S council in charge of these affairs

16. TOWN INFRACTION- A violation of this and other ordinances with a penalty as regulated from time to time by the Mayor and Council

17. TOWN ADMINISTRATOR- The Mayor and Council shall be the administrators of this ordinance

18. PROPERTY LINE- For purposes of this ordinance, the property line will be assumed to be at the edge of the paved street or inside of the curb regardless of the actually line which often cannot be determined without a survey. The town will make its best effort to control a leak before making emergency repairs that if later

determined to be on private property, the costs will be charged back to the property owner. The ability to shut off a leak with the stop cock designated for a particular property shall be an indication of the responsibility

18. SEVERABILITY –It is intended throughout and within the provisions of this Ordinance. If any section, subsection, sentence, clause, phrase or portion of this Ordinance is held to be invalid or unconstitutional by a court of competent jurisdiction, then that decision shall not affect the validity of the remaining portions of this Ordinance.

Section 1.2 Sewer and Water Rents

The Mayor and Council may by resolution adopt regulations, not inconsistent with this ordinance, which establish the rates, terms and conditions of sewer and water rents and such regulations.

Section 1.3 Collection and Billing Duties of W/S Clerk

All sewer and water rents shall be charged to and collected from the owners of the property on or into whose premises water or sewer is introduced, and it shall be the duty of the Water/Sewer Clerk, on or before the first day of the billing quarter in each year, to make or cause to be made a correct list of all the names of the property owners chargeable therewith and forthwith to demand, collect and recover from the persons whose names appear on such list, who are the owners of the property chargeable with the rents, the amounts respectively due by each; and if the rent of any person remains unpaid by the 30th day of the billing month in any year, it shall be the duty of the Water/Sewer Clerk to give at least ten (10) days' notice in writing to the effect that if the rents due by such delinquent is not paid at the expiration of the time limited in such notice, the delinquent water and/or sewer rents will be deprived of the use of the water, and that legal measures will be instituted to recover the rents.

Section 1.4 Receipts for Payments

The W/S Clerk, at the time of demanding and receiving any sewer and/or water rents, shall deliver to the person paying the same a receipt therefore. Cancelled checks shall serve as written receipts.

Section 1.5 Rent Payment to be in Full unless in accordance with Approved Plan.

Except as provided herein, Water/Sewer Clerk shall not accept from any person any partial payment of sewer and/or water rent, but shall collect at one (1) time from such person the entire rents due and payable for the premises.

The Water/Sewer Clerk, with the approval of the Clerk/Treasurer, may set up a payment schedule for residential customers, upon request of the customer. All payments shall be made on at least a monthly basis, and the schedule shall provide for all rents and any applicable interest or service charges to be paid in full before the end of the quarter for which the next quarterly bill is tendered. Such payment plan may include pre-payments. In the event the customer fails to adhere to the plan, the entire rents and charges due shall be immediately due and payable.

Interest shall accrue at the rate of 1 and ½ % (one and one-half percent) per month on the entire outstanding amount in the event any payment is not made on or before its due date.

Section 1.6 Delinquent Renters

A. The Water/Sewer Clerk shall furnish to Superintendent a list of all delinquent renters who have been notified as directed in Section 1.3 and who have failed to pay at the time in such notice for sewer and/or water; and the Superintendent, when authorized by the Mayor, shall thereupon shut off the water at the stopcock, and in no case shall the water be turned on until the rents and all assessments, expenses and penalty charges are paid by the delinquent renter. No person shall turn the water on again after the water has been turned off under the direction of the Superintendent, as above stated, without his/hers order.

B. When water shutoff is directed by the Superintendent, the occupant will be notified by tagging of the residence that the water shall be turned off at a specified time and date for nonpayment of the water and/or sewer rents.

C. There shall be a charge of seventy-five dollars ($75) assessed when water service is shut off or turned back on for nonpayment of the sewer and/or water bill prior to water service being restored. Continued nonpayment shall result in a lien being placed on the subject property.

Section 1.7 Payment and Adjustment of Rents; Discontinuances

A. All rents are billed on or before the first day of the billing quarter in each year and shall be considered in arrears if not paid in full by the 30th of the billing month, and an added 1 ½% one percent compounded monthly, penalty charge shall be instituted on the total amount of the water and/or sewer rents due for each billing quarter. Default on payments for 6 months (two billing periods) will result in a lien on the property for the balance due including all charges, fees and legal expenses incurred by the Town. Additional charges and fess which are accrued during the default period shall be paid before the service is restored.

