

Chapter 55

WATER

ARTICLE I

General Regulations

§ 55-1. Definitions.

As used in this Article, the following terms shall have the meanings indicated:

ALLOCATION – a reservation for a particular building or project to draw a prescribed amount of water from the Town’s water system and/or discharge a prescribed amount of flow to the Town’s sewer system.

CONNECTION FEE – a fee paid to the Town, normally in conjunction with a Building Permit Application, to help offset the capital costs of new treatment facilities, major water distribution lines, elevated storage tanks, sanitary sewer expansion improvements, etc. The connection fee is charged on an Equivalent Dwelling Unit (EDU) basis projected for the project and is based on the standards as set forth by Maryland Department of the Environment (MDE) Wastewater Design Guidelines and Town of Millington Allocations for Public Water and Sewer Capacity Policies and Procedures. The connection fee is separate from any costs the applicant may have with private contractors for the actual connection to the water or sewer lines and other associated development fees. All new or expanded users connecting or connected to the Town’s water or sewer system must pay a connection fee.

CUSTOMER - An applicant for service receiving water service at one premise and who is the owner of record of the premises. Such premises may include:

- (a.) a building or combination of buildings used for one residence or one business
- (b.) a building or combination of buildings owned by one person and containing a number of businesses or residences, provided however that each residence or business shall be treated as a separate customer and subject to the rate schedule applicable thereto.

EQUIVALENT DWELLING UNIT (EDU) – a unit of measure to equate flow demand to an equivalent of one single family home. An equivalent dwelling unit is assumed to be equal to 250 gallons each per day of water use and sanitary sewage production.

GALLONS PER DAY (gpd) – a unit of measure of the demand for water or sewer.

LATERAL - The line from the main to the premises of the customer.

LOT - Any vacant land on which no premises are located, or which is described in a deed separate from any other lot on which premises may be located.

MAIN - The Town-owned piping and fixtures in or along public highways and streets or along private owned rights-of-way used for the transmission or distribution of water.

MILLION GALLONS PER DAY (mpd) – a unit of measure of the demand for water or sewer.

PERSONS - Any person, firm, association or corporation.

SITE PLAN – as defined by the Millington Code.

TOWN - The Town of Millington, or its duly authorized officers or agents.

§ 55-2. Water meters.

A. Meters required - all premises using the town water supply must be equipped with an approved water meter. Water meters shall be supplied by the Town, and shall remain the property of the Town at all times. The cost of installation of the meters shall be paid for by the customer.

B. Installation - meters shall be installed in a location approved by the Town and affording easy access.

C. Reading meters - the Town shall read or cause to be read every water meter used in the town at such times as are necessary for the bills to be sent out at the proper time.

D. Testing meters - any municipal water meter shall be taken out and tested upon written request of the customer. The fee for testing a meter shall be set by resolution duly adopted after a public hearing. In the event the meter is found to be faulty there shall be no charge for the test.

§ 55-3. Rates.

A. The rates per revenue unit and the usage charges for water service shall be as determined by the Mayor and Council and may be changed from time to time by a resolution duly adopted after a public hearing. A revenue unit is equivalent to one (1) residential usage. The Town shall have the right to set and establish how many revenue units are located in each individual structure.

B. Rates established for water service may reflect varying charges for varying levels of consumption or service or such other circumstances as Mayor and Council may determine are appropriate.

§ 55-4. Billing procedures; payment of charges.

A. Upon purchase of an EDU or purchase of a property with an existing EDU; the property will be billed monthly for the base fee regardless of actual connection to the water system. The Town Council has the right to approve a payment plan for the purchase of a new EDU in lieu of payment in full at time of application for EDU.

B. A bill will be generated in the same manner as the sewer bill. The water bill due date shall be the same date that the sewer bill is due. Bills that are paid after the due date shall be subject to a penalty as established by resolution duly adopted after a public hearing.

C. Property owners will receive the bill and be responsible for payment of charges for all services provided by the Town of Millington.

D. In the event of a challenge to a bill by a property owner claiming a major undetected leak or faulty meter, formally filed in writing and accompanied by such documentation as may support such claim, excess charges may be waived and the bill readjusted to reflect the average of the lesser of the three preceding or three succeeding quarters. No customer shall be permitted more than one claim as a result of a leak in any 10-year period.

§ 55-5. Action upon nonpayment of water charges.

A. Thirty Days After the due date, notice may be given to all customers whose bills are in arrears, by statement or by door hangers on said customers' premises stating water will be shut off without payment arrangement or payment to bring account current.

B. The Town Administrator may negotiate a payment plan with the property owner to bring account current within a maximum of 12 months.

C. All water bills not paid and in arrears in excess of \$250 (total of water, sewer, and trash invoices) shall be collected through the annual Tax Sale governed by the appropriate County, unless there is an approved payment plan on file.

