

ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE MAYOR AND CITY COUNCIL OF FROSTBURG, MARYLAND ENTITLED “AN ORDINANCE TO REPEAL AND RE-ENACT WITH AMENDMENTS SECTION 6-1 OF DIVISION I (TITLED “GENERAL PROVISIONS) AND SECTIONS 6-3 TO 6-9 AND 13 OF DIVISION II (TITLED “WATER SERVICE”) FOR THE PURPOSE OF ALLOWING FOR GREATER FLEXIBILITY IN PERFORMING METER READINGS AND OBTAINING ACCESS TO METERS (SECTION 6-6), REVISIONS TO THE LEAK ADJUSTMENT POLICY (SECTION 6-7), THE PROHIBITION AGAINST TAMPERING (SECTION 6-8), DELINQUENT UTILITY ACCOUNTS,(SECTION 6-9) AND OTHER MISCELLANEOUS CHANGES TO THE SECTIONS OF ARTICLE I AND II OF THE CITY CODE.**

**SECTION 1: BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF FROSTBURG, MARYLAND** that Section 6-1, 6-3 to 6.9, and Section 6-13 of Article 6 of the Frostburg City Code be and are hereby repealed and reenacted with amendments, to read as follows [NOTE: a text-edited version of the repealed and reenacted sections is attached hereto]:

***DIVISION I. GENERAL PROVISIONS***

**Sec. 6-1. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commissioner* means the Commissioner of Water, Parks and Recreation.

*Customer* means any person, firm, partnership, association, corporation, company, or organization of any kind receiving water, garbage, and/or sewage service from the City, whether residing or located within or outside the City's corporate limits. It also means tenants of properties where said services are provided, without regard to whether they are responsible for paying for such services under their lease agreements.

*Delinquent utility account* means a utility account with fees which are due and unpaid fifty (50) days after the bill due date.

*Dormant utility account* means a utility account which is exempt from City charges.

*Garbage service* means the service provided by the City under the Municipal Solid Waste Ordinance.

*Sewage service* means sewage removed by the City in accordance with the terms of a cooperative arrangement with the Allegany County Sanitary Commission.

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*Utility account fees* means and includes fees for water, sewer and garbage service, water surcharges, combined sewer overflow surcharges, Bay Restoration Fees, fees for supplementary readings, shutoff notification fees, non-sufficient fund fees, turn-on fees, water meter fees, other utility fees as provided in the Schedule of Municipal Fees, and interest on said fees.

*Water service* means water furnished by the City through its Water Department.

**Sec. 6-2. Dormant utility accounts—Applications; billing; termination of utility connections.**

- (a) *Application for dormant utility account status.* Any person who owns a vacant parcel with existing water and/or sewer service connections may apply to have that parcel be treated as a dormant utility account. Applications must be made in writing and shall be submitted to the Director of Finance. The Director of Finance shall consult with Water Department personnel to ascertain whether a parcel is eligible for treatment as a dormant account.
- (b) *Eligibility for dormant utility account status.* Applications for dormant utility account status shall be granted if the following criteria are met.
  - (1) No principal or accessory structures which are capable of being plumbed may be located on the subject parcel.
  - (2) The parcel must remain disconnected from City water and sewer service for four (4) consecutive quarters following the date an application is accepted.
  - (3) The utility account must be current and have no outstanding fees.
- (c) *Billing.*
  - (1) If water and/or sewer service is reconnected during the first four (4) quarters following the granting of an application for dormant utility status shall pay all surcharges and other charges that would have been billed during that time frame had the application been denied.
  - (2) An application fee of \$50.00 must be paid at the time an application is made. Every parcel which is a dormant utility account as of January 1 of each year shall be required to pay an annual dormant utility account fee in the amount of \$50.00, regardless of whether water and/or sewer service is resumed during that time frame

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- (3) Failure to pay the dormant utility account fee within thirty (30) days of invoicing will result in the loss of the dormant utility account status.
  - (d) *Termination of utility connections.* If a property owner elects to disconnect from the utility connections for a parcel, any work required for that purpose shall be performed by a private contractor and inspected by the City at the property owner's expense. The water utility line shall be physically disconnected on the property owner's side of the curb stop. The sewer service shall be physically disconnected and capped. The sewer cap shall be inspected and approved by the Street Department before it is backfilled. A property owner who wishes to reconnect utility service following its disconnection shall pay all costs and fees for the applicable tap(s) prior to the reconnection of service.

## ***DIVISION II. WATER SERVICE***

### **Sec. 6-3. Water service connections.**

- (a) *Application for connection.* Any person seeking water service shall make application to the Community Development Department and provide such information deemed necessary to determine where the curb stop should be located and the size of the tap. Any connection permit in which the user expects to exceed one hundred thousand (100,000) gallons per day shall be reviewed and approved by the Director of Public Works; the City reserves the right to deny any application for a water connection should the estimated daily usage interfere with the City's ability for long term growth as identified in the City's Water Capacity Management Plan.
- (b) *Sprinkler systems.* Structures with automated sprinkler systems shall have two (2) separate service lines from the curb stop to the sprinklered structures, one (1) for regular usage and the other for sprinkler system usage. The water line for regular usage shall be metered. The line for sprinkler system usage shall be equipped with:
  - (1) A flow detector, an audible alarm and a check valve the property owner's side of the curb stop; or
  - (2) Other systems which meet the requirements of the State Fire Marshal.
- (c) *Extending water service outside of City limits.*
  - (1) *Authority to extend.* Upon the recommendation of the Commissioner of Public Works and the Director of Public Works and with the approval of the City Council, the City's water mains may be

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extended to the City's municipal boundaries for the purpose of allowing persons who reside outside of City limits to connect to the City's water system.