Residential only - Time payments may be arranged at the discretion of the Town Clerk/Treasurer and Mayor based on the severity of the hardship. Late payments will be charged an additional 1 ½% one percent per month.

B All persons who has contracted for the use of water and who shall desire to discontinue such use shall give 5 day notice of their intentions to the Water/Sewer Clerk in writing, who shall thereupon notify the Superintendent and it shall be the duty of the Superintendent to forthwith cut off the water from such premises, and no person shall turn on the water leading to the premises or to any other property supplied with water except at the direction of the superintendent. Water shall not be supplied to such premises again except by the Superintendent who is hereby directed to turn water on again only after the owner shall have made application as herein provided and been granted the right to be supplied with water in the same manner as a new applicant for the use of water; provided that water shall not be furnished to any such property unless all amounts due and owing thereon shall have first been paid to the Clerk/Treasurer.

C. Whenever any consumer of water shall report in writing to the Water Sewer Clerk that they do not have as many units as he is charged for or that some of the units have been disconnected or that the amount charged against him is excessive, Water/Sewer Clerk shall notify the Superintendent, who shall forthwith make an investigation of the premises and report his/her findings to the Water/Sewer Clerk, and the Water/Sewer Clerk shall make such adjustments in the account of any such consumer as may be necessary to conform to the provisions of this ordinance.

D. By "adjustments in the account" is meant that the billing shall be corrected and no collection or rebates shall be allowed for under billing or overbilling at the time of adjustment for more than two (2) billing quarters after written notification is received by the Water/Sewer Clerk of any mistake in under billing or overbilling.

E. Where sewer and/or water is carried or conveyed from one property to another property having no pipe connecting with the sewer and/or water system, each property so supplied shall be charged the prevailing sewer and/or water rates.

F. Water shutoff or turn-on.

(1) Water shutoff or turn-on will only be done with a work order from the Water/Sewer Clerk unless in case of emergency, such as frozen meters, broken pipes or on weekends or other times when Town Hall is closed.

(2) There shall be a charge of seventy five dollars ($75 per action) assessed to the property owner when a request is received from a property owner for water service to be disconnected or restored. If the shutoff is an emergency this fee is waived.

(3) There shall be a charge of five hundred dollars ($500) assessed to any plumber, contractor or any other person who turns water on or shuts water off without prior authorization from the Water/Sewer Clerk. If the shutoff is an emergency this fee is waived.

(4) Plumbers, contractors or any other person may shut water off and turn water on in an emergency situation, such as broken pipes, frozen meters or on weekends or other times when Town Hall is closed. The Water/Sewer shall be notified by the plumber, contractor or other person of the location and time of shutoff or turn-on within two (2) hours during normal working hours or within the next working day on evenings, weekends, and holidays. The penalty charge of two hundred ($200) shall be assessed for noncompliance with this section.

H. There shall be a late fee charge as set by the Mayor and Council from time to time assessed to any person who submits a check to the Town of Chesapeake City in payment of his/hers water and/or sewer rent in the event that said check is returned by the bank for insufficient funds or if for any other reason the check is not valid.

Section 1.8 Applications for Service

A. Every person who may desire to contract for a supply of water and/or sewer service(s) to an individual unit or a minor subdivision within the Town shall make written application to the Clerk/Treasurer, upon forms prepared by the Town, setting forth a description of

the property and the improvements thereon to be supplied with sewer and/or water and the purpose for which the water is to be used, the name and address of the applicant and that applicant will abide by and observe all ordinances, resolutions and regulations passed by Mayor & Council relating to the sewer and/or water systems, the manner and mode of using water and the payment of the price charged for the use of sewer and/or water. Every such applicant shall also state in the application that he is the owner of the premises to be supplied with sewer and/or water, and no water shall be furnished to any applicant other than the owner of the premises. In the event the purpose for which the water is to be used is approved, the Clerk/Treasurer shall issue to such applicant a permit, after payment of all fees, charges and expenses, in duplicate, containing the name of the applicant, a description of the premises and the purpose for which the water is to be used.

B. Every person who may desire to contract for a supply of water and/or sewer services to a major subdivision within the Town shall make written application to the Clerk/Treasurer, upon forms prepared by the Town and comply with all requirements as set forth in the Major Subdivision Regulations of Chesapeake City.

C. Any construction, renovation or building modification that creates an area separate from all other areas which include a bathroom, kitchen and sleeping area and is suitable for one or more persons to live in shall be considered the creation of a living unit and shall be subject to a connection and/or allocation fee. Any construction, renovation, or building modification that results in the elimination of a living unit shall be subject to the forfeiture of the allocation for the eliminated living unit. Prior to the start of construction, the property owner shall fill out the proper application and obtain approval from the Town.