§ 55-6. Curtailment and/or regulation of water usage; notification.

The Town is hereby authorized and empowered, whenever in its judgment it shall think it necessary for the preservation of public health and safety, to suspend, curtail, regulate and prohibit the use of water from the municipal water system of the Town for the operation of fountains, swimming pools, pavements, streets, lawns, flowers, shrubbery, gardens, etc., and for washing automobiles and other vehicles and to regulate, curtail or prohibit the use of water for any purposes other than ordinary domestic, household and culinary purposes. The Town is hereby authorized and empowered to give reasonable notice, whenever possible, to all consumers of water to curtail, regulate or refrain from the use of water for all or any of the purposes specified in this section.

§ 55-7. Discontinuance of Services; Reconnection Charge

A. Discontinuance by the Town. Water service may be discontinued by the Town for any one (1) of the following reasons:

- (1) For failure to pay water and sewer bills within 30 days of the due date.
- (2) Misrepresentation in applications.
- (3) Willful waste of water.
- (4) Failure to comply with restrictions imposed under § 55-6 of this chapter.
- (5) Tampering with, damaging or bypassing water meters or any other part of the Town water system.
- (6) Refusal of reasonable access to property to determine if there is a cross connection.

B. Reconnection charge. When water has been turned off from any premises for any of the above reasons or for any other violation of the Town's rules, a charge will be made for restoring service at such rate as has been set by resolution after a public hearing.

§55-8. Water service regulations generally.

A. Persons authorized to turn on service - no water from the town water supply shall be turned on/off for service into any premises by anyone but the individuals so designated by the Town of Millington.

B. Application requirements - application for water service should be made, in writing by the property owner. The Town may provide application forms to all property owners at the time of initial connection to simplify the procedure for residents.

C. Plumbing subject to state or county regulations - no water shall be turned on for service in premises in which the plumbing does not comply with State or County Health Department regulations, provided that water may be turned on for construction work in unfinished buildings, subject to the provisions of this Article.

D. Resale prohibited - no water shall be resold or distributed by the recipient thereof from the Town supply to any premises other than that for which application has been made and a meter installed, except in the case of an emergency.

E. Tampering - it shall be unlawful for any person not authorized by the Town to remove, tamper with, alter or damage any part of the installed water meter, Town waterworks or water supply system.

F. Conditions for application acceptance - no application for service will be accepted by the Town until the applicant has paid or made satisfactory arrangements to pay all arrears and charges due by the applicant to the Town at any premises now or heretofore occupied by him.

§ 55-8A Fire Hydrants

It shall be unlawful to open or tamper with a fire hydrant without proper authorization.

§ 55-9. Connection requirements; water main extensions.

A. Application requirements - no property owner connecting to the system when it is first completed will need to file an application for water service. Applications for service installations for water will be accepted subject to the presence of an existing main in a right-of-way abutting the premises to be served.

B. Extensions - any extension of a water main shall be at the sole expense of the property owner requesting the service, provided that should the excess extension footage be subsequently utilized for additional taps or connections by persons other than the property owner, then the costs of such excess footage or some applicable portion thereof may be refunded if utilized within five (5) years from the date of installation.

§ 55-10. Time limit for connections; noncompliance.

A. Connection of fixtures - when any water main is declared ready for operation by the town, notice shall be given to all abutting property owners in the form of an application for service. Property owners shall then connect to the system and utilize the water. All property owners shall be made aware that they shall be responsible for water bills from the date the system is operational. All abutting property owners shall connect all fixtures to the water meter within twelve (12) months of notice to connect.

B. Action upon noncompliance - should any owner of any such property refuse, neglect or fail to comply with any of the terms and requirements of § 55-10A, the Town, its servants, agents and employees are hereby empowered and directed to enter upon said premises and to perform all the work required of said owner of said property and to supply all the material needed therefore at the expense of said owner, and upon completion of said work, the cost thereof, including the cost of said materials and all expenses incurred shall be recovered from said owner by the placement of a lien on owner's real property. Liens shall be collected as provided in §C6-16 of the Charter (Sale of Tax-Delinquent Property).

§55-11. Connection/tapping fees.

A. In-Town connections - there will be no connection fee for existing homeowners who connect within twelve months of the date of Notice to connect upon completion of initial municipal system. A connection fee shall be charged to new homeowners or developers in new developments as well as existing homeowners who fail to connect to the new system after the stated time period for connection has elapsed. The connection fee shall be established by resolution of the Town Council after public hearing.

B. Out-of-Town connections - connection of premises outside the Town limits shall include a connection fee as established by Kent County or Queen Anne's County Commissioners as well as the actual cost of the connection.

C. Reimbursement Agreement – as part of the Developers Rights and Responsibilities, a Reimbursement Agreement can be entered into by the Developer/Property Owner and the Town Council to allow for the recapturing of a portion of the allocation fee collected by those property owners not part of the new development but located along the new main installation required for the new development.