- (2) *Conditions for extension.* Connection to the City's water system shall be conditioned upon:
- a. Verification that water service is or could be made available at the desired location;
  - b. Verification that the water service is or could be made available to the subject property;
  - c. The subject property being located outside of a service area operated by Allegany County, another government entity, or a water company;
  - d. The applicant's execution of an agreement, binding upon the owners and all future owners of the property where water service shall be extended, consenting to its annexation into the City; and
  - e. The connecting mains meeting or exceeding the City's requirements.
- (3) *Prohibition against outside of State connections.* City water service shall not be extended outside of the State under any circumstances.

#### **Sec. 6-4. Water-only service.**

- (a) *Availability and restrictions.* The City may offer a water-only utility service for residential accounts and commercial accounts with monthly usage that does not exceed fifty thousand (50,000) gallons. Such service may be used exclusively for irrigation purposes. No water from a property supplied with water-only service shall enter into the City's sanitary sewer system.
- (b) *Permitted connections.* Water-only service may be provided exclusively by means of a separate service connection or a deduct meter.
- (c) *Applications.* Written applications for water-only service shall be submitted to the City Administrator. They shall include an explanation of the need for the service and shall state whether a separate service connection or deduct meter is proposed and the proposed location for the same. Such an application may not be granted unless the Director of Public Works, after consulting with Water Department personnel, determines that such service is unlikely to result in the flow of water into the sanitary sewer system.
- (d) *Billing.* The City will bill for water-service only accounts on a regular basis. Those bills will include volumetric charges for the water consumed and any applicable water surcharges or City or State water consumption-related charges and fees. No other charges shall be included nor shall any other

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services be provided unless there is no full-service utility account for that location.

- (e) *Connection fees.* A customer whose application for a water-only service has been approved shall pay for a new remotely read meter (including any other required materials) in accordance with the Schedule of Municipal Fees set forth in the annual budget ordinance. In addition, the customer shall pay a one-time set up charge of \$250.00. If the lot where water-only service is being set up is not served with water by means of a full-service account, the customer shall also pay all costs required for the establishment of new service as provided for in the Schedule of Municipal Fees set forth in the annual budget ordinance.
- (f) *Termination of service for violations.*
  - (1) *Water entry into sanitary sewer.* If water from a property with water-only service enters the sanitary sewer, said service will be terminated immediately and will not be restored until such time as the customer installs, constructs and/or implements measures that will rectify the matter.
  - (2) *Unauthorized use.* The use of water-only service for purposes other than irrigation shall result in the termination of that service for a period of forty-five (45) days for a first offense and permanently for a second offense. Such use shall constitute tampering under section 6-8 and shall also be subject to the penalties provided for therein.

#### **Sec. 6-5. Meter requirement; meter purchase, installation and maintenance.**

- (a) *Responsibility for installation, repair and maintenance.*
  - (1) *City responsibilities.* The City shall be responsible for the installation, repair and maintenance of a water tap and the service line extending from its main to and including the curb stop, i.e., the curb valve.
  - (2) *Prohibited work.* No persons other than City Water Department personnel shall perform any such work unless the City Engineer grants them written permission to do so. Property owners shall not be permitted to perform any work within the City's right-of-way.
- (b) *Water meters required; purchase; installation and maintenance.*
  - (1) *Generally.* Except as set forth in subsection (2) hereinafter, the following provisions shall apply:
    - a. Each structure on a lot of record being supplied with City water, including the individual units in duplexes, townhomes and similar style residential structures, which are on separate lots of record, must have a separate meter. The City will not allow for, supply or maintain more than one (1) meter per lot of record. The City Council may grant exceptions to this rule

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in special and unique circumstances. Existing lots of record with more than one (1) meter as of the date of the enactment of this paragraph shall be allowed to continue until January 1, 2040, at which time they must comply with the terms of this paragraph.

- b. Property owners shall pay the fee for meters and meter installation set forth in the Schedule of Municipal Fees set forth in the annual budget before a meter is installed.
- c. All such meters must be purchased from the City. The City reserves the right to terminate water service for properties that are not in compliance with this requirement.
- d. Meters shall remain under the control of and be accessible to the City at all times. Water service to a property may be terminated if the owner does not allow City personnel to access the meter.
- e. The water meter shall be properly functioning and capable of being read before water service is restored to a property where it has been shut off.
- f. The City will make all repairs which are necessary to ensure that the meters compliant with these provisions are in good operating condition. The City shall bear the costs of repairs and the replacement of these meters, as it deems to be necessary, except in instances of tampering, abuse, misuse and neglect, in which event the property owner shall bear those costs. Neglect includes, but is not limited to, an owner's failure to prevent the meter from freezing.

