

TOWN OF MANCHESTER
Ordinance No. 260

**AN ORDINANCE TO AMEND THE PROVISIONS OF CHAPTER 241 OF THE
CODE OF THE TOWN OF MANCHESTER RELATING TO WATER SERVICE
AND RATES.**

WHEREAS, the Annotated Code of Maryland, Local Government Article and Chapter 9 of the Charter of the Town of Manchester, authorize the Mayor and Council of the Town of Manchester to establish and from time to time amend a system and schedules for the creation of fees and other requirements regarding the public water system; and

WHEREAS, the ongoing development and growth of the Town of Manchester requires an updating of these schedules and other requirements; and

WHEREAS, it is in the best interests of the citizens of the Town of Manchester to amend the Code to incorporate these modernized requirements.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE TOWN OF MANCHESTER:

ARTICLE 1.

SECTION 1. That Section 241-1 be repealed and re-enacted as follows:

The rates for metered service hereby established shall be and become effective July 1, ~~2023~~ 2024, for each customer.

SECTION 2. That Section 241-2 be repealed and re-enacted as follows:

The following quarterly rates and charges for metered service shall be in effect as of July 1, ~~2023~~ 2024.

A. Quarterly rates within the Town.

(1) Residential rates per unit:

(a) \$3.50 per thousand gallons; plus

(b) ~~\$36 per residential unit~~ \$0.35 per thousand gallons PFAS Remediation fee; plus

(c) ~~\$36~~ \$42 per residential unit.

(2) Commercial rates, including retail and business, hotels and motels, apartments, hospitals and care homes, schools and colleges and industrial rates:

(a) \$3.50 per thousand gallons; plus for the first unit:

[1] ~~\$36~~ \$42 for a unit with a five-eighths-inch meter.

[2] ~~\$36~~ \$42 for a unit with a three-fourths-inch meter.

[3] ~~\$42~~ \$48 for a unit with a one-inch meter.

[4] ~~\$48~~ \$56 for a unit with a one-and-one-half-inch meter.

[5] ~~\$56~~ \$64 for a unit with a two-inch meter.

[6] ~~\$87~~ \$95 for a unit with a four-inch meter.

[7] ~~\$117~~ \$125 for a unit with a six-inch meter.

[8] ~~\$147~~ \$155 for a unit with an eight-inch meter.

(b) Plus ~~\$36~~ \$42 for each additional unit.

B. The outside-of-Town rate shall be two times the above Town rates.

SECTION 3. That Section 241-7 be repealed and re-enacted as follows:

A. The following excise taxes are hereby imposed upon the privilege of connecting to the Town's water system and shall be paid prior to the issuance of any building permits in accordance with current practices:

Size of Service Line (inches)	Excise Tax
3/4	\$2,250
1	\$2,550 <u>\$3,150</u>
1 1/2	\$3,150 <u>\$3,550</u>
2	\$3,550 <u>\$3,850</u>
2 1/2	\$3,850 <u>\$4,150</u>
3	\$4,150
4	\$4,750 plus cost of meter
6	\$6,750 plus cost of meter

**Size of Service Line
(inches)**

Excise Tax

78

\$8,750 plus cost of meter

- B. Connections will be made upon proper application.
- C. Between November 15 and March 15, the Town may, in its discretion, defer making connections until weather and ground conditions will reasonably permit such connections.
- D. The Town may refuse to allow any connection which may constitute an undue burden upon the Town's physical water plant or system.
- E. The service connection from the main to the curb valve will be installed by a licensed independent contractor approved by the Town. Town personnel or their representative. All work done in making such connection shall be inspected by the Director of Public Works or representative prior to any excavation being refilled. Title to all services from the main to the property line, meters and meter installations are vested in and the same shall at all times remain the sole property of the Town, and such property shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the Town, following installation, and may be removed or changed by it at any time. ~~The following connection fees are imposed on installations for minor subdivisions, site plans and individual homes, prior to the issuance of any building permit in accordance with current practices:~~

**Size
(inches)**

Fee

3/4	\$3,000
1	\$3,200
1-1/2	\$3,400
2	\$3,600
2-1/2	\$3,800
3	\$4,000
4 or larger	\$4,200

- F. The Town shall furnish to the customer, at actual cost to the Town plus ~~15%~~ 20% administrative and handling charges, the following equipment as may be applicable to their particular installation: water meter, remote reader unit and wire, meter stubs, meter pit, lid and coppersetter. Installation of the above-stated equipment shall be by an approved, licensed plumber, and all costs associated therewith shall be borne by the customer. The use of Type K copper tubing shall be utilized in all installations and repairs. Only pit meter service line repairs after the meter and that do not penetrate the foundation can request a variance to the K Copper Rule or request an

in-kind replacement. Any variations to the K Copper Rule, must be submitted in writing to the Director of Public Works for approval.