D. An existing property with an accessory building that has an unused W/S service already connected to it can be reactivated at the request of the owner with the institution of the "ready to serve" or "quarterly base rate" fee. A change of use approval may be required by P&Z commission if it applies.

E. Water and sewer services for any proposed commercial facility shall be approved by the Town Council and a Public Works Agreement must be signed before any construction begins.

F. Any discrepancy between what is "Commercial – non water dependant" and "Commercial – water dependant" shall be settled by the Mayor and Council.

Section 1.9 Sewer and Water Connection Fees

A. Mayor & Council may by resolution adopt regulations which establish the rates, terms and conditions of water and/or sewer connection fees, and such regulations shall become effective when placed on file in the Town Hall for inspection by the public during all regular business hours, and the Mayor and Council may give such additional notice to the public by newspaper publication or by posting at the Town Hall, as the Mayor and Council may consider appropriate. Any fee not clearly defined by resolution shall be reviewed by the Clerk/Treasurer before approval by the Mayor and Council. Connection and Allocation fees are not refundable after the review process and/or installation has started.

B. For commercial uses, the applicant shall provide such information or data as may be required by the Clerk/Treasurer to determine the amount of water and/or sewer that will be used by said commercial use.

C. When a commercial property is occupied, or if the Town determines that a change of use has occurred, the Town shall, based upon water meter readings, review the number of connection units assessed upon initial connection of the use to make certain that the number of connection units actually in use by the customer are the same or less than those originally assessed. If the number of connection units exceeds those originally charged at the time of initial connection of the commercial use, the Town shall assess the appropriate additional connection fee. The additional connection fee shall be based on the fees in effect at the time of the additional assessment.

Section 1.10 Ready-To-Serve Fee

Each lot or parcel that has water and/or sewer service shall be subject to a quarterly ready-to-serve fee. Such ready-to-serve fee shall be equal to the base or standard rate for water and/or sewer charges established by the Mayor and Council from time to time for the use classification of such lot or parcel. Failure to pay the ready-to-serve fee shall result in a forfeiture of the water and/or sewer hook-up for such lot or parcel. The Mayor and Council for the Town of Chesapeake City may waive, in whole or in part, ready-to-serve charges in the event of hardship or catastrophe.

Section 1.11 Left blank intentionally

Section 1.12 Contracts for Service Outside Town Limits

A. Water and/or sewer service shall not be available to any property outside the Town limits without a signed written agreement with the town. All costs for the construction of and/or attachment to the main shall be paid by the property owner. If the main has to be extended it shall be at the cost of the property owner.

B. The above mentioned (paragraph A) contract shall stipulate that the property owner shall pay rent for such out of town service at a rate as prescribed by Town ordinance.

Section 1.13 Extension of Water Mains and/or Sewers

A. The Developer shall pay for the entire cost of on-site water mains, fire hydrants, water connections, sewers, building connections and all apparatus.

B. When approach of off-site water and/or sewer improvements and/or extensions are required, the Developer is required to deposit funds with the Town in the amount of the cost of the improvements and/or extensions adequate in capacity to serve the total proposed development of the area.

C. If oversized improvements and/or extensions are required the Town may reimburse the Developer the difference between the cost of the larger requirement and the size required to serve the Developer as each new off-site service connection is made on the improvement or extensions.

Section 1.14 Services Ready to Use

No inhabited property for which water and sewer are available shall avoid making or repairing a connection that will cause this residence to not have a healthy environment. Properties where services have or can been provided, may not use or continue to use substitute measures to avoid making final connections, repairs or avoid hookup fees. Notwithstanding the above, for any property which is used exclusively for secondary or primary education and which contains fields that are used for student athletic events, an existing well may continue to be used for irrigation, watering, and maintenance of the athletic fields so long as such water used does not enter the wastewater treatment system of the Town.
Failed septic systems must be abandoned using Maryland State and County regulations and the property owner must connect to the lines as provided when available within 500 feet. Any property found in this condition shall be reported to the County or State board of Health as a violation.

ARTICLE II
WATER

Water Service Connections

Section 2.1 Water Connections

A. Whenever a water main is extended so as to be accessible to any property, the property owner shall make connection therewith, in accordance with this ordinance, within six months of such extension.

B. Separate water building connections for each separate lot or parcel of land abutting on a street, alley or right-of-way in which there is a water main belonging to the Town shall be constructed by the owner of said lot or parcel of land from such property line to the building.