(2) *Exceptions.* The following exceptions to the general provisions of subsection (1) shall be narrowly construed and shall only apply to the extent they conflict with subsection (1). The terms of subsection (1) which do not conflict with the terms of this subsection shall remain in effect.

- a. *New construction—Meters installed by plumber.* State-licensed plumbers may install water meters for new construction. Such meters must be supplied by and purchased from the City. Once installed, the meters shall be inspected and approved by the Water Department before water service is provided.
- b. *Installation/repairs for water companies and large commercial customers.* Water companies and large commercial customers shall be responsible for and bear the costs of the purchase, installation, repair, replacement and relocation of their water meters, meter housings and accessories. The foregoing must be approved by the

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Director of Public Works prior to installation and, once installed, they shall be inspected and approved by the Water Department before water service is provided.

(c) *Repair of private/service lines; leaks.*

(1) *Prohibitions.*

- a. *Private property and water lines.* Except for meter inspection, repair and replacement, the City shall not provide any services or repairs on private property. The City customarily will not install, perform maintenance on or repair private water lines, including, but not limited to the lines running from curb stops to meters on private property.
- b. *Service lines.* Property owners shall be responsible for the installation, repair and maintenance of service lines extending from the curb stop into their properties. City personnel are specifically prohibited from performing any of this work.

(2) *Leaks.*

- a. Upon a call for assistance relative to a leak in a service line from the curb stop into a property, the City may shut off water service at the curb stop. Water service shall be restored upon the completion of repairs.
- b. If water service is shut off due to a leak inside of a structure, it will not be restored until a shut off valve is installed between the curb stop and the meter, inside the structure. The City shall not bear the cost or install the shut-off valve.

**Sec. 6-6. Meter reading.**

- (a) *Frequency.*, The City shall read each water meter on a schedule as approved by the Mayor and Council.
- (b) *Remote/on-location readings.* Where possible, the City shall install meters that allow for remote off-property readings.
- (c) *Estimated readings.* When the City is unable to obtain a reading, an estimated reading shall be calculated for the billing cycle based on an average of the four (4) most recent readings that reflect typical usage.
- (d) *Property owner-provided readings.* Property owners or tenants may provide the City with meter readings either by telephone, fax, email, or in writing on the City's form. Such readings shall be provided sufficiently in advance of the billing date such that they can be included in the bill for the applicable billing cycle. Failure to provide such readings in a timely manner may result in billing on an estimated

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reading. Private-owner readings shall be permitted no more than six (6) consecutive billing cycles.

- (e) *Meter access.* In the event a meter cannot be read remotely, the property owner shall grant the City access to the meter. Failure to allow the Water Department to access the meter within one hundred eighty (180) days of written notice shall result in a penalty on the utility bill in the amount of \$200.00. Water service may also be terminated until access to the meter is provided.

### **Sec. 6-7. Leak adjustment policy.**

Commencing July 1, 2020, leak adjustments may be granted once every four (4) years. Applications for leak adjustments shall be submitted to the Director of Finance utilizing City approved forms. In order to be eligible for relief the property owner must submit the application starting the leak adjustment process no later than five (5) days prior to the bill due date for the monthly billing period for which the relief is sought. The application will require that the owner submit documentation showing that: (i) there was a leak, (ii) the leak has been repaired, and (iii) the leak was not caused by the gross negligence of the owner, including, but not limited to, allowing the pipes or water meter to freeze. Examples of evidence that a leak was repaired may include a plumber or handyman invoice, proof of parts purchased, before and after photos, or other written explanations. The leak adjustment application must be completed with all relevant documentation within thirty (30) days of the due date of the bill for which relief is sought for the adjustment to be approved. The Director of Finance or the City Administrator may approve leak adjustment applications.

The leak adjustment shall be calculated in the following manner:

1. Determine the average water consumption of the most recent twelve (12) months that reflect normal usage. If a property owner has owned the property for less than twelve (12) months, annual consumption for this calculation will be the greater of thirty-eight thousand (38,000) gallons or actual metered consumption during the period of specific property ownership.
2. Determine the estimated leak volume by subtracting the average water consumption from the total water consumption of the current billing period.
3. Multiply the estimate leak volume by fifty percent (50%).
4. Add the reduced estimated leak (step 3) to the average consumption (step 1) to determine the leak-adjusted amount of water.

Standard water rates would apply to the leak-adjusted consumption. For multi-tenant commercial properties or multi-family units, the City Administrator may grant one (1) additional leak adjustment within a four-year period preceding



the date of an application for relief, provided the leak did not occur in a separately-metered unit owned or occupied by a person or persons who were given relief during the four-year period preceding the application for a leak adjustment. A leak adjustment shall only apply to the bill for one (1) billing cycle. The leak adjustment applies to the water and sewer charges for that particular billing cycle.

