

ORDINANCE NO 20-06

Introduced by: _____

AN ORDINANCE OF THE TOWN OF QUEENSTOWN TO AMEND SECTION 14.35 OF THE QUEENSTOWN CODE TO PROVIDE THAT THE PROPERTY OWNER SHALL BE RESPONSIBLE FOR THE COST OF THE WATER METER AT THE TIME OF INSTALLATION

WHEREAS, Md. Code Ann. Environmental Article § 9-705 and the Queenstown Town Charter § 19-60 authorize the Town to construct, operate, modify and maintain a water and sewerage system; and

WHEREAS, Md. Code Ann. Environmental Article § 9-723 through 9-726 and the Queenstown Town Charter § 19-65 authorize the Town to establish rates, fees and charges for municipal water and sewer services; and

WHEREAS, the Commissioners of Queenstown have determined that it is desirable and in the public interest to amend Chapter 14 of the Queenstown Town Code, Section 14.35 to require the property owner to cover the cost of the water meter at the time of installation.

NOW THEREFORE, the Commissioners of Queenstown hereby ordain as follows:

Section 1. Section 14.35 is hereby amended as follows:

Section 14.35 Use of Water Meters.

A. Water meters. Water meters shall be installed for each dwelling unit or building connected to the Town's water system. Water meters shall also be installed:

1. Upon any new connection to the Town's water and/or sewerage system; and
2. upon a sale, transfer or conveyance of an existing buildable lot of record to a third party.

B. All water meters will remain under the ownership of, and will be maintained by; the Town as far as ordinary wear and tear are concerned. The property owner shall be responsible for any injury to, or loss of, the meter not caused by Town.

C. Any meters installed pursuant to this section shall be of a type, size and specifications approved by the Town, or its agents, and shall be installed and inspected by the Town's agent or representative *upon the payment of the*

required fee to cover all costs for the water connection including the cost of the meter, unless the property owner obtains prior written permission from the Town Commissioners and/or their duly authorized agent.

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

E. No connection shall be made to any water service pipe between the water main and the meter, except as installed by the Town or its agents. If such unlawful connection is found, the water service will be cut off until the unlawful connection is disconnected and abandoned. Any expense incurred by the Town due to an unlawful connection shall be paid for by the responsible property owner before water service is restored.

F. Where a water meter fails to register the total amount of water used, the property owner shall pay for such period an estimated amount based on consumption in a similar period. The property owner shall at once notify the Town of any injury to, or any cessation in registration of, the water meter as soon as it comes to his knowledge. In the case of a disputed account involving the accuracy of a water meter, such meter shall be tested, upon the request of property owner, in conformity with the provisions of the rules and regulations pertaining to water service utilities of the Public Service Commission of Maryland. In the event the water meter so tested is found to have an error in registration of 4% or more, the bills will be increased or decreased accordingly as provided by the aforesaid rules.

Section 2. Unless specifically amended as set forth above, all other provisions of the Queenstown Town Code shall remain unchanged.

Section 3. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Town Commissioners of Queenstown hereby declare that they would have passed this Ordinance, and each section, subsection, clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

ORDAINED, APPROVED, AND PASSED by the Town Commissioners for the Town of Queenstown on this ____ day of _____, 2020.

WITNESS:

TOWN COMMISSIONERS FOR THE
TOWN OF QUEENSTOWN:

Aaron R. Horney, Town Clerk

Thomas B. Willis, Jr., President

Aaron R. Horney, Town Clerk

Alton Hardee, Jr. Commissioner

Aaron R. Horney, Town Clerk

Bryon Callahan, Commissioner

Language ~~stricken~~ indicates language deleted

Language in ***bold and italicized*** indicates language added