C. Whenever it shall be determined that a water building connection was constructed in violation of the terms and conditions upon which a permit therefore was issued, the water connection thereto may be cut off at the stopcock until the connections have been made to comply with all of the conditions of said permit or, in the alternative, the Town may, after notice to the property owner, cause the defect to be corrected and charge the expense thereof to said property owner.

D. Water connections for properties not abutting directly on a water main may be allowed under such conditions and at such charges as the Town may require.

E. No connection shall be made to any water service pipe between the water main and the meter, except 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.

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 and any fines or fees shall

be paid for before service is restored. Water and/or sewer charges shall be established by the Mayor and Council from time to time

Section 2.2 Temporary Water Services

Temporary water service for building or other construction work may be furnished as follows: Upon the filing of proper applications and the payment of a suitable deposit, a temporary water connection may be constructed by the consumer from the main to his/hers service facilities with an outside meter setting installed at the property line. When the consumer has finished the connection, the Superintendent will cause the meter to be read and a licensed plumber shall remove the entire connection to the property line. The cost of the removal of the connection plus the meter service charge plus the charge for the water used, computed at the regular consumption rates, will be deducted from the deposit and the remainder, if any, returned to the consumer. If the total charges exceed the deposit, the consumer will be billed for the excess.

Section 2.3 Tapping Mains; Performance of Work.

Tapping or making a connection for a new or replacement connection to any service main constructed in any street or public way will be made at the expense of the property owner who shall be required to pay, in addition to the connection fees, the actual costs of any materials and equipment used and labor furnished. The Licensed Contractor shall install a stopcock six (6) inches inside the curb and connect the service pipe to the service main. No person other than the Superintendent or under the direction of the Superintendent shall allow any such connection. Any service main, whether owned by the Town or by the property owner, shall have a diameter of less than three-fourths (3/4) of an inch.

Section 2.4 Responsibilities

A. Non-Emergencies- The property owner is responsible for the maintenance of the water connections from the property line to the building line and all lines, piping and fixtures in the building and on the property itself. The owner is responsible for any and all rent resulting from leaks, including sewer rent. It is the owners responsibility to locate the leaks and have them repaired at his/her own expense, and owner is responsible for all water and sewer rents resulting from leaks from the property line to the building line and in the building and on the property itself, as well as normal sewer and water rents. The town may do maintenance or repairs on such any connections if necessary to prevent leaks, wasted or lost water.

   If requested by the owner, in writing however, the cost, including overhead expenses, shall be paid by the property owner. However, before the Town begins such repairs, the owner must deposit with the Clerk/Treasurer an amount of 60% of the approximate cost of repairs, and the balance is due upon the completion of repairs, and the moneys due become a lien upon the property, collectible in the same manner as delinquent taxes.

B. Emergencies- In the event of a complaint regarding a leak, the Town will at once determine if the leak is in the public way, in which case the leak will then be repaired. If it is found that the leak is not the Town's responsibility, the owner will be so notified, and it shall be his/hers responsibility to have the leak repaired at once by a master plumber at the owner's expense, or, if necessary, the Town may perform such repair

work. However, the cost, including overhead expenses, shall be paid by the property owner as set forth in Section 2.4 A.

If the valve in the meter box located on the property can shut off the leak, then the property owner is responsible to make said repair at their own expense before the town will turn the water back on. If the leak cannot be stopped by shutting off an individual property and the property owner is not available to authorize said repair, the town may proceed with such repair to avoid lost water. In this case if the leak is on said property or within the edge of the street curb or blacktop, then the property owner will be responsible for the repair.

ARTICLE III
METERS

Section 3.1 Meters and Meter Locations

A. As a matter of record, all meters in town were replaced in February of 2013. The Town shall furnish with each permit a water meter of a size and type deemed suitable by the Superintendent for the installation contemplated (up to 3/4"). Meters larger than 3/4" shall be specified by the Town and purchased by the property owner. The water meter shall remain under the ownership of, and will be maintained by the Town. New meters shall be installed by the property owner under the supervision of the Town Superintendent.

B. All new installations shall be at the property line and the Superintendent shall determine the size and type of any water meter and the type of the settings. Outside meters will be used, except with special permission from the Town where obstructions or other considerations require that they be placed inside the building, in which case they shall have a remote head, in a convenient location, that can be read from outside the building and be set as the Superintendent shall require. When the water meter is set inside the building, the property owner will be held responsible for the protection of the meter from damage due to freezing, tampering or vandalism. Repairs and replacements of a meter so damaged shall be at the expense of the property owner. No "spool pieces" or other bypass devices shall be used.