**Sec. 6-8. Tampering.**

Any person who: (i) tampers with or turns on a City-owned curb stop which has been shut off; (ii) alters, obstructs or interferes with the readings of a water meter; (iii) defaces, injures or destroys any water meter, curb stop, or any part of a water meter or curb stop; or (iv) use of water from water-only service for purposes other than irrigation shall be guilty of a municipal infraction and shall be subject to the penalties provided in this Code. It shall be rebuttably presumed that the water customer committed the infraction in the event water is metered following the date water service is terminated. Additionally, the City may terminate water service at the subject location. As stated in the City Code, the City Water Department shall refer all incidences of tampering to the Frostburg Police Department for investigation and, if appropriate, the institution of criminal charges.

**Sec. 6-9. Delinquent utility accounts; interest after bill due date.**

- (a) *Discontinuance of water service.* All delinquent utility accounts are subject to the discontinuation of water service. A shutoff fee is added to the delinquent account balance upon notification to the Water Department of the accounts which are subject to termination of water service.
- (b) *Appeals.* Any customer with a delinquent utility account who, , disputes the amount owed or claims that special circumstances exist which prevent or otherwise affect full payment of the balance due shall notify the Finance Department , stating the details regarding the dispute or claim. The Director of Finance or their designee may authorize payment of the delinquent amount through a payment plan deemed to be appropriate under the circumstances present. The submission of the dispute of claim in a timely manner, i.e., before water service is discontinued, shall operate to delay the discontinuation of water service until such time as the Director of Finance or their designee makes a decision on the dispute or claim. Failure to comply with a payment plan shall result in the discontinuation of water service without further notice being provided.
- (c) *Interest on unpaid balances after due date.* If a utility account billing is not paid twenty-five days after the bill due date, interest thereon shall accrue commencing at that time. The interest percentage shall be set in the Schedule of Municipal Fees in the annual budget ordinance. Accrued and unpaid interest shall be added to the balance due on the utility bill.

- (d) *Reinstitution of water service.* Water service that has been terminated may not be reinstated until the entire outstanding balance of the account is paid or, upon the approval of a payment plan by the Director of Finance or their designee for the payment of that balance.
- (e) *Lien on property.* The balance due on an unpaid utility account shall constitute a lien against the real property and improvements thereon where the services were provided. Notice of the lien may be recorded among the records of the Circuit Court for Allegany County, Maryland. The lien will continue until such time as the balance due is paid. This remedy will be in addition to the right of the City to initiate appropriate civil proceedings for the collection of any and all such accrued charges in a court of competent jurisdiction.

**Sec. 6-10. Remedies joint and several.**

All applicable remedies for violations of the preceding sections of this division and on account of the nonpayment of water bills may be pursued jointly and severally and consecutively or concurrently.

**Sec. 6-11. Water conservation.**

- (a) The City Council shall have the authority to declare a water conservation emergency. Such declaration is subject to the approval of a majority of the members of Council and only with the affirmative recommendation of the Commissioner. The Council may declare such an emergency for such a period of time as they deem necessary to properly protect and conserve the City's water supply.
- (b) Upon the declaration of an emergency, it shall be unlawful for any customer or the customer's agents, servants, employees, or family members to permit City water to run or flow through any spigots, hydrants, or pipes on the customer's premises except such water as is actually and absolutely necessary for ordinary household purposes. The term "ordinary household purposes" shall not include the watering of lawns, washing of automobiles, use of sprinkler systems, or the use of machinery operated by water power.
- (c) If, in the opinion of the Council, the water conservation measures described in subsection (b) of this section are insufficient to properly conserve the City's water resources, the Council may institute a water rationing program. Such water rationing program may include setting maximum per-capita water usage limits on users of the City water supply or such other measures as deemed appropriate.
- (d) All consumers of City water must comply with these provisions. Those customers living inside the City are subject to the penalties set forth

herein. Consumers of City water who are outside of City limits are subject to the provisions of the Water Service Agreements between the City and the County,

- (e) Any person who violates the terms of this section shall be guilty of a municipal infraction and shall be subject to the penalties provided in this Code.

#### **Sec. 6-12. Wells.**

- (a) *Private wells.* It shall be unlawful for any person, corporation, or organization to operate a private well water supply system within the corporate limits of the City unless the Council grants permission therefor by order or resolution. In considering whether to grant such an exception, the following criteria shall be considered:
  - (1) Whether the proposed use of the well is for agricultural purposes;
  - (2) Whether there is a potential for the well water to infiltrate the City water system; and
  - (3) Whether such water would eventually enter into the sewer system of the City.

Exceptions to the prohibition against private wells shall not be granted for non-agricultural commercial or residential uses.

- (b) *Penalties.* Any person who violates the terms of this section shall be guilty of a municipal infraction and shall be subject to the penalties provided in this Code. In addition to the fines levied hereunder, the City may require the violator to disconnect the privately owned system. In the event that such violator does not disconnect from the privately owned system, the City shall have the authority to enter upon the lands of the violator and cause such a disconnection. The cost for making this disconnection shall be assessed to the violator in addition to such other penalties as are provided herein or by law.