- G. Service lines for one- and two-family residential dwellings with NFPA 13D sprinkler systems shall be a minimum of one-inch ID from the corp valve to the sprinkler system supply. The line from that joint for the domestic use will be reduced to three-fourths-inch ID. Meter size shall be 5/8 inch by 3/4 inch. Type K copper with compression fittings is required to the full open valve inside the foundation. Installation requirements for the domestic service line are outlined in Subsection I of this section and § 241-11D. The sprinkler service shall have one double check valve and one, one-fourth-turn full open valve with a one-half valve and plug. The NFPA 13D sprinkler systems requires 26 gpm at two sprinkler heads. If the municipal water supply does not provide this, the property owner or developer will be required to install an additional pressure system and tank to meet this supply. The Department of Public Works will provide this information when application for water service is made. The Fire Marshal or County Inspector will inspect the sprinkler system.
- H. Curb stops are not to be used by the customer or his agent for turning on or shutting off the water supply. The control of the water supply by the customer shall be by means of a separate stop, located just inside the building wall. Curb stops are for the exclusive use of the Town.
- I. Every service pipe must be provided with a full open valve on the inside of the cellar or foundation wall adjacent to the location where the pipe passes through it, easily accessible and fully protected from freezing, and a full open valve on the service side of the meter.
- J. The service pipe from the property line to the premises shall be installed at the expense of the owner. For this installation, the owner or applicant shall employ a competent registered plumber, satisfactory to the Town, to do the work and comply with national or prevailing plumbing codes in the area. The minimum size and cover shall be the same as that used from the main to the property line. The materials and the method of construction shall be approved by the Town, and if the service has not been installed in accordance with the Town's requirements, water service will not be turned on until such defects have been remedied. The service pipes between the property line and the premises and all piping and fixtures on or in the premises of the owner or applicant shall be maintained by him and the work performed by a competent registered plumber in a manner satisfactory to the Town.
- K. In all future installations or reinstallations of service lines, only one premises will be supplied through one service pipe, which shall be under the control of one curb stop. Any violations of this article by any customer shall be deemed a violation by all customers involved, and the Town may take such action as could be taken against a single owner, except that such action shall not be taken until an innocent owner who is not in violation of the Town rules has been given a reasonable opportunity to

attach his pipes to a separately controlled service connection.

- L. In the event that any service line is improperly maintained or is damaged, the Town shall have the right to discontinue service to such premises upon written notice to the customer. Repairs shall be made by the owner or customer within three days after said notice, and a penalty of \$50 per day shall be assessed for any repairs not made or scheduled to be made within three days. In the event of an after-hour emergency, water will be disconnected immediately and written notice will follow next Business Day. Service shall not be restored until satisfactory repairs have been made and assessed penalties have been paid, if any.
- M. In the event that it becomes necessary to dig up and/or excavate the street or alley in order to make a service connection under this section, the entire cost of removing and replacing the road, street or alley surface shall be borne by the owner of the property requiring said connection. All disturbed areas shall be restored and/or repaved in accordance with standards and specifications as may be required by the Town.

SECTION 4. That Section 241-9 be repealed and re-enacted as follows:

- A. From and after the effective date of this article, in any instance in which the Town shall supply water to any building, dwelling, apartment, living unit or other structure, a special benefit assessment is hereby levied and imposed for the purpose of capital improvements and maintenance of the water distribution system and, payable prior to the issuance of a building permit in accordance with current practices, upon the owner or owners of such property or properties to be served, in the amount or amounts as follows:

Type of Structure	Charge										
Dwellings and dwelling units	<table border="0"> <tr> <td style="padding-left: 40px;">Each single-family dwelling unit or each unit in a multifamily dwelling unit</td> <td style="padding-left: 20px;">\$2,500 <u>\$5,000</u></td> </tr> </table>	Each single-family dwelling unit or each unit in a multifamily dwelling unit	\$2,500 <u>\$5,000</u>								
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Schools, churches and colleges, including dormitories (students and staff)	<table border="0"> <tr> <td style="padding-left: 40px;">1 to 100 persons</td> <td style="padding-left: 20px;">\$3,000 <u>\$5,550</u></td> </tr> <tr> <td style="padding-left: 40px;">100 to 250 persons</td> <td style="padding-left: 20px;">\$6,000 <u>\$8,500</u></td> </tr> <tr> <td style="padding-left: 40px;">250 to 400 persons</td> <td style="padding-left: 20px;">\$9,000 <u>\$11,500</u></td> </tr> <tr> <td style="padding-left: 40px;">400 to 1,000 persons</td> <td style="padding-left: 20px;">\$17,000 <u>\$19,500</u></td> </tr> <tr> <td style="padding-left: 40px;">Each additional 400 persons or fraction thereof over 999</td> <td style="padding-left: 20px;">\$8,000 <u>\$10,500</u></td> </tr> </table>	1 to 100 persons	\$3,000 <u>\$5,550</u>	100 to 250 persons	\$6,000 <u>\$8,500</u>	250 to 400 persons	\$9,000 <u>\$11,500</u>	400 to 1,000 persons	\$17,000 <u>\$19,500</u>	Each additional 400 persons or fraction thereof over 999	\$8,000 <u>\$10,500</u>
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Each additional 400 persons or fraction thereof over 999	\$8,000 <u>\$10,500</u>										

Hospitals, care and nursing homes

1 to 20 beds	\$2,600 <u>\$5,500</u>
20 to 60 beds	\$5,000 <u>\$7,500</u>
Each additional bed over 59	\$400 <u>\$300</u>

Hotels and motels

1 to 10 rooms	\$2,000 <u>\$4,500</u>
10 to 50 rooms	\$3,400 <u>\$5,900</u>
Each additional room over 49	\$125 <u>\$325</u>

Commercial (retail, wholesale, business offices)

Minimum, includes a building containing up to 5,000 square feet of total floor space	\$2,000 <u>\$4,500</u>
Next 5,000 square feet	\$0.25 <u>\$0.50 per square</u>
Next 10,000 square feet	\$0.24 <u>\$0.30 per square foot</u>
All over 20,000 square feet	\$0.17 <u>\$0.25 per square foot</u>

- B. In any instance in which an existing structure is altered to add additional dwelling units or business offices, there shall be imposed a special benefit assessment of ~~\$1,000~~ \$1,500 for each dwelling unit added and ~~\$500~~ \$1,000 for each business office added, payable prior to the issuance of any building or alteration permit.
- C. In any instance in which an industrial or commercial structure is altered to add additional footage, there shall be imposed a special benefit assessment in accordance with the schedule hereinbefore set forth. The expansion of existing structures shall be allowed credit for previously paid special benefit assessments in all types of uses, except dwellings and dwelling units and planned unit developments.
- D. In any instance in which a school or college expands existing structures or constructs new buildings for nonresidential use, there shall be imposed a special benefit assessment in accordance with the item in the schedule entitled "~~Industrial warehousing.~~" [1] Schools, Churches and Colleges In the instance where a school or college adds or expands its residential buildings, a benefit assessment shall be imposed in accordance with the item in the schedule entitled "Dwellings and dwelling units" or, in the event of construction of dormitories, the item in the

schedule entitled "Schools and colleges, including dormitories" shall be applicable.

- E. In situations where no specified category is provided for in this article, the Town Council shall determine the applicable special benefit assessment to be charged, but in no case shall such charges exceed those existing in this section.

SECTION 5. That Section 241-10 be repealed and re-enacted as follows:

- A. It is solely the Town's decision to provide water and sewer service to a project, on request from a property owner. The Town shall consider the water and sewer demands of the project on the Town's current water and sewer capacity and shall determine whether water and sewer service shall be made available to the project.
- B. The water demands for a project shall be calculated in accordance with Maryland Department of Environment Capacity Management planning and the Carroll County Master planning, at 250 gallons per day (gpd) per equivalent dwelling unit (EDU) as defined herein.
- C. For the purposes of this section, the following terms shall have the meanings indicated:

EQUIVALENT DWELLING UNIT

Calculated as follows:

(1) RESIDENTIAL UNIT

A single unit providing complete independent living facilities for one or more persons, including permanent provisions for living, sleeping, cooking, eating and sanitation.