Section 3.2 Control and Supervision of Meters; Repairs

A. The meter shall at all times be accessible to the Town or its agents. In the event any meter shall become in a state of disrepair or fail to register, the consumer shall be charged by using the reading of the same quarter of the previous year until the meter can be repaired or replaced. If access to a meter causes lost water or incorrect readings, the town may estimate those losses and charge the property owners. When a meter is replaced at the property owners request it shall be at the Town's expense. If it is changed at the property owners request any additional time(s) it shall be at the owners expense.

B. Water meter accuracy test is to be conducted by an assigned water meter person with the assistance of another person, if necessary. No accuracy test shall be performed without a work order from the Clerk/Treasurer. If an accuracy test is requested, a minimum charge of seventy-five dollars ($75) shall be paid prior to the test being performed. In the event that the meter is found to be in error, the seventy-five dollars ($75) will be refunded.

C. All meters shall be accessible to the assigned meter person for purpose of reading and repairing.

Section 3.3 Tampering or Interfering with Meters

A. No person shall interfere with the Town, its agents or employees while supervising the installation, repairing, replacing, reading, examining or removing any meter, or tamper with, alter the reading of, deface, injure, destroy or disconnect any meter or any connection thereto, or use water otherwise than through a meter, and the water supplied to any consumer who, by himself or through an agent, shall have committed any of the unlawful acts set forth in this section may be cut off without notice.

B. The provisions of the preceding subsection shall not be construed to exempt any person who may have been fined for a violation thereof, or who may be charged with a violation thereof, from an action for damages on account of such violation brought by the Town.

C. It shall be the property owner's responsibility to pay the cost of any necessary repairs or replacement of a meter on the inside of a dwelling which has been tampered with as set forth in Subsection A within 30 days.

ARTICLE IV
MATERIALS AND MAINTENANCE

Section 4.1 Use of Stopcocks With Branch Pipes

Any person who may be supplied with water by means of a branch connected with a private pipe shall have a sufficient stopcock affixed to such branch as near as possible to the private pipe so as to stop the flow of water through the branch when necessary without interrupting the supply to the other persons having a right to use the pipe with which such connection may be formed. Every person who may be supplied with water from a private pipe having a branch connected therewith shall also have a sufficient stopcock affixed to the private pipe above such branch for the purpose aforesaid. The use of private pipes shall be at the sole discretion of the Town.

Section 4.2 Inspections and Repairs to Prevent Waste of Water

The Town or its duly authorized agent is authorized and empowered, upon reasonable notice and in compliance with all applicable provisions of law, to enter and inspect the premises of any consumer of water for the purpose of ascertaining the number and character of all service connections on such premises and the condition thereof, and for the purpose of investigating whether there is any unnecessary waste of water. In case any unnecessary waste of water shall be found to result from want of repair in the pipes or other fixtures, the owner or occupier of such premises shall be notified to have the necessary repairs made immediately, and upon his/hers neglect or refusal to do so it shall be the duty of the Superintendent to shut off the water from such premises and a $75.00 turn on fee will be assessed. No person shall turn on such water before the necessary repairs have been made.

Section 4.3 Renewal of Extension

After the initial connection from the Town main has been made and through time and deterioration the service lines have to be replaced as determined by the Town, the Town will

replace the water extension from the main to the property line or stop cock at the Town's expense.

ARTICLE V
WATER USE CURTAILMENT

Section 5.1 Authority of Mayor to Order Curtailment

The Mayor is hereby authorized and empowered, whenever in his/her judgment he shall think it necessary for the preservation of the public health and safety, to suspend, curtail, regulate and prohibit the use of water from the municipal water system of the Town any purposes other than ordinary household domestic and culinary purposes.

Section 5.2 Notice To Consumers to Curtail Unnecessary Use

The Mayor is hereby authorized and empowered to give notice by publication on the official town web site or publicly displayed notice on town hall for all consumers of water to curtail, regulate or refrain from the use of water for all or any of the purposes specified in this Article. A REV911 call may be broadcast by the town as part of this action.

ARTICLE VI
UNLAWFUL AND PROHIBITED ACTS

Section 6.1 Unlawful Opening of Fire Hydrants

No person other than an authorized employee of the Town or a member of a Fire Department acting under orders of his/hers proper superior in the performance of his/hers duties may operate a fire hydrant unless in possession of a permit from the Town to do so.

