



Legislation Details (With Text)

**File #:** 16-0704      **Version:** 0      **Name:** Water, Sewer, and Stormwater-Remediation Charges - Billings and Collections

**Type:** Ordinance      **Status:** Enacted

**File created:** 7/18/2016      **In control:** City Council

**On agenda:**      **Final action:** 8/29/2016

**Enactment date:**      **Enactment #:** 16-523

**Title:** Water, Sewer, and Stormwater-Remediation Charges - Billings and Collections  
For the purpose of providing that water charges, sewer charges, and stormwater-remediation charges be assessed, billed, due, and payable on a monthly basis; deleting certain obsolete or obsolescent references; correcting, clarifying, and conforming certain related provisions; providing for special effective dates; and generally relating to billings for and collections of water, sewer, and stormwater-remediation charges and all increases, interest, and penalties on those charges.

**Sponsors:** City Council President (Administration)

**Indexes:** Collection, Remediation Fees, Sewer, Stormwater, Water

**Code sections:**

**Attachments:** 1. DPW 16-074, 2. City Solicitor 16-0704, 3. Finance 16-0704, 4. 16-0704~1st Reader, 5. 2nd Reader Amendment 16-0704, 6. 16-0704~3rd Reader

Date	Ver.	Action By	Action	Result
9/12/2016	0	Mayor	Signed by Mayor	
8/15/2016	0	City Council	Approved and Sent to the Mayor	
8/15/2016	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	
8/8/2016	0	City Council	3rd Reader, for final passage	
7/21/2016	0	The City Council	Refer to City Solicitor	
7/21/2016	0	The City Council	Refer to Dept. of Public Works	
7/21/2016	0	The City Council	Refer to Dept. of Finance	
7/19/2016	0	Judiciary and Legislative Investigations	Recommended Favorably with Amendment	Pass
7/18/2016	0	Judiciary and Legislative Investigations	Scheduled for a Public Hearing	
7/18/2016	0	City Council	Assigned	
7/18/2016	0	City Council	Introduced	

Introduced by: The Council President  
At the request of: The Administration (Public Works Department)

A Bill Entitled

An Ordinance concerning  
**Water, Sewer, and Stormwater-Remediation Charges - Billings and Collections**  
 For the purpose of providing that water charges, sewer charges, and stormwater-remediation charges be

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

By repealing and reordaining, with amendments

Article 24 - Water  
Sections 1-2(b) and (c), 2-1, 2-3(b) and (d), 4-2(b) and (c), and 4-5  
Baltimore City Code  
(Edition 2000)

By repealing

Article 24 - Water  
Sections 4-1  
Baltimore City Code  
(Edition 2000)

By repealing and reordaining, with amendments

Article 25 - Sewers  
Sections 13-1(a) and (b)(3), 13-2, 13-10, and 14-8  
Baltimore City Code  
(Edition 2000)

By repealing and reordaining, with amendments

Article 27 - Stormwater Remediation Fees  
Sections 3-4 and 3-7(a)  
Baltimore City Code  
(Edition 2000)

**Section 1. Be it ordained by the Mayor and City Council of Baltimore,** That the Laws of Baltimore City read as follows:

## **Baltimore City Code**

### **Article 24. Water**

#### **Subtitle 1. Director of Public Works**

##### **§ 1-2. Rates and charges.**

(b) *Meter readings.*

The Director of Public Works must ensure that:

- (1) every consumer's accessible water meter is actively read and the actual reading accurately recorded [4 times during each calendar year] at least once a month; and
- (2) no water bill based on an estimated rather than actual reading is sent to any residential consumer whose water meter is accessible to Department of Public Works employees when they attempt to read the water meter.

(c) [*Collections.*] *Charges to be liens.*

The [said rates and] charges [shall be collected by the Bureau of Collections and accounted for as in the case of taxes and other revenues collected by said Bureau] imposed under this article and all increases, 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 maintained by the Department of Finance.

## Subtitle 2. Bills

### § 2-1. Collection.

(a) *Finance to collect.*

The bills for water used or work done by the Department of Public Works shall be collected by the [Director] Department of Finance.

(b) *When due.*

All bills therefor shall be paid within [30] 20 days after they have been [submitted] issued.

(c) *Cut-off on default.*

On default in such payment, [the Director of Finance shall direct that] the Department of Public Works may cut off the supply.

### § 2-3. Cut-off for nonpayment.

(b) *Arrearages.*

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

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

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

(d) *Unauthorized use.*

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

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

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

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

## Subtitle 4. Collection of Charges

### [§ 4-1. Unmetered charges.]

[(a) *When due.*]

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

[(b) When in arrears.]

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

[(c) *Penalties and interest.*]

[For all unmetered water charges becoming due and payable or which are overdue and in arrears on and after July 1, 1982, there are hereby imposed the following penalties, which include interest at the rate of 12% per annum, on all such unmetered water charges becoming in arrears, the same to be imposed in or for the year for which such charges were levied:

- (1) 2% on October 1 on unmetered water charges remaining unpaid at the end of the month of September;
- (2) 4% on November 1 on unmetered water charges remaining unpaid at the end of the month of October;
- (3) 6% on December 1 on unmetered water charges remaining unpaid at the end of the month of November;
- (4) 8% on January 1 on unmetered water charges remaining unpaid at the end of the month of December;
- (5) 10% on February 1 on unmetered water charges remaining unpaid at the end of the month of January;
- (6) 12% on March 1 on unmetered water charges remaining unpaid at the end of the month of February;
- (7) 14% on April 1 on unmetered water charges remaining unpaid at the end of the month of March;
- (8) 16% on May 1 on unmetered water charges remaining unpaid at the end of the month of April;
- (9) 18% on June 1 on unmetered water charges remaining unpaid at the end of the month of May; and
- (10) thereafter in addition to the foregoing penalties, a penalty at the rate of 2% per month, which includes interest at the rate of 12% per annum shall be imposed until said unmetered water charges are paid.]

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

(b) *When delinquent.*

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

(c) *Penalties.*

- (1) A penalty at the rate of [5%] 1.64% of the water charge and fire supply service inspection charge shall be added to every metered water charge and fire supply service inspection charge at the time they become delinquent.
- (2) An additional penalty of [5%] 1.64% shall be imposed on all charges, including accrued penalties, which remain unpaid and are forwarded as arrearages on subsequent bills.

#### § 4-5. Payment schedule.

(a) *Effect of compliance.*

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

- (1) the [quarterly] penalty imposed under § 4-2(c) {"Metered water charges: Penalties"} of this subtitle does not accrue; and
- (2) service that has been turned[-] off may be restored.

(b) *Effect of breach.*

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

### Article 25. Sewers

#### Subtitle 13. Sewer Service Charges

##### § 13-1. [Charge] Charges imposed.

(a) *In general.*

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

(b) *Scope.*

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

##### § 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].

**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.