#### **Sec. 6-13. Frostburg dwelling equivalent and surcharges.**

- (a) A Frostburg dwelling equivalent ("FDE"), is an equivalent dwelling unit determined by the City for the purpose of determining "surcharges", based on the volume of water consumed for water and sewer service.
- (b) An FDE represents thirty-eight thousand (38,000) gallons per year (or an average of one hundred four (104) gallons per day)
- (c) FDE's are determined as follows:
  - (1) Single-family residential structure: One (1) FDE.

- (2) Multifamily residential structure: One (1) FDE per unit or one (1) FDE per thirty-eight thousand (38,000) gallons for the prior year, whichever is higher.
- (3) Commercial: One (1) FDE per thirty- eight thousand (38,000) gallons for the prior year.
- (4) Mixed-use: Minimum of one (1) FDE per use type, calculated in accordance with subsections b. and c. above.
- (5) Rounding up: FDE's shall be rounded up if the calculation of FDE's yields a decimal greater than .50 for a commercial, multi-family residence, or mixed use property,

**SECTION 2: BE IT FURTHER ORDAINED**, that this ordinance shall take effect on the date of its passage.

THE MAYOR AND CITY COUNCIL OF  
FROSTBURG

By: \_\_\_\_\_

Todd Logsdon, Mayor

ATTEST:

\_\_\_\_\_  
Elizabeth Stahlman, City Administrator

Introduced:  
Public Hearing:  
Adopted:  
Effective:

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## ***DIVISION I. GENERAL PROVISIONS***

### **Sec. 6-1. Definitions.**

The following words, terms, and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Commissioner* means the Commissioner of Water, Parks and Recreation.

*Customer* means any person, firm, partnership, association, corporation, company, or organization of any kind receiving water, garbage, and/or sewage service from the City, whether residing or located within or outside the City's corporate limits. It also means tenants of properties where said services are provided, without regard to whether they are responsible for paying for such services under their lease agreements.

*Delinquent utility account* means a utility account with fees which are due and unpaid ~~after fifty (50) ninety (90) days from after~~ after fifty (50) ninety (90) days from after the ~~bill due date of billing~~.

*Dormant utility account* means a utility account which is exempt from City charges.

*Garbage service* means the service provided by the City under the Municipal Solid Waste Ordinance.

*Sewage service* means sewage removed by the City in accordance with the terms of a cooperative arrangement with the Allegany County Sanitary Commission.

*Utility account fees* means and includes fees for water, sewer and garbage service, water surcharges, combined sewer overflow surcharges, Bay Restoration Fees, fees for supplementary readings, shutoff notification fees, non-sufficient fund fees, turn-on fees, water meter fees, other utility fees as provided in the Schedule of Municipal Fees, and interest on said fees.

*Water service* means water furnished by the City through its Water Department.

( Ord. No. 2020-02, § 3, 5-21-2020 )

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## ***DIVISION II. WATER SERVICE***

### **Sec. 6-3. Water service connections.**

- (a) *Application for connection.* Any person seeking water service shall make application to the Community Development Department and provide such information deemed necessary to determine where the curb stop should be located and the size of the tap. Any connection permit in which the user expects to exceed one hundred thousand (100,000) gallons per day shall be reviewed and approved by the Director of Public Works ~~and the Commissioner~~; the City reserves the right to deny any application for a water connection should the estimated daily usage interfere with the City's ability for long term growth as identified in the City's Water Capacity Management Plan.

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(b) *Sprinkler systems.* Structures with automated sprinkler systems shall have two (2) separate service lines from the curb stop to the sprinklered structures, one (1) for regular usage and the other for sprinkler system usage. The water line for regular usage shall be metered. The line for sprinkler system usage shall be equipped with:

- (1) A flow detector, an audible alarm and a check valve the property owner's side of the curb stop; or
- (2) ~~Such o~~ther systems which meet the requirements of the State Fire Marshal.

(c) *Extending water service outside of City limits.*

- (1) *Authority to extend.* Upon the recommendation of the Commissioner of Public Works and the Director of Public Works and with the approval of the City Council, the City's water mains may be extended to the City's municipal boundaries for the purpose of allowing persons who reside outside of City limits to connect to the City's water system.
- (2) *Conditions for extension.* Connection to the City's water system shall be conditioned upon:
  - a. Verification that water service is or could be made available at the desired location;
  - b. Verification that the water service is or could be made available to the subject property;
  - c. The subject property being located outside of a service area operated by Allegany County, another government entity, or a water company;
  - d. The applicant's execution of an agreement, binding upon the owners and all future owners of the property where water service shall be extended, consenting to its annexation into the City; and
  - e. The connecting mains meeting or exceeding the City's requirements.
- (3) *Prohibition against outside of State connections.* City water service shall not be extended outside of the State under any circumstances.

