

CITY OF BALTIMORE
ORDINANCE _____
Council Bill 16-0704

Introduced by: The Council President
At the request of: The Administration (Department of Public Works)
Introduced and read first time: July 18, 2016
Assigned to: Judiciary and Legislative Investigations Committee
Committee Report: Favorable with an amendment
Council action: Adopted
Read second time: August 8, 2016

AN ORDINANCE CONCERNING

1 Water, Sewer, and Stormwater-Remediation Charges – Billings and Collections

2 FOR the purpose of providing that water charges, sewer charges, and stormwater-remediation
3 charges be assessed, billed, due, and payable on a monthly basis; deleting certain obsolete or
4 obsolescent references; correcting, clarifying, and conforming certain related provisions;
5 providing for special effective dates; and generally relating to billings for and collections of
6 water, sewer, and stormwater-remediation charges and all increases, interest, and penalties on
7 those charges.

8 BY repealing and reordaining, with amendments
9 Article 24 - Water
10 Sections 1-2(b) and (c), 2-1, 2-3(b) and (d), 4-2(b) and (c), and 4-5
11 Baltimore City Code
12 (Edition 2000)

13 BY repealing
14 Article 24 - Water
15 Sections 4-1
16 Baltimore City Code
17 (Edition 2000)

18 BY repealing and reordaining, with amendments
19 Article 25 - Sewers
20 Sections 13-1(a) and (b)(3), 13-2, 13-10, and 14-8
21 Baltimore City Code
22 (Edition 2000)

23 BY repealing and reordaining, with amendments
24 Article 27 - Stormwater Remediation Fees
25 Sections 3-4 and 3-7(a)
26 Baltimore City Code
27 (Edition 2000)

EXPLANATION: CAPITALS indicate matter added to existing law.
[Brackets] indicate matter deleted from existing law.
Underlining indicates matter added to the bill by amendment.
~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from existing law by amendment.

Council Bill 16-0704

1 § 2-3. Cut-off for nonpayment.

2 (b) *Arrearages.*

3 (2) If a structure for which a bill is in arrears is a vacant structure, as defined in Baltimore
4 City Building Code § 116.4 {“[Unsafe vacant] VACANT structures”}, the Department
5 shall proceed as follows:

6 (i) for a structure that has an accessible water meter, the Department shall cut off
7 the water to the premises; or

8 (ii) for a structure that does not have an accessible water meter, the Department
9 shall cut off the water to the premises if damage to adjacent property is
10 imminent or demolition of the property is planned.

11 (d) *Unauthorized use.*

12 [(1)] The Department of Public Works shall cut off the water from the premises of any
13 person who:

14 (1) [(i)] introduces water to his, her, or its premises without authorization from the
15 Department; or

16 (2) [(ii)] permits another person (not entitled to use the water) to use the water
17 without authorization from the Department.

18 [(2) Nothing in this subsection prevents any person from furnishing water, in cases of
19 necessity, in quantities not exceeding 2 gallons.]

20 Subtitle 4. Collection of Charges

21 [§ 4-1. Unmetered charges.]

22 [(a) *When due.*]

23 [From and after July 1, 1973, unmetered water charges shall be due and payable on July 1
24 of each and every year for the current taxable year.]

25 [(b) *When in arrears.*]

26 [Any unmetered charges unpaid on October 1 of such taxable year shall be considered in
27 arrears and delinquent, and all water service shall be subject to turn-off for nonpayment
28 of such charges at any time thereafter.]

29 [(c) *Penalties and interest.*]

30 [For all unmetered water charges becoming due and payable or which are overdue and in
31 arrears on and after July 1, 1982, there are hereby imposed the following penalties, which
32 include interest at the rate of 12% per annum, on all such unmetered water charges

Council Bill 16-0704

1 becoming in arrears, the same to be imposed in or for the year for which such charges
2 were levied:

3 (1) 2% on October 1 on unmetered water charges remaining unpaid at the end of the
4 month of September;

5 (2) 4% on November 1 on unmetered water charges remaining unpaid at the end of
6 the month of October;

7 (3) 6% on December 1 on unmetered water charges remaining unpaid at the end of
8 the month of November;

9 (4) 8% on January 1 on unmetered water charges remaining unpaid at the end of the
10 month of December;

11 (5) 10% on February 1 on unmetered water charges remaining unpaid at the end of
12 the month of January;

13 (6) 12% on March 1 on unmetered water charges remaining unpaid at the end of the
14 month of February;

15 (7) 14% on April 1 on unmetered water charges remaining unpaid at the end of the
16 month of March;

17 (8) 16% on May 1 on unmetered water charges remaining unpaid at the end of the
18 month of April;

19 (9) 18% on June 1 on unmetered water charges remaining unpaid at the end of the
20 month of May; and

21 (10) thereafter in addition to the foregoing penalties, a penalty at the rate of 2% per
22 month, which includes interest at the rate of 12% per annum shall be imposed
23 until said unmetered water charges are paid.]

24 **§ 4-2. Metered water charges and fire supply service inspection charges.**

25 (b) *When delinquent.*

26 Any metered water charges and fire supply service inspection charges unpaid [30] 20
27 days after the [mailing] ISSUE date of the bill are considered delinquent, and all water
28 service are subject to turn-off for nonpayment of those charges at any time.