Section 6.2 Prohibited Acts Generally

No person shall injure the drains, pipes of conduit, any water house, wells, water tanks, equipment, or fire hydrants, willfully do or cause to be done any act whereby any pipe, plug, wall, cock, engine, machine or any other fixture, apparatus or device connected with or appertaining to the water works shall be stopped, impaired, caused to be inaccessible, disarranged or injured, or shall open any pipe, box or other appliance so as to occasion a wanton and willful waste of water, or permit the water to flow unnecessarily from his/hers dwelling or enclosure, or use the water in any other manner than is specified in the application, permit or contract for the use of water.

Section 6.3 Unlawful Connections or Ferrules

No person shall, without proper authority, introduce a ferrule into any public or private pipe, or form any connection or communication whatsoever with any public or private pipe, or break ground for that or any other similar purpose in any of the public streets of the Town, or introduce or use a ferrule of larger diameter than is specified in his/hers permit.

Section 6.4

If any property owners, customers, tenants, applicants, persons, firms, associations or corporations tamper in any way with water hookups, or meters or ~~restraint or hindrance~~ hinder the entry upon private property, they may be subject to a town infraction not exceeding One Thousand dollars ($1000) and will be required to pay all fees and charges necessary to correct the problem along with any estimated loss of revenue.

Any person guilty of violating any provision of this Ordinance shall be guilty of a municipal infraction and shall be subject to a fine not to exceed One Thousand Dollars ($1000.00). The offender shall pay the fine to the Town of Chesapeake City within twenty (20) calendar days of receipt of a citation.

ARTICLE VII
GENERAL PROVISIONS – SEWERS

Section 7.1 Definitions

For the purposes of this chapter, the following words and phrases shall have the meanings respectively ascribed to them by this section:

BOD (denoting "biochemical oxygen demand") – The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five (5) days at twenty degrees centigrade (20°C.), expressed in parts per million by weight.

BUILDING SEWER DRAIN – That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer beginning at the inner face of the building wall to the property line.

BUILDING SEWER – The extension from the building drain to the public sewer.

COMBINED SEWER – A sewer receiving both surface runoff and sewage.

GARBAGE – Solid Wastes from the preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES – The liquid wastes from industrial processes as distinct from sanitary sewage.

NATURAL OUTLET – Any outlet into a watercourse, pond, ditch, lake or other body or surface or groundwater.

Section 7.2 Connections, Openings Or Alterations: Permit Required

No unauthorized person shall uncover, make any connections with or opening into, use, alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the Town.

Section 7.3 Water Pollution Prohibited

It shall be unlawful to discharge to any natural outlet within the Town or in any area under the jurisdiction of the Town any sanitary sewage, industrial wastes or other polluted waters except where suitable treatment has been provided in accordance with the provisions of this ordinance.

Section 7.4.1 When Toilets Required; Connection to Public Sewer; Time Limit to Connect

The owner of any house, building or other property used for human occupancy, employment, recreation or other purpose, connected to the town sewer system or situated within the Town and abutting on any street, alley or right-of-way in which there is located a public sanitary sewer of the Town, is required, at his/hers expense, to install suitable toilet facilities therein and to connect such facilities directly with the proper public sewer in accordance with the provisions of this chapter within ninety (90) days after the date of official notice to do so, provided that such public sewer is within town limits, and within five hundred (500) feet of the property line.

Section 7.4.2-Out of Town Regulations

Properties outside of town are required to meet all in town regulations concerning these water and sewer plumbing and connections. All new customers outside of town must connect both water and sewer services at the current rates as set by Council from time to time.

Section 7.5 Privies and Cesspools Restricted

Except as otherwise provided in this chapter, it shall be unlawful to construct or maintain any privy, privy vault, septic tank, cesspool or other facility intended or used for the disposal of sewage within the Town.

Section 7.6 Sanitary Maintenance of Privies and Cesspools

Privies, cesspools and septic tanks not prohibited by this chapter shall be maintained by the owners thereof in a sanitary condition satisfactory to the State Board of Health and shall be emptied and cleaned by such means and in such manner as prescribed by that Board, in accord with the provisions of Section 102 of Article 43 of the Annotated Code of Maryland, 1957, as be amended.

Section 7.7 Damaging or Destroying Sewage Works Equipment

No person shall maliciously, negligently or without authority break, damage, destroy, uncover, deface, cause to be inaccessible, or tamper with any structure, appurtenance or equipment which is part of the sewage works.