( Ord. No. 2020-02, § 3, 5-21-2020 )

#### **Sec. 6-4. Water-only service.**

- (a) *Availability and restrictions.* The City may offer a water-only utility service for residential accounts and commercial accounts with monthly usage that does not exceed fifty thousand (50,000) gallons. Such service may be used exclusively for irrigation purposes. No water from a property supplied with water-only service shall enter into the City's sanitary sewer system.
- (b) *Permitted connections.* Water-only service may be provided exclusively by means of a separate service connection or a deduct meter.
- (c) *Applications.* Written applications for water-only service shall be submitted to the City Administrator. They shall include an explanation of the need for the service and shall state whether a separate service connection or deduct meter is proposed and the proposed location for the same. Such an application may not be granted unless the Director of Public Works, after consulting with Water Department personnel, determines that such service is unlikely to result in the flow of water into the sanitary sewer system. ~~The City Council reserves the right to reject any application submitted by an applicant who has had a delinquent utility account within the three year period preceding the date of the submission of the application.~~
- (d) *Billing.* The City will bill for water-service only accounts on a regular basis. Those bills will include volumetric charges for the water consumed and any applicable water surcharges or City or State water consumption-related charges and fees. No other charges shall be included nor shall any other services be provided unless there is no full-service utility account for that location.

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- (e) *Connection fees.* A customer whose application for a water-only service has been approved shall pay for a new remotely read meter (including any other required materials) in accordance with the Schedule of Municipal Fees set forth in the annual budget ordinance. In addition, the customer shall pay a one-time set up charge of \$250.00. If the lot where water-only service is being set up is not served with water by means of a full-service account, the customer shall also pay all costs required for the establishment of new service as provided for in the Schedule of Municipal Fees set forth in the annual budget ordinance.
- (f) *Termination of service for violations.*
- (1) *Water entry into sanitary sewer.* If water from a property with water-only service enters the sanitary sewer, said service will be terminated immediately and will not be restored until such time as the customer installs, constructs and/or implements measures that will rectify the matter.
  - (2) *Unauthorized use.* The use of water-only service for purposes other than irrigation shall result in the termination of that service for a period of forty-five (45) days for a first offense and permanently for a second offense. Such use shall constitute tampering under section 6-8 and shall also be subject to the penalties provided for therein.

( Ord. No. 2020-02, § 3, 5-21-2020 )

#### **Sec. 6-5. Meter requirement; meter purchase, installation and maintenance.**

- (a) *Responsibility for installation, repair and maintenance.*
- (1) *City responsibilities.* The City shall be responsible for the installation, repair and maintenance of a water tap and the service line extending from its main to and including the curb stop, i.e., the curb valve.
  - (2) *Prohibited work.* No persons other than City Water Department personnel shall perform any such work unless the City Engineer grants them written permission to do so. Property owners shall not be permitted to perform any work within the City's right-of-way.
- (b) *Water meters required; purchase; installation and maintenance.*
- (1) *Generally.* Except as set forth in subsection (2) hereinafter, the following provisions shall apply:
    - a. Each structure on a lot of record being supplied with City water, including the individual units in duplexes, townhomes and similar style residential structures, which are on separate lots of record, must have a separate meter. The City will not allow for, supply or maintain more than one (1) meter per lot of record. The City Council may grant exceptions to this rule in special and unique circumstances. Existing lots of record with more than one (1) meter as of the date of the enactment of this paragraph shall be allowed to continue until January 1, ~~2030~~ 2040, at which time they must ~~be in compliance.~~ comply with the terms of this paragraph.
    - b. Property owners shall pay the fee for meters and meter installation set forth in the Schedule of Municipal Fees set forth in the annual budget before a meter is installed.
    - c. All such meters must be purchased from the City. The City reserves the right to terminate water service for properties that are not in compliance with this requirement.
    - d. Meters shall remain under the control of and be accessible to the City at all times. Water service to a property may be terminated if the owner does not allow City personnel to ~~read and inspect meters~~ access the meter.
    - e. The water meter shall be properly functioning and capable of being read before water service is restored to a property where it has been shut off.

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- f. The City will make all repairs which are necessary to ensure that the meters compliant with these provisions are in good operating condition. The City shall bear the costs of repairs and the replacement of these meters, as it deems to be necessary, except in instances of tampering, abuse, misuse and neglect, in which event the property owner shall bear those costs. Neglect includes, but is not limited to, an owner's failure to prevent the meter from freezing.
- (2) *Exceptions.* The following exceptions to the general provisions of subsection (1) shall be narrowly construed and shall only apply to the extent they ~~are in~~ conflict with subsection (1). The terms of subsection (1) which ~~do are~~ not ~~in~~ conflict with the terms of this subsection shall remain in effect.
- a. *New construction—Meters installed by plumber.* State-licensed plumbers may install water meters for new construction. Such meters must be supplied by and purchased from the City. Once installed, the meters shall be inspected and approved by the Water Department before water service is provided.
- b. *Installation/repairs for water companies and large commercial customers.* Water companies and large commercial customers shall be responsible for and bear the costs of the purchase, installation, repair, replacement and relocation of their water meters, meter housings and accessories. The foregoing must be approved by the ~~City Engineer- Director of Public Works~~ prior to installation and, once installed, they shall be inspected and approved by the Water Department before water service is provided.
- (c) *Repair of private/service lines; leaks.*
- (1) *Prohibitions.*
- a. *Private property and water lines.* Except for meter inspection, repair and replacement, the City shall not provide any services or repairs on private property. The City ~~shall customarily will~~ not install, perform maintenance on or repair private water lines, including, but not limited to the lines running from curb stops to meters on private property. ~~There are no exceptions to these prohibitions.~~
- b. *Service lines.* Property owners shall be responsible for the installation, repair and maintenance of service lines extending from the curb stop into their properties. City personnel are specifically prohibited from performing any of this work.
- (2) *Leaks.*
- a. Upon a call for assistance relative to a leak in a service line from the curb stop into a property, the City may shut off water service at the curb stop. Water service shall be restored upon the completion of repairs.
- b. If water service is shut off due to a leak inside of a structure, it will not be restored until a shut off valve is installed between the curb stop and the meter, inside the structure. The City shall not bear the cost or install the shut-off valve.

