

TOWN OF HAMPSTEAD

ORDINANCE NO. 551

AN ORDINANCE TO AMEND CHAPTER 132, REGARDING WATER

WHEREAS, the Town Council has the authority granted by the Charter to amend the Code of the Town of Hampstead, and

WHEREAS, the Town Council wishes to make clarifications and amendments to Section 132 of the Code of the Town of Hampstead in the best interests of its residents and the Town.

WHEREAS, the Mayor and Council held a public hearing on these amendments on the _____ day of _____, 2024;

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

ARTICLE 1. That Chapter 132, Article I, Section 132-3, Rates for unlisted or special customers; exemption, be amended to read as follows:

§ 132-3 Rates for unlisted or special customers; exemption

- A. ~~[All unlisted or special water customers not included in the foregoing section shall pay for water used or consumed according to the rates established for metered service. Any water sold and dispensed by truck or tank from a location designated by the Town shall be at the rate of \$3 per thousand gallons.]~~
All unlisted or special water customers not included in the foregoing section shall pay for water used or consumed as follows. Any water sold and dispensed by the Town from a fire hydrant or other source shall include a \$25.00 per truck load flat rate and \$20.00 per every 1,000 gallons of water. Bulk sale of water shall be at the sole discretion of the Town.
- B. The Hampstead Volunteer Fire Company shall be exempt from this charge for all water used for fire prevention purposes.

ARTICLE 2. That Chapter 132, Article II, Section 132-6, Charges and general regulations, be amended to read as follows:

§ 132-6 Charges and general regulations.

- A. The following assessed charges shall be made for each connection to the Town's water system:

**Size of Service Line
(inches)**

[3/4]

Charge

[\$350.00]

**Size of Service Line
(inches)**

Charge

1 or 1 ½

[\$400.00 plus cost of meter]
Cost of meter plus \$400.00

[1 ½] 2 and larger

[Actual invoice plus 20%]
Cost of meter plus 20%

- B. In any instance in which any owner or developer of land shall extend any of the Town's water mains for the purpose of serving five or more dwellings or living units, a charge shall be made for all water service connections to such extended mains in the amount of \$250 for each dwelling or living unit when such connection is made simultaneously with the installation of the main. [However, if the owner or developer makes the connections at his expense, the connection charge may be waived, except that charge for the meter shall be made based on the actual cost of the meter, plus a handling fee of 20%, or as may be amended by motion of the Council.]
- C. Connection will be made upon proper application.
- D. Between November 15 and March 15, the Town may, in its discretion, defer connections until weather and ground conditions will reasonably permit such connections.
- E. The Town shall not be required to make any connection which it may deem not to be economically feasible or which may constitute an undue burden upon the Town's physical water plant or system.
- F. [The service connection from the main to the property line will be installed by the Town or under its supervision. Title to all services from the main to the property, meters and meter installations is vested in, and the same shall at all times remain the 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 and may be removed or changed by it at any time.]
The service Connection from the main to the property line shall be installed at the expense of the owner. For this installation the owner or applicant shall employ a competent registered utility contractor, satisfactory to the Town, to do the work and comply with national or prevailing plumbing codes in the area under the supervision of the Town. The owner or agent shall furnish and install the following equipment: a compression corporation stop 1" minimum, service pipe 1" minimum to the property line, compression curb stop 1" minimum or meter pit with lid (at the determination of the Public Works Department), remote reading meter which shall be installed at the owners or agents expense. Materials and methods of construction shall be approved by the Town, and, if the service connection has not been installed in accordance with the Town's requirements, water service will not be turned on until such defects have been remedied. Title to all services from the main to the property, meters and meter installations is vested in, and the same shall at all times remain the 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 and may be removed or changed by it at any time.]
- G. [The Town will furnish and install the following equipment: a corporation stop, service pipe to the property line, curb stop, curb box, remote reading meter and meter pit with lid, if required. The meter shall be installed at the expense of the customer.]
- H. The service pipe from the water main to the curb stop or meter pit shall be a minimum of [three-fourths-inch] one inch inside diameter and shall be Type-K copper.

- I. 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.
- 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. Materials and methods 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 pipe between the curb stop 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 shall be performed by a competent registered plumber in a manner satisfactory to the Town.]
The service pipe, from the property line to the premises, shall be installed at the expense of the owner or applicant. For this installation the owner or applicant shall employ a competent registered plumber, who is licensed to work in the State of Maryland, to do the work and comply with national or prevailing plumbing codes in Carroll County, Maryland. The minimum cover shall be the same as that used from the main to the property line, however no less than 3 feet. The minimum size shall be determined by Carroll County, Maryland plumbing codes. Materials and methods of construction shall be approved and inspected by Carroll County, Maryland plumbing code. The service pipe between the curb stop and the premises and all piping and fixtures on or in the premises of the owner or applicant shall be maintained by said owner or applicant.
- 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 violation of this chapter 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 pipe to a separately controlled service connection.
- L. In the event that any service line between the curb box and the meter is improperly maintained or is damaged, the Town shall have the right to discontinue service to such premises, upon written or verbal notice to the customer. Service shall not be restored until satisfactory repairs, approved by the Town have been made.