No person shall maliciously, negligently or without authority, break, damage, destroy, uncover, deface, cause to be inaccessible, or tamper with any structure, appurtenance or equipment which is part of the sewage works. Any person violating this Section shall be guilty of a misdemeanor punishable by a fine not to exceed One Thousand Dollars ($1,000.00) and/or imprisonment not to exceed six (6) months.

Section 7.8 Notice of Violations

Any person found to be violating any provision of this ordinance except Section 7.7 shall be served by the Town with written notice stating the nature of the violation and for the satisfactory correction within 5 business days thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

Section 7.9 Violations and Penalties

Any person who shall continue any violation beyond the time limit provided for in a written notice, or who violates these provisions shall, upon conviction thereof, be guilty of a misdemeanor and shall be punished as provided in the town Charter.

Any person guilty of violating any provision of this Ordinance except Section 7.7 shall be guilty of a municipal infraction and shall be subject to a fine not to exceed One Thousand Dollars ($1000.00). The offender shall pay the fine to the Town of Chesapeake City within twenty (20) calendar days of receipt of a citation. Repeat offenders may be assessed a fine not to exceed an additional One Hundred Dollars ($100.00) from any previous violation/fine for each repeat offense. Each day a violation continues shall constitute a separate or repeat violation.

Section 7.10 Liability for Damages

Any person violating any provision of this chapter shall become liable to the Town for any expense, loss or damage occasioned the Town by reason of such violation.

ARTICLE VIII
BUILDING SEWERS AND CONNECTIONS

Section 8.1 Installations, Connection and Replacement Costs; Indemnification Of Town-

A. All costs and expense incident to the installation and connection of the building sewer shall be borne by the owner only after the approval of the Town. Owner shall indemnify the Town from any loss or damage that may directly or indirectly be occasioned by the installation of the building sewer. Only licensed contractors approved by Town shall be permitted to do installations. Connection & Allocation fees shall be paid at the time of zoning approval. The "ready to serve" charge will begin when the service is available for use.

B. After the initial connection from the public sewer has been made and through time and deterioration the building sewer has to be replaced as determined by the Town, the Town will replace the building sewer from the main to the property line at the Town's expense. The Owner shall be responsible for all costs from the property line to the building drain.

Section 8.2 Separate Sewers for Each Building; Exception

A separate and independent building sewer shall be provided for every commercial and dwelling unit; except that where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one (1) building sewer. In all cases, the appropriate connection fee for the total number of units served shall be levied.

Section 8.3 Use of Old Sewers for New Buildings

Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Town to meet all requirements of this Ordinance.

Section 8.4 Sewer Elevation, Location and Grade

Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. No building sewer shall be laid parallel to or within three (3) feet of any bearing wall, which might thereby be weakened. The depth shall be sufficient to afford protection from frost. The building sewer shall be laid at uniform grade and in straight alignment.

Section 8.5 When Pumps Required

In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such drain shall be lifted by approved artificial means and discharged to the building sewer.

Section 8.6 Safeguards and Barricades; Restoration

All excavations for building sewer installations shall be adequately guarded with barricades and lights so as to protect the public from hazard. Streets, sidewalks, parkways and other public property disturbed in the course of the work shall be restored in a manner satisfactory to the Town.

Section 8.7 Inspections and Supervision of Connections by Superintendent

The applicant for the sewer permit shall notify the Superintendent when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Superintendent or his/hers representative and shall be constructed in accordance with this Ordinance.

ARTICLE IX
USE OF PUBLIC SEWERS

Section 9.1 Prohibited Use of Sanitary Sewers

No person shall discharge or cause to be discharged any storm water, surface water, groundwater, roof runoff, subsurface drainage, cooling water or unpolluted industrial process waters to any sanitary sewer.

Section 9.2 Prohibited Waters and Wastes

Except as otherwise provided in this Article, no person shall discharge or cause to be discharged any of the following:

A. Any liquid vapor having a temperature higher than one hundred fifty degrees Fahrenheit (150 F.).

B. Any water or waste which may contain more than one hundred (100) parts per million, by weight, of fat, oil or grease.

C. Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas.

D. Any residential garbage that has not been properly shredded.

E. Any ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, paunch manure or any other solid or viscous substance capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage works.

F. Any waters or wastes having a pH lower than six point zero (6.0) or higher than nine (9.0) or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewage works.

G. Any waters or wastes containing a toxic or poisonous substance in sufficient quantity to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals or create any hazard in the receiving waters of the sewage treatment plant.

H. Any waters or wastes containing suspended solids of such character and quantity that unusual attention or expense is required to handle such materials at the sewage treatment plant.

