

CHAPTER THIRTEEN

MANDATORY WATER HOOKUP

WHEREAS, the Mayor and Council of the Town of Keedysville have the authority pursuant to the provisions of the Annotated Code of Maryland and the Charter to construct, maintain, manage and operate a water distribution system for the Town, and

WHEREAS, the Town has consistently pursuant to its regulations promulgated by said Town required that all owners of improved property located within the corporate limits of the Town be required to connect to the water system operated and maintained by the Town, and

WHEREAS, the Mayor and Council as the duly constituted legislative body of the Town of Keedysville, Maryland does hereby desire to embody the aforesaid water system connection requirement in an ordinance, as more fully set forth herein;

NOW, THEREFORE, BE IT RESOLVED, ENACTED and ORDAINED by the Mayor and Council and of the Town of Keedysville, Maryland as follows:

SECTION 1: MANDATORY CONNECTION TO WATER SYSTEM

All owners of improved property located within the corporate limits of the Town of Keedysville shall be and are required to connect to the water system operated and maintained by the Town.

SECTION 2: RULES AND REGULATIONS

The Mayor and Council may adopt and promulgate such rules and regulations as may be deemed necessary to effectuate the purposes of this Ordinance in accordance with the provisions of the Annotated Code of Maryland, the Charter of said Town and other applicable ordinances and administrative regulations. Connection charges and user fees shall be as established by the Mayor and Council from time to time in accordance with the applicable provisions of the Annotated Code.

SECTION 3: EFFECTIVE DATE

This Ordinance shall take effect from the date of its passage.

AN ORDINANCE REGULATING WATER RATES AND USAGE
AND ESTABLISHING DEBT SERVICE CHARGES FOR
THE MAYOR AND COUNCIL OF KEEDYSVILLE

RECITAL

THE MAYOR AND COUNCIL OF KEEDYSVILLE is a municipal corporation existing under and by virtue of the Laws of the State of Maryland ("Keedysville"). The Mayor and Council ("Council") as the duly constituted legislative body of Keedysville are empowered, pursuant to the Annotated Code of Maryland, Title 9, Environment, the Charter of Keedysville, and the general laws and Annotated Code of the State of Maryland, to regulate and provide for water service, water rates, billing procedures, and debt service charges.

At the present time, the Mayor and Council of Boonsboro, a municipal corporation, existing under and by virtue of the Laws of Maryland, and Keedysville participate in certain agreements in reference to furnishing water service to residents of both municipalities. Pursuant to said agreement entered into on October 6, 1958, and amended May 15, 1998, certain upgrades in the facilities have been mandated and are required by the State of Maryland. Boonsboro and Keedysville have entered into certain arrangements in said agreements to provide for financing and improving the system.

The passage of this Ordinance is a condition precedent to obtaining funding for same from the Maryland Water Quality Financing Administration to finance a \$1,400,000.00 loan for the construction of the Boonsboro/Keedysville Water Filtration Project.

The Council has determined that it is desirable to establish certain rates for water usage, billing procedures, and debt service and have determined that it is in the best interest of the community in general and the citizenry in general.

Each and every paragraph of this Recital is incorporated in the remainder of this Ordinance and constitutes a part thereof. Each and every paragraph of the remainder of this Ordinance is included in this Recital and made a part thereof.

NOW, THEREFORE, be it **RESOLVED, ENACTED** and **ORDAINED** by the Council of Keedysville, as its duly constituted legislative body as follows:

Dec 23, 1998 11:30 am

1. Purpose.

Keedysville, by virtue of participating in the operation of a water system servicing the municipality, has been mandated by the State of Maryland and various agencies to upgrade same in conjunction with Boonsboro. The Council is desirous, as the duly constituted legislative body of Keedysville, to establish certain rates for water usage, billing procedures, and providing for debt

service charges pursuant to the authority aforementioned.

2. Water Bills.

The Town of Keedysville shall send bills for water service quarterly to the owner of the property served except as otherwise provided herein. The owner shall be responsible for the payment of said quarterly bills.

The bills are payable at Town Hall, Keedysville, Maryland, or where designated by the Board of Water Commissioners of Keedysville, Maryland (Board) pursuant to the provisions of the Charter.