29 (c) *Penalties.*

30 (1) A penalty at the rate of [5%] 1.64% of the water charge and fire supply service
31 inspection charge shall be added to every metered water charge and fire supply
32 service inspection charge at the time they become delinquent.

Council Bill 16-0704

1 (2) An additional penalty of [5%] 1.64% shall be imposed on all charges, including
2 accrued penalties, which remain unpaid and are forwarded as arrearages on
3 subsequent bills.

4 **§ 4-5. Payment schedule.**

5 (a) *Effect of compliance.*

6 If a person responsible for paying a water bill enters into a payment agreement acceptable
7 to the Director of [Finance] PUBLIC WORKS, then while the person is making timely
8 payments in accord with the agreed[-to] schedule:

9 (1) the [quarterly] penalty imposed under § 4-2(c) {“Metered water charges:
10 Penalties”} of this subtitle does not accrue; and

11 (2) service that has been turned[-] off may be restored.

12 (b) *Effect of breach.*

13 If payment is missed and the payment agreement declared to be breached, [the suspended
14 penalties shall be reinstated and] all subsequent penalties shall continue to accrue.

15 **Article 25. Sewers**

16 **Subtitle 13. Sewer Service Charges**

17 **§ 13-1. [Charge] CHARGES imposed.**

18 (a) *In general.*

19 [There is hereby imposed an annual charge] CHARGES ARE IMPOSED for the use of and the
20 services rendered by the plants, properties, works, systems, or facilities, or any part
21 thereof, which are owned or controlled by the Mayor and City Council of Baltimore and
22 which are used or useful in connection with the collection, treatment, or disposal of
23 wastewaters, which includes any combination of sanitary and industrial wastewaters, and
24 such ground water and surface water as may be present, upon the properties located in
25 Baltimore City served thereby, and the owners of such properties, at the rate or rates
26 hereinafter set forth.

27 (b) *Scope.*

28 (3) The said [charge] CHARGES shall not apply to properties which do not either directly
29 or indirectly discharge sewage or industrial waste or used water or wastewater, or any
30 combination thereof, into the City sanitary facilities or any part thereof.

Council Bill 16-0704

§ 13-2. Calculation – in general.

[(a) *Annual charge.*]

[The charge imposed hereunder shall be an annual charge.]

[(b) *Basis and calculation.*]

All [such] charges IMPOSED UNDER THIS SUBTITLE shall be:

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

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

(3) ASSESSED, DUE, AND PAYABLE ON A MONTHLY BASIS.

[(c) *Metered and unmetered services.*]

[The charge applied herein shall apply:

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

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

§ 13-10. Charges to be liens.

The charges imposed under this subtitle and all increases, [interests] INTEREST, and penalties thereon shall be a lien upon the property of any person liable to pay the same to the City[, and]. [such] SUCH lien shall be recorded in the Tax Lien [Record] RECORDS maintained by the [Bureau of Collections] DEPARTMENT OF FINANCE.

Subtitle 14. Surcharge for Industrial Wastewater

§ 14-8. Surcharges, etc., as liens.

The surcharges imposed under this subtitle and all increases, [interests] INTEREST, and penalties thereon shall be a lien upon the property of any person liable to pay the same to the City. Such lien shall be recorded in the [tax lien records] TAX LIEN RECORDS maintained by the Department of Finance[, Bureau of Collections].

Council Bill 16-0704

Article 27. Stormwater Remediation Fee

Subtitle 3. Fee Imposition and Collection

§ 3-4. Initial [quarterly] rates though FY 2017.

(a) *In general.*

[From July 1, 2013, through] THROUGH June 30, 2017, the rates [per quarter] are as provided in this section.

(b) *Single-family properties.*

For single-family properties assessed under § 3-2 {“Assessment of base fee – Single-family properties”}, the rate per [quarter] MONTH is the following multiple of the rate-per-[quarter] MONTH-per-ERU established for properties assessed under § 3-3 {“Assessment of base fee – All other properties”}:

(1) Tier 1 properties: 2/3 of the rate per ERU.

(2) Tier 2 properties: the rate per ERU.

(3) Tier 3 properties: twice the rate per ERU.

(c) *All other property.*

For all properties assessed under § 3-3 {“Assessment of base fee – All other properties”}, the rate per [quarter] MONTH is [\$15] \$5 per ERU.

§ 3-7. Collections.

(a) *When payment required.*

All bills for stormwater remediation fees shall be paid within [30] 20 days after they have been [submitted] ISSUED.

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

SECTION 3. AND BE IT FURTHER ORDAINED, That this Ordinance takes effect on October 11, 2016. However, for properties located in Baltimore County, the conversion from quarterly billing to monthly billing becomes effective on ~~or about April 1, 2017, as the Director of Public Works determines~~ July 1, 2017.

Council Bill 16-0704

Certified as duly passed this _____ day of _____, 20__

President, Baltimore City Council

Certified as duly delivered to Her Honor, the Mayor,
this _____ day of _____, 20__

Chief Clerk

Approved this _____ day of _____, 20__

Mayor, Baltimore City