§ 55-12. Connection installations; standards for water service pipes.

A. The water connection from the water meter to the building shall be installed in accordance with Town specifications, at the expense of the owner of the premises. For this installation, the owner or applicant shall be allowed to install the line themselves. Said installation shall be inspected and approved by a State of Maryland licensed plumber or a qualified representative of the Town. The materials and method of construction shall be approved by the Town or its agent, and if the connection has not been installed in accordance with the Town's requirements, water will not be turned on until such defects have been remedied. The connection between the water meter and the building and all piping and fixtures on or in the building of the owner or applicant shall be maintained by the owner or applicant.

B. All water service pipes to the building shall have a minimum cover of thirty (30) inches for any open excavation or fault.

C. Every water service pipe must be provided with a shut-off valve on the inside of the curb line which is easily accessible and fully protected from freezing.

§ 55-13. Access to Premises by Town Inspector, meter reader, etc.

The Inspector, meter reader and other properly authorized representatives of the Town of Millington shall have access at all reasonable hours to the premises supplied by the Town with water for the purpose of setting, reading, repairing or removing meters or for making necessary inspections.

§ 55-14. Effect of provisions on new construction.

From the time this Article becomes effective, no new construction within the Town limits shall be commenced or permitted unless satisfactory arrangements are made to connect to the municipal water system.

§ 55-15. Continuance of wells upon installation of public water system.

After the property owners have been advised that the water system is operational and a water main has been installed in the public way upon which said property fronts, the Town may allow existing wells to be used to operate fountains, swimming pools, streets, lawns, flowers shrubbery, gardens, etc., and for washing automobiles and other vehicles. Said wells shall not be used for ordinary domestic, household and culinary purposes. All connections between such wells and the domestic water system shall be permanently terminated.

Wells found to be polluted or a menace to health shall be abandoned and closed as approved by the County Health Department.

§ 55-16. Rates and/or charges constitute lien.

All rates and/or charges referred to in this Article and hereinbefore or hereinafter mentioned shall constitute a lien on the real estate served and shall be collectible in the same manner as Town taxes.

§ 55-17. Water Repairs.

- A. Water Repairs may occur on either side of the water meter.
- B. Responsibility for repairs on the Town's side of the meter is solely the responsibility of the Town.
- C. Responsibility of repairs on the property owner's side of the meter are the responsibility of the property owner. Property owner should contact the Town Office to report the leak and for Town to investigate cause of leak and course of action for repair.
- D. If repair is performed by the Town or its vendors, property owner will reimburse Town for all costs plus an administrative fee at such rate as has been set by resolution after a public hearing.
- E. If repair is performed by the Town or its vendors on the property owner's side of the meter, the property owner will reimburse the Town for all costs plus a reconnection charge as set forth in Section 55-7B.

§ 55-18. Water rates.

Water rates shall be determined by the Mayor and Council and set by Resolution duly adopted after a public hearing.

§ 55-19. Sale of Water

Whereas the Town of Millington owns and operates a water supply distribution system. The Mayor and Council has determined a need to allow for the resale of water with the following conditions:

- A. A request in writing/email/in person to purchase water is to be made to the Town Office two weeks prior to the first date of required use. The request should include estimated gallons to be purchased, length of time of project, location of project, contact name, and billing address.
- B. A "Water Purchase Contract" will be prepared and submitted for approval by Town Administrator for the Town of Millington.
- C. The fee to purchase water is set by resolution by Mayor and Council and adopted at a public hearing; the rate will be per 1,000 gallons as calculated by a back-flow hydrant meter.
- D. The installation of the back-flow hydrant meter and the overseeing of the use of the meter will be provided by the Town of Millington representatives and authorized agents.
- E. The Town Administrator has the authority to request a deposit of \$5,000 certified funds to be held in escrow by the Town of Millington until such time the project is complete, and the back-flow hydrant meter has been returned and inspected.
- F. Any damages to the fire hydrant or the back-flow hydrant meter will be the responsibility of the contractor with reimbursement to the Town for repairs or replacement.
- G. If an emergency occurs that will enable the purchaser to provide sufficient notice to use the system, requests will be approved on a case-by-case basis.

§55-20. Responsibility for repairs.

Whereas the Town of Millington owns and operates a water supply distribution system, the Mayor and Council have determined that responsibility for repairs by the Town is limited to the water mains and laterals to that point of the street curb or the edge of the property line in the absence of a street curb. Any maintenance or repairs passed the Town's limit of responsibility becomes the sole responsibility of the property owner. If at the request of the property owner and the approval by the Mayor and Council, the Town's vendor, employee, or representative provide the proper maintenance or repair to any issue beyond the Town's responsibility all costs for repairs will be at the expense of the property owner.