If any bill remains unpaid after 30 days from the date the bill is sent, the Town shall:

- (i) Notify the owner of the property served, in writing, that the bill is in arrears and that water service will be disconnected;
- (ii) Leave the notice on the owner's property or mail the notice to the last known address of the owner; and
- (iii) Discontinue water service to the property until the owner pays the bill and a reconnect charge reasonably related to the cost of reconnection, as established by ordinance of the governing body of the county or municipal corporation in which the water service is provided.

If any bill remains unpaid after 60 days from the date of sending the notice:

- (i) The bill and the penalty imposed under paragraph (3) (iii) of this subsection shall be collectible from the property owner in the same manner and subject to the same interest as taxes are collectible in the county in which the water system lies; and
- (ii) The water service charges and all penalties shall be a first lien on the property.

The billing procedure set forth herein is not in derogation of any Charter, statutory, Keedysville regulation or Board regulation previously promulgated other power provided by the Annotated Code of Maryland but is only to be considered in addition thereto or in conjunction therewith.

3. Administration/Enforcement.

The Council shall, and does retain, all regulatory powers pertaining to the water system pursuant to the provisions of the Charter. The Board of Water Commissioners of Keedysville, Maryland (Board) have charge of the management and operation of the water system in accordance with the provisions of the Charter of Keedysville.

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CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

4. Applicability.

The provisions of this Ordinance, including but not limited to, the debt service charge established herein shall apply to all property, improved or unimproved that abuts on any street, road, lane, alley, or right of way or any area wherein a water main or service is adjacent to or crosses same.

The rates and charges set forth herein are chargeable against all property that is connected to any water service that Keedysville owns, participates in, or supervises.

5. Water User Rates.

The rates to be charged for water usage by the municipality are as follows:

WATER RATES

<u>USAGE RANGE</u>	<u>RATE PER 1,000 GALLONS</u>	<u>FIXED/MINIMUM CHARGES</u>
0 - 6,000 gal	\$ 0.00	\$20.00
> - 6,000 gal	\$ 2.15 per each 1,000 in addition to minimum charge	

CONNECTION FEES

Water - \$1,500.00
Connection Fees must be paid before hook-up.

6. Debt Service Charge Established.

A quarterly debt service charge is hereby established. Same shall be applicable and chargeable to all users of the Town water supply system. Said charge shall be billed and collected at a quarterly rate of \$19.00 per equivalent dwelling unit (EDU). The revenues generated by said charge shall be dedicated and restricted solely for the purpose of payment of all obligations under a loan agreement to be entered into by and between The Mayor and Council of Boonsboro, a Municipal Corporation, and the Maryland Water Quality Financing Administration in order to finance a \$1,400,000.00 loan for the construction of the Boonsboro/Keedysville Water Filtration Project.

7. Definition of EDU and Calculations.

The following calculations and method will be utilized for the purpose of determining an EDU;

- (a) An EDU shall be defined as usage averaging 200 gallons per day.
- (b) Residential accounts shall be assessed one (1) EDU for each residential dwelling unit served by the account;
- (c) Non-residential accounts will be assessed one (1) EDU for each 200 GPD usage averaged over a calendar year with minimum assessment of one (1) EDU;
- (d) EDU calculations shall employ "half rounding". For example, 299 GPD would be assessed one (1) EDU and 300 GPD would be assessed 2 EDU's.
- (e) EDU's for non-residential accounts shall be reviewed and reassessed annually, prior to each July 1 through June 30, and shall be based on the prior calendar years's usage for each account.

8. Conflicts.

If there is any conflict between the language and provisions of this Ordinance with any other Ordinance or regulation of the Mayor and Council of Keedysville, or any of its agencies, then this Ordinance shall prevail.

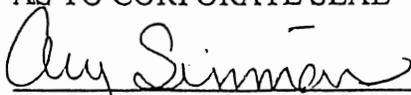
9. Severability.

Severability is intended throughout and within the provisions of this Ordinance. If any provision, including any exception, part, phrase, or term, or the application thereof to any person or circumstances is held invalid, the application to other persons or circumstances shall not be affected thereby and the validity of the Ordinance in any and all other respects shall not be affected thereby.