(2) COMMERCIAL UNIT

Based on per capita employed over a period of not more than eight hours, five employees are equivalent to one unit; minimum unit for commercial is one unit.

- D. The proposed use shall be considered in light of the Town's current water supply capacity, as limited by the Town's water appropriations, pumping capability, peaking and drought factors, and unaccounted-for water. ~~These factors are included in Table 1, attached hereto.~~
- E. If the Town determines that there is adequate water capacity for the proposed use, a fee of ~~\$14,500~~ \$15,000 per EDU will be assessed, payable with the application of each building permit.
- F. The owner or owners applying for such water service and any main extension shall

be responsible for all the costs of making such an extension, including any extensions beyond the corporate boundaries of the Town. Title to the main shall be vested in the Town, and the main shall at all times remain the sole property of the Town and shall not be trespassed upon or interfered with in any respect. This property shall be maintained by the Town and may be used as the Town sees fit.

- G. When water facilities are to be constructed, the owner will furnish plans for review and approval by the Town and all other agencies having jurisdiction. These plans will denote location, profile and any other pertinent details required by agencies having jurisdiction. The Town will also require a public works agreement, spelling out the conditions by which a main will be extended. The owner is solely responsible for all costs associated with the extension.
- H. Before an extension of a main is made, the owner or applicant shall post security for the estimated cost of the water main extension. Final adjustments will be made upon receipt of all bills and expenses that may be incurred in the extension of a main. Any surplus security will be returned to the owner. Any deficit held by the Town will be billed to the owner upon final accounting.
- I. The Town will not be required to make any reimbursement to the owner for additional connections to such mains or enter into any type of buy-back agreements.
- J. Applicability.
 - (1) Except as provided herein, these regulations shall apply to:
 - (a) Any application for subdivision or phase thereof or any site plan approval which has not received final plan approval prior to August 12, 2013;
 - (b) Any subdivision or phase thereof or any site plan which has been approved and/or recorded prior to August 12, 2013, but for which no public works agreement has been executed;
 - (c) Any application for subdivision or any phase thereof or site plan approval submitted subsequent to August 12, 2013.
 - (2) These regulations shall not apply to any project which requires a conditional use approval and which has received such approval from the Board of Zoning Appeals.

SECTION 6. That Section 241-11 be repealed and re-enacted as follows:

- A. All meters will be furnished by and remain the property of the Town, which reserves the right to stipulate the size, type and make of meter to be used as well as the

location of the setting. Minimum meter size shall be 5/8 inch by 3/4 inch.

- B. The meter will be set in the basement in a convenient place, the location to be provided and maintained by the owner. In the event the customer desires any change in the location or position of the meter, meter box or vault, such change in location shall be made by the Town or its representative at the cost and expense of the owner.
- C. All meters shall be maintained by and at the expense of the Town insofar as ordinary wear and tear are concerned, but the owner will be held responsible for damages as a result of freezing, hot water or other external causes when such damage results directly or indirectly from the negligence of the customer. When such damage occurs, the Town will furnish and set another meter to replace the one frozen or otherwise damaged, and the cost of such repairs, including replaced parts, labor and transportation charges, shall be paid for by the owner.
- D. Owners shall install a pressure reducing valve on the inlet side of the meter and a suitable check valve in the service line on the outlet side of the meter in such manner as to prevent the return of hot water to the meter, and shall pay the cost of all repairs necessitated by failure to do so.
- E. The quantity recorded by the meter shall be taken to be the amount of water passing through the meter, which amount shall be accepted as conclusive by both the owner and the Town, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases the quantity may be determined by the average registration of the meter in a corresponding past period when in order or by the average registration of the new meter, whichever method is representative, in the opinion of the Town, of the conditions existing during the period in question.
- F. The quantity recorded by the meter shall be taken to be the amount of water passing through the meter, which amount shall be accepted as conclusive by both the owner and the Town, except when the meter has been found to be registering inaccurately or has ceased to register. In such cases the quantity may be determined by the average registration of the meter in a corresponding past period when in order or by the average registration of the new meter, whichever method is representative, in the opinion of the Town, of the conditions existing during the period in question.
- G. If a meter is found to be inaccurate, it shall be replaced at Town expense. However, if a meter is found to be accurate, the owner will bear all costs of replacement and related expense.
- H. The owner shall permit no one, except an agent of the Town or person otherwise lawfully authorized to do so, to remove, inspect or tamper with the meter or other property of the Town on his premises. The customer shall notify the Town, as soon as it comes to his knowledge, of any injury to or cessation in registration of the

meter.

