

**CITY OF BALTIMORE
COUNCIL BILL 09-0413
(First Reader)**

Introduced by: Councilmembers Young, Henry, Middleton, Cole, Holton, Clarke, Welch,
Reisinger, Conaway, Branch, Spector

Introduced and read first time: October 19, 2009

Assigned to: Judiciary and Legislative Investigations Committee

REFERRED TO THE FOLLOWING AGENCIES: City Solicitor, Department of Housing and
Community Development, Department of Public Works, Department of Finance

A BILL ENTITLED

1 AN ORDINANCE concerning

2 **Water and Sewer Service Rates and Charges – Domestic Users**

3 FOR the purpose of requiring water and sewer service rates and charges for certain domestic
4 users to be based exclusively on the amount of water consumed by the user and not contain
5 any periodic minimum charge; correcting, clarifying, and conforming related language;
6 providing for a special effective date; and generally relating to the rates and charges for
7 water and sewer services.

8 BY repealing and reordaining, with amendments

9 Article 24 - Water
10 Section(s) 3-5
11 Baltimore City Code
12 (Edition 2000)

13 BY repealing and reordaining, with amendments

14 Article 25 - Sewers
15 Section(s) 13-2 and 13-3(a)
16 Baltimore City Code
17 (Edition 2000)

18 **SECTION 1. BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF BALTIMORE,** That the
19 Laws of Baltimore City read as follows:

20 **Baltimore City Code**

21 **Article 24. Water**

22 **Subtitle 3. Setting Rates and Charges; Expenditures**

23 **§ 3-5. Setting rates and charges.**

24 (a) *In general.*

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.

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1 It [shall be] is the duty of the Director of Finance and the Director of Public Works to
2 recommend, and the duty of the Board of Estimates to ESTABLISH:

3 (1) [establish] rates and charges to make each utility financially self-sustaining at all
4 times; and

5 (2) [adjust the] ADJUSTED rates AND CHARGES if the projected profit and loss statement
6 for the current year anticipates a loss and the actual results for the immediate prior
7 year resulted in a loss or deficit.

8 (b) *Recovery of prior losses.*

9 The rates AND CHARGES so established shall be at a level sufficient to recover any
10 accumulated loss from prior years.

11 (c) *Costs, depreciation, etc.*

12 In order to make and assure that each utility is financially self-sustaining, [there shall be]
13 provision SHALL BE MADE for:

14 (1) operating and maintenance costs;

15 (2) depreciation accruals;

16 (3) amortization of bonds; and

17 (4) reasonable accumulation of surplus.

18 (d) *Classes of users.*

19 [Charges] RATES AND CHARGES shall be made to various classes of consumers, including
20 but not limited to domestic, commercial, industrial, and municipal government and other
21 governmental users of the services of water and sanitary wastewater utilities.

22 (E) *DOMESTIC USERS IN CITY.*

23 FOR DOMESTIC USERS IN THE CITY, THE RATES AND CHARGES ESTABLISHED UNDER THIS
24 SUBTITLE:

25 (1) SHALL BE BASED EXCLUSIVELY ON THE AMOUNT OF WATER CONSUMED BY THE
26 USER; AND

27 (2) MAY NOT INCLUDE ANY PERIODIC MINIMUM CHARGE, WHETHER IMPOSED FOR
28 “SERVICE MAINTENANCE”, FOR “WATER SERVICE AVAILABILITY”, OR FOR ANY
29 OTHER PURPOSE.

30 **Article 25. Sewers**

31 **Subtitle 13. Sewer Service Charges**

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1 **§ 13-2. Calculation – In general.**

2 (a) *Annual charge.*

3 The charge imposed [hereunder] UNDER THIS SUBTITLE shall be an annual charge.

4 (b) *Basis and calculation.*

5 (1) *GENERAL.*

6 [All such charges] EXCEPT AS OTHERWISE PROVIDED IN THIS SUBTITLE, THE CHARGE
7 shall be:

8 (i) [(1)] based[, except as otherwise provided in this subtitle, upon] ON the water
9 service available for, or the consumption of water on, the particular property
10 served by the City’s sanitary facilities, as measured by the charges made for
11 water supplied or made available by the City in and for the then current period;
12 and

13 (ii) [(2)] in an amount calculated by utilizing the volume of water consumed or
14 water service provided to a particular property in or for the then current period,
15 multiplied by the periodically set rate for the then current period as set by the
16 Board of Estimates in accordance with Article 24, Subtitle 3 of the City Code.

17 (2) *DOMESTIC USERS IN CITY.*

18 FOR DOMESTIC USERS IN THE CITY, THE CHARGES ESTABLISHED UNDER THIS SUBTITLE:

19 (i) SHALL BE BASED EXCLUSIVELY ON THE AMOUNT OF WATER CONSUMED BY THE
20 USER; AND

21 (ii) MAY NOT INCLUDE ANY PERIODIC MINIMUM CHARGE, WHETHER FOR “SERVICE
22 MAINTENANCE”, “WATER SERVICE AVAILABILITY”, OR ANY OTHER PURPOSE

23 (c) *Metered and unmetered services.*

24 The charge [applied herein] ESTABLISHED UNDER THIS SUBTITLE shall apply:

25 (1) to all metered water service readings on a quarterly basis; and

26 (2) to unmetered water services on an annual basis.

27 **§ 13-3. Calculation – Non-City water sources.**

28 (a) *In general.*

29 (1) On any property, and ON the owner [thereof] OF ANY PROPERTY, [which] THAT uses
30 water, all or part of which [water] is from a source [or sources] other than the City’s
31 water supply system, a charge is [hereby] imposed, separate and in addition to any
32 other charge imposed under this subtitle, based on the consumption of water derived

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1 from, or, EXCEPT FOR DOMESTIC USERS IN THE CITY, based on water service made
2 available by the City's water supply system.

3 (2) [Such] THIS separate [or] AND additional charge shall be based on the quantity of
4 water derived or received from any source or sources, other than the City's water
5 supply system, [which] THAT is discharged into the City's sanitary facilities from the
6 property involved.

7 **SECTION 2. AND BE IT FURTHER ORDAINED,** That the catchlines contained in this Ordinance
8 are not law and may not be considered to have been enacted as a part of this or any prior
9 Ordinance.

10 **SECTION 3. AND BE IT FURTHER ORDAINED,** That this Ordinance takes effect on the 60th day
11 after the date it is enacted.