10. Effective Date.

The rates and charges set fort herein shall become applicable for the quarterly billing period due on April 1, 1999. The effective date of this Ordinance is December 21, 1998.

WITNESS AND ATTEST
AS TO CORPORATE SEAL



Amy Simmons, Clerk

MAYOR AND COUNCIL OF
KEEDYSVILLE



K. Lee Brandenburg, II, Mayor

Date Introduced: December 21, 1998
Date of Passage: December 21, 1998
Effective Date: December 21, 1998

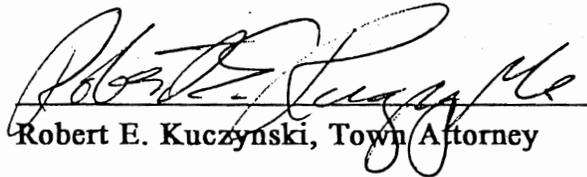
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CLERK OF THE CIRCUIT COURT
WASHINGTON COUNTY

Record and return to: Ms. Amy Simmons, Clerk
Town of Keedysville
P. O. Box 359
Keedysville, MD 21756

MAILED DEC 29 1998

I HEREBY CERTIFY THAT THE AFOREGOING ORDINANCE IS A TRUE AND ACCURATE COPY OF THE ORDINANCE PASSED BY THE MAYOR AND COUNCIL OF KEEDYSVILLE, MARYLAND, ON DECEMBER 21, 1998.


Robert E. Kuczynski, Town Attorney

SUPPLEMENTS

TO

CHAPTER FOURTEEN

**AN ORDINANCE REGULATING
WATER RATES AND USAGE AND ESTABLISHING
DEBT SERVICE CHARGES FOR THE MAYOR AND COUNCIL
FOR THE TOWN OF KEEDYSVILLE, MARYLAND**

CHAPTER FOURTEEN

**AN AMENDMENT TO AN ORDINANCE REGULATING
WATER RATES AND USAGE AND ESTABLISHING
DEBT SERVICE CHARGES FOR THE MAYOR AND COUNCIL
FOR THE TOWN OF KEEDYSVILLE, MARYLAND**

RECITAL

The Town of Keedysville is a municipal corporation existing under and by virtue of the laws of the State of Maryland. The Mayor and Council as the duly constituted legislative body of the Town of Keedysville are empowered pursuant to the provisions of the Annotated Code of Maryland, and the Charter of Keedysville, to regulate and provide for water service, water rates, connection charges, and in general to construct, maintain, and operate a water system.

An Ordinance was enacted establishing said rates on December 21, 1998 and is recorded among the Acts, Ordinances and Resolutions - Towns in the Office of the Clerk of the Circuit Court for Washington County, Maryland at Liber 7, folio 642 et seq. Same is attached hereto and incorporated herein by reference.

The Mayor and Council of the Town of Keedysville, after having giving due notice in accordance with the provisions of the Annotated Code of Maryland, Title 9, Environment, and the Charter of Keedysville and the general laws of the State of Maryland, gave due notice of an intention to review and amend water rates and/or connection fees.

After compliance therewith and having held a public hearing, it was determined to amend Section 5, Water User Rates, of said Ordinance.

NOW THEREFORE, BE RESOLVED, ENACTED, and ORDAINED that Section 5, **Water User Rates** is hereby amended to read as follows:

The rates to be charged for water usage by the municipality are as follows:

WATER RATES

<u>USAGE RANGE</u>	<u>RATE PER 1,000 GALLONS</u>	<u>FIXED/MINIMUM CHARGES</u>
0 - 6,000 gal	\$ 0.00	\$20.00
> - 6,000 gal	\$ 2.15 per each 1,000 in addition to minimum charge	

CONNECTION FEES

Water - \$5,000.00
Connection Fees must be paid before hook-up.

BE IT FURTHER RESOLVED, ENACTED and ORDAINED that the remainder of the Ordinance as attached and recorded shall and does remain in full force and effect.

WITNESS AND ATTEST
AS TO CORPORATE SEAL

MAYOR AND COUNCIL OF KEEDYSVILLE

Amy Simmons, Clerk

K. Lee Brandenburg, II, Mayor

EFFECTIVE DATE: JUNE 20, 2002