SECTION 7. That Section 241-12 be repealed and re-enacted as follows:

- A. Whenever the owner desires to have his service contract terminated or his water service discontinued, he shall so notify the Town in writing. Until such notice is received by the Town, the owner shall be responsible for the payment of all service rendered by the Town, including charges for meter repairs caused by damage by hot water or freezing. A reasonable time after the receipt of such notice shall be allowed the Town to take a final reading of the meter or meters and to discontinue service. There shall be a charge in the amount of ~~\$50~~ \$100 for discontinuing service after business hours.
- B. The service may be discontinued for any one of the following reasons:
- (1) Use of water for purposes other than for consumption on the premises serviced.
 - (2) Misrepresentation in application.
 - (3) Willful waste of water.
 - (4) Molesting or tampering with Town property or seals on appliances/meters.
 - (5) Vacancy.
 - (6) Nonpayment of bills when due.
 - (7) Cross-section of the Town's water service pipe with any other water supply source.
 - (8) Refusal of reasonable access to property.
- C. When water has been turned off from any premises for any of the above reasons or for any other violations of the Town's rules not previously listed or upon the written request of the property owner or resident, a charge will be made for restoring service in the amount of ~~the actual cost of turning on the water, except that the minimum charge therefor shall be \$5~~ \$100, and the charge for restoring service which has been terminated for the nonpayment of bills shall be \$50 and payment shall be made in the form of cash, certified check or money order.

SECTION 8. That new Section 241-13.1 be enacted as follows:

§ 241-13.1. Violations and penalties.

- A. Any person who takes water from a municipal hydrant without authorization and/or in violation of § 241-13E. above shall be guilty of a municipal infraction and shall be subject to a fine of \$500, including the cost of the water taken.
- B. Except for a violation set forth in A. above, which shall be immediately enforceable without notice, any person found to be in violation of any provision of this Article I of this Chapter shall be served by the Town with written notice stating the nature of the violation providing a reasonable time within which the violation is to permanently cease and/or to be cured to the satisfaction of the Town. Continuation of a violation beyond the time limit provided in said notice shall be a municipal infraction and shall be subject to a fine of \$500 for each such offense. Every day a violation continues beyond the period provided in the notice within which to cease and/or cure such violation shall be a separate offense.

ARTICLE 2. Severability.

If any section, subsection, sentence, clause, phrase, or portion of this chapter is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portion of this chapter, it being the intent of the Town that this chapter shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion thereof.

ARTICLE 3. Section Headings, Chapter Headings, Titles.

Section headings, chapter headings, titles, etc., are for the purpose of description or ease of use and do not form a part of the text of this Ordinance or any Code or test adopted hereby.

ARTICLE 4. Existing Liabilities.

This Ordinance shall not discharge, impair or release any contract, obligation, duty, liability or penalty whatever existing on the date of its enactment. All suits and actions, both civil and criminal pending or which may hereafter be instituted for causes of action now existing or offenses already committed against any law or ordinance affected by the adoption of this Ordinance shall be instituted, proceeded with and prosecuted to final determination and judgment as if this Ordinance had not become effective.

ARTICLE 5. Effective Date.

Introduced this ____ day of _____, 2024.

Passed this ____ day of _____, 2024, by a vote of ____ Council members in favor and ____ Council members opposed.

This Ordinance shall take effect on ____ day of _____, 2024.

ATTEST:

Melinda Smith
Mayor

Kelly J. Baldwin
Director of Finance

Approved as to form and legal
sufficiency this _____ day of
_____, 2024.

Thomas V. McCarron. Town Attorney

NOTE: Matter in ~~striketrough~~ is proposed for deletion from existing law.
Matter underlined is new material proposed to be added to existing law.