ARTICLE 3. That Chapter 132, Article V, Section 132-17, Town to furnish meters; size, be amended to read as follows:

§ 132-17 Town to furnish meters; size.

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 the meter to be used as well as the location of the setting. Minimum meter size shall be [5/8 inch by] 3/4-inch meter.

ARTICLE 4. That Chapter 132, Article V, Section 132-22, Removal and testing, be amended to read as follows:

§ 132-22 Removal and testing.

[The Town reserves the right to remove and to test any meter at any time and to substitute another meter in its place. In the case of a disputed account involving the question of accuracy of the meter, such meter will be tested upon the written request of the applicant. A meter-testing firm selected by the Town shall conduct the test.]

The Town reserves the right to remove and test any meter at any time and to substitute another meter in its place. In the case of a disputed account involving the question of accuracy of the meter, such meter will be tested upon the written request of the applicant, and a deposit of \$250.00 shall be collected for a water meter up to 1 ½ inch. Any meter over 1 ½ inch the Town will prepare a written estimate of the required deposit. A meter testing firm selected by the Town shall conduct the test. In the event the meter was accurate or underperforming the applicant will forfeit the \$250.00 deposit, if the meter was over billing the applicant, the \$250.00 deposit will be returned to the applicant.

ARTICLE 5. That Chapter 132, Article VII, Section 132-28, Right of access by Town agents, be amended to read as follows:

§ 132-28 Right of access by Town agents.

The authorized agents of the Town, presenting proper credentials, shall have the right of access at all reasonable hours to the premises supplied with water, for the purpose of reading meters, replacing broken meters or residential meters that have recorded over 2,000,000 gallons, examining fixtures and pipes, observing the manner of using water and for any other purpose which is proper and necessary in the conduct of the water system. Failure of a water service customer to allow access within a reasonable time period may result in water service being shut off until access has been established.

ARTICLE 6. That Chapter 132, Article VII, Section 132-32A, Tampering with system prohibited; penalty, be amended to read as follows:

§ 132-32 Tampering with system prohibited; penalty.

- A. It shall be unlawful for any person or persons to wrongfully and maliciously connect, disconnect, tap, damage, alter, interfere or tamper with any part of the municipal water system, including but not limited to production wells, monitoring wells, pump houses, storage towers, mains, valves, curb boxes, or fire hydrants, or to in any way tamper with any meters used to register the water consumed. It shall also be unlawful for any person or persons to enter any municipal pump house, storage tower, testing or treatment area or any Public Works facility without the authorization of the Town Manager or Superintendent of Public Works.

ARTICLE 7. That Chapter 132, Article VII, Section 132-35, Notification of shutdown of water main, be amended to read as follows:

§ 132-28 Right of access by Town agents.

Whenever a water main is proposed to be shut down by:

- A. ~~[The Town, the Town shall send notices to all affected properties and advertise in at least one newspaper with general circulation in the Town one week prior to the commencement of work.]~~
The Town, the Town shall distribute door hangers to all affected properties and post notice on the Town's website and social media outlets.
- B. A private contractor, the contractor shall notify the Town at least 10 business days prior to any work being done. The Town shall advertise as in Subsection A above.

ARTICLE 8. 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 9. Section Headings, Chapter Headings, Titles.

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

ARTICLE 10. Interpretation.

In interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements for the promotion of the public health, safety, and general welfare. This Ordinance shall be construed broadly in favor of the Town of Hampstead for the purpose to promote the purpose for which it was adopted.

ARTICLE 11. Abrogation and Greater Restrictions.

1. Public Provisions. This Ordinance is not intended to interfere with, abrogate, or annul any other ordinance, rule or regulations, statute, or other provision of law except as provided in these regulations. Where any provision of these regulations imposes restrictions different from those imposed by any other provision of these regulations or any other ordinance, rule or regulation, or other provision of law, the provision which is more restrictive or imposes higher standards shall control.

2. Private Provisions. These regulations are not intended to abrogate any easement, covenant or any other private agreement or restriction, provided that where the provisions of these regulations are more restrictive than such easement, covenant, or other private agreement or restriction, the requirements of these regulations shall govern. Where the provisions of the easement, covenant, or private agreement impose duties and obligations more restrictive than these regulations, and the private provisions are not consistent with these regulations, then the private provisions shall be operative and supplemental.

ARTICLE 12. Effective Date.

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

Introduced this _____ day of _____, 2024.

James Roark
Clerk of the Council

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

Delivered to the Mayor for his approval or disapproval this _____ day of _____, 2024.

ATTEST:

James Roark
Clerk of the Council

Christopher M. Nevin
Mayor

Effective this _____ day of _____, 2024.

Approved as to form and legal
sufficiency this _____ day of
_____, 20____.

By: _____
Michelle M. Ostrander, Town Attorney

Matter in red and [brackets] is to be deleted from the ordinance
Matter in green and underlined is new material to be added to the Ordinance