I. Prescription drugs and /or over the counter medications in general are a danger to wild life and people. Unwanted or unused items should be turned into the county as Hazardous Chemicals.

Section 9.3 Grease, Oil and Sand Interceptors: When Required, Location and Specifications

A. The regulations in this Section shall apply to establishments where food is served to or provided for the public, with or without charge, including, but not limited to restaurants, Bed and Breakfasts, fire halls, cafeterias, hotel kitchens, church kitchens, school kitchens, hospital cafeterias, bars, or any other commercial operation that has the potential to discharge grease laden wastewater; hereafter referred to as Food Service Establishments (FSE). These regulations shall provide for the use of interceptors or traps to prevent liquid waste containing fats, oils, grease etc. from entering a public or private sewer or sewer plant.

D. All interceptors shall be of a type and capacity approved by the Cecil County health department and shall be located as to be readily and easily accessible for cleaning and annual inspection.

E. Grease and oil interceptors shall be constructed of impervious materials capable of withstanding abrupt and extreme changes in temperature. They shall be of substantial construction, watertight and equipped with easily removable covers which, when bolted in place, shall be gastight and watertight.

D, Interceptors shall not be required for private living quarters or dwelling units.

Section 9.4 Maintenance of Interceptors

A. All interceptors shall be of a type and capacity approved by the County Board of Health and shall be located as to be readily and easily accessible for cleaning and inspection by the superintendent or under the direction of the superintendent annually.

B. Maintenance of interceptors. Where installed, all grease. oil and sand interceptors shall be maintained by the owner. At his expense, in continuously efficient operation at all times.

C. All establishments, which are required to have grease or oil interceptors, must maintain a log indicating frequency of waste retrieval by an appropriate contractor. The log and a copy of the waste removal contract must be available at all times for inspection by the administrative authority.

Section 9.5 left blank intentionally

Section 9.6 Approval of Plans of Treatment Facilities

Plans, specifications and any other pertinent information relating to proposed preliminary treatment facilities shall be submitted for the approval of the Town and of the State Department of Public Health, and no construction of such facilities shall be commenced until their approvals are obtained in writing.

Section 9.7 Maintenance of Facilities by Owner

Where preliminary treatment facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his/hers expense.

Section 9.8 Control Manholes on Property Producing Industrial Wastes

When required by the Superintendent, the owner of any property service by a building sewer carrying industrial wastes shall install a suitable control manhole in the building sewer to facilitate observation, sampling and measurement of the wastes. Such manhole, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Superintendent. The manhole shall be installed by the owner at his/hers expense and shall be maintained by same so as to be safe and accessible at all times.

Section 9.9 Standards for Measurements, Tests and Analyses

A. All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in Section 9.6 shall be determined in accordance with Standard Methods for the Examination of Water and Sewage and shall be determined at the control manhole provided for in Section 9.8 or upon suitable samples taken at such control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected.

Section 9.10 Special Arrangements for Industrial Concerns

No statement contained in this Article shall be construed as preventing any special agreement or arrangement between the Town and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefore by the industrial concern.

ARTICLE X
PRIVATE SEWAGE DISPOSAL

Section 10.1 When Authorized

Where a public sanitary sewer is not available under the provisions of Section 7.4, the building sewer shall be connected to a private sewage disposal system complying with the provisions of this Ordinance.

Section 10.2 Permit Required; Application; Fee

Before commencement of construction of a private sewage disposal system, the owner shall first obtain a written permit signed by the Superintendent. The application for such permit shall be made on a form furnished by the town, which the applicant shall supplement by any plans, specifications and other information as are deemed necessary by the Superintendent. A permit and inspection fee as determined by resolution of the Mayor & Council shall be paid to the Clerk/Treasurer at the time the application is filed. Applications shall be filed in the office of the Superintendent.

Section 10.3 Effective Date of Permit; Inspections; Notice To Inspect

A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Superintendent. He shall be allowed to inspect the work at any stage of construction, and in any event the applicant for the permit shall notify the Town when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight (48) hours of the receipt of notice by the applicant.

Section 10.4 Compliance With State Health Requirements

The type, capacity, location and layout of a private sewage disposal system shall comply with all recommendations of the Department of Public Health.

Section 10.5 Other Restrictions on Issuance of Permit; Prohibited Use of Sewers

No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than fifteen thousand (15,000) square feet. No septic tank or cesspool shall be permitted to discharge to any public sewer or natural outlet.

Section 10.6 Sanitary Operation and Maintenance

The owner shall operate and maintain the private sewage disposal facilities in a sanitary manner at all times, at no expense to the Town.