( Ord. No. 2020-02, § 3, 5-21-2020 )

## Sec. 6-6. Meter reading.

- (a) *Frequency.* ~~At the discretion of the Director of Finance, t~~The City shall read each water meter ~~either quarterly or monthly on a schedule as approved by the Mayor and Council. Commercial, industrial, and multifamily accounts that on average exceed fifty thousand (50,000) gallons per month over the previous four (4) quarters shall be billed on a monthly cycle.~~



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- (b) *Remote/on-location readings.* Where possible, the City shall install meters that allow for remote off-property readings.
  - (c) *Estimated readings.* When the City is unable to obtain a reading, an estimated reading shall be calculated for the billing cycle based on an average of the four (4) most recent readings that reflect typical usage.
  - (d) *Property owner-provided readings.* Property owners or tenants may provide the City with meter readings either by telephone, fax, email, or in writing on the City's form. Such readings shall be provided sufficiently in advance of the billing date such that they can be included in the bill for the applicable billing cycle. Failure to provide such readings in a timely manner may result in billing on an estimated reading. Private-owner readings shall be permitted no more than ~~three (3)~~ six (6) consecutive billing cycles.
  - (e) *Meter access.* In the event a meter cannot be read remotely, the property owner shall grant the City access to the meter ~~at least one (1) time each year.~~ Failure to allow the Water Department to access the meter obtain a reading within a three hundred sixty-five day period one hundred eighty (180) days of written notice shall result in a penalty on the utility bill in the amount of \$200.00. Water service may also be terminated until access to the meter is provided.

( Ord. No. 2020-02, § 3, 5-21-2020 )

### **Sec. 6-7. Leak adjustment policy.**

Commencing July 1, 2020, leak adjustments may be granted once every ~~ten (10)~~ four (4) years. Applications for leak adjustments shall be submitted to the Director of Finance utilizing City approved forms. In order to be eligible for relief the property owner must submit the at application starting the leak adjustment process within forty five (45) days of the date of the billing no later than five (5) days prior to the bill due date for the monthly billing period for which the relief is sought. The application will require that the owner submit documentation showing that: (i) there was a leak, (ii) the leak has been repaired, and (iii) the leak was not caused by the gross negligence of the owner, including, but not limited to, allowing the pipes or water meter to freeze. Examples of evidence that a leak was repaired may include a plumber or handyman invoice, proof of parts purchased, before and after photos, or other written explanations. The leak adjustment application must be completed with all relevant documentation within thirty (30) days of the due date of the bill for which relief is sought for the adjustment to be approved. The Director of Finance or the City Administrator may approve leak adjustment applications.

The leak adjustment shall be calculated in the following manner:

1. Determine the average water consumption of the most recent twelve (12) months that reflect normal usage ~~(remove outliers high or low consumption).~~ If a property owner has owned the property for less than twelve (12) months, annual consumption for this calculation will be the greater of thirty-eight thousand (38,000) gallons or actual metered consumption during the period of specific property ownership.
2. Determine the estimated leak volume by subtracting the average ~~amount~~ water consumption from the total water usage consumption of the current billing period.
3. Multiply the estimate leak volume by fifty percent (50%).
4. Add the reduced estimated leak (step 3) to the average consumption (step 1) to determine the leak-adjusted amount of water.

Standard water rates would apply to the leak-adjusted consumption. For multi-tenant commercial properties or multi-family units, the ~~Mayor and City Council~~ City Administrator may grant one (1) additional leak adjustments within a ~~ten~~ four-year period preceding the date of an application for relief, provided the leak did not occur in a separately-metered unit owned or occupied by a person or persons who were given relief during the ~~ten~~ four-year

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period preceding the application for a leak adjustment. A leak adjustment shall only apply to the bill for one (1) billing cycle. The leak adjustment applies to the water and sewer charges for that particular billing cycle.

( Ord. No. 2020-02, § 3, 5-21-2020 )

### **Sec. 6-8. Tampering.**

Any person who: (i) tampers with or turns on a City-owned curb stop which has been shut off; (ii) alters, obstructs or interferes with the readings of a water meter; (iii) defaces, injures or destroys any water meter, curb stop, or any part of a water meter or curb stop; or (iv) use of water from water-only service for purposes other than irrigation shall be guilty of a municipal infraction and shall be subject to the penalties provided in this Code. It shall be rebuttably presumed that the water customer committed the infraction in the event water is ~~consumed~~ metered following the date water service is terminated. Additionally, the City may terminate water service at the subject location and condition resumption of service upon payment of double the volumetric charges for the billing periods following the date the tampering occurred as well as the costs of repairing or replacing the curb stop and/or water meter. The volumetric charges shall be determined by averaging the consumption of the three (3) readings in which there was normal consumption prior to the reading for the period when the tampering occurred. ~~As stated in the City Code,~~ The City Water Department shall refer all incidences of tampering to the Frostburg Police Department for investigation and, if appropriate, the institution of criminal charges.

( Ord. No. 2020-02, § 3, 5-21-2020 )

### **Sec. 6-9. Delinquent utility accounts; interest after bill due date.**

- (a) *Discontinuance of water service.* All delinquent utility accounts are subject to the discontinuation of water service. A shutoff fee is added to the delinquent account balance upon notification to the Water Department of the accounts which are subject to termination of water service. If an account is determined to be a delinquent utility account, the City shall notify the owner at the account mailing address set forth in the on-line assessment records of the State Department of Assessment and Taxation or the address provided by the owner, and it shall notify the "occupant" of the property if the owner's mailing address differs from the property address, by certified mail and regular first class mail, that water service shall be discontinued on a date no sooner than ten (10) days after the date said notice is provided, unless the balance due on the delinquent utility account is paid before the water is shut off. A notification fee in the amount specified in the Schedule of Municipal Fees set forth in the annual budget ordinance shall be added to the utility bills of all customers who are mailed shut off notices. The payment of this fee shall be required in order to restore water service.
- (b) *Appeals to Commissioner.* Any customer with a delinquent utility account who, ~~after receiving the shutoff notice described in the preceding paragraph,~~ disputes the amount owed or claims that special circumstances exist which prevent or otherwise affect full payment of the balance due shall notify the Finance Department Commissioner in writing, stating all the details regarding the dispute or claim. The ~~Commissioner~~ Director of Finance or their designee may authorize payment of the delinquent amount through a payment plan deemed to be appropriate under the circumstances present. The submission of the dispute of claim in a timely manner, i.e., before water service is discontinued, shall operate to delay the discontinuation of water service until such time as the Commissioner-Director of Finance or their designee makes a decision on the dispute or claim. Failure to comply with a payment plan shall result in the discontinuation of water service without further notice being provided.
- (c) *Interest on unpaid balances after due date.* If a utility account billing is not paid by twenty-five days after the bill its due date, interest thereon shall accrue commencing at that time. The interest percentage shall be set

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in the Schedule of Municipal Fees in the annual budget ordinance. Accrued and unpaid interest shall be added to the balance due on the utility bill.

- (d) *Reinstitution of water service.* Water service that has been ~~discontinued-terminated~~ may not be reinstated until the entire outstanding balance of the account is paid or, upon the ~~Commissioner's~~ approval of a payment plan by the Director of Finance or their designee for the payment of that balance. ~~Additionally, any customer seeking to have water service restored shall pay a reconnection fee in the amount set forth in the Schedule of Municipal Fees in the annual budget ordinance.~~
- (e) *Lien on property.* The balance due on an unpaid utility account shall constitute a lien against the real property and improvements thereon where the services were provided. Notice of the lien may be recorded among the records of the Circuit Court for Allegany County, Maryland. The lien will continue until such time as the balance due is paid. This remedy will be in addition to the right of the City to initiate appropriate civil proceedings for the collection of any and all such accrued charges in a court of competent jurisdiction.

( Ord. No. 2020-02, § 3, 5-21-2020 )

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### Sec. 6-13. Frostburg dwelling equivalent and surcharges.

- (a) A Frostburg dwelling equivalent ("FDE"), is an equivalent dwelling unit determined by the City for the purpose of determining "surcharges", based on the volume of water consumed for water and sewer service.
- (b) An FDE represents thirty-eight thousand (38,000) gallons per year (or an average of one hundred four (104) gallons per day)
- (c) FDE's are determined as follows:
  - (1) Single-family residential structure: One (1) FDE.
  - (2) Multifamily residential structure: One (1) FDE per unit or one (1) FDE per thirty-eight thousand (38,000) gallons for the prior ~~four (4) quarters year~~, whichever is higher.
  - (3) Commercial: One (1) ~~FDE~~ per thirty ~~eight eight~~ thousand (38,000) gallons for the prior ~~four (4) quarters year~~.
  - (4) Mixed-use: Minimum of one (1) FDE per use type, calculated in accordance with subsections b. and c. above.
  - (5) Rounding up: FDE's shall be rounded up if the calculation of FDE's yields a decimal greater than .50 for a commercial, multi-family residence, or mixed use property, e.g., if a commercial structure uses thirty eight thousand and one (38,001) gallons during the preceding four (4) quarters, it shall be deemed to be two (2) FDE's.

( Ord. No. 2020-02, § 3, 5-21-2020 )

### Secs. 6-14—6-29. Reserved.