

TOWN OF ROCK HALL, MARYLAND

ORDINANCE No. 2022-03

AN ORDINANCE concerning

Chapter 102 (Fees) of the Code of the Town of Rock Hall, Maryland

FOR the purpose of amending Chapter 102 (Fees) of the Code of the Town of Rock Hall to increase certain fees and charges related to the Town's exercise of its governmental authority, including with respect to water and sewer fees, rates, and charges; providing that the title of this Ordinance shall be deemed a fair summary, and generally relating to municipal fees, rates, and charges of the Town of Rock Hall.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-205(d), the Council of the Town of Rock Hall (the "Council") is authorized and empowered to pass ordinances to establish and collect reasonable fees and charges for franchises, licenses, or permits granted by the Town of Rock Hall (the "Town") or associated with the Town's exercise of a governmental or proprietary function; and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-723, subject to the provisions of the Charter, the Council is authorized and empowered to establish reasonable rates for water service, and reasonable charges for sewer upkeep and sewer service, to provide funds for maintenance, repair, and operation of any water or sewerage system and payment of all or part of the principal and interest on any indebtedness that is incurred to finance any water or sewerage system; and

WHEREAS, pursuant to §§ 502(9) and (33) of the Charter of the Town of Rock Hall (the "Charter"), the Council is authorized and empowered to establish and collect fees and charges for all licenses and permits issued by the Town; and

WHEREAS, pursuant to the foregoing authority, the Council has established fees and charges related to the Town's exercise of its governmental authority, which are set forth in Chapter 102 (Fees) of the Code of the Town of Rock Hall (the "Town Code"); and

WHEREAS, the Council is desirous of amending Chapter 102 (Fees) of the Town Code for the purpose of amending certain fees and charges related to the Town's exercise of its governmental authority; and

WHEREAS, the municipal water and sewer usage rates established by the Council in accordance with the foregoing authority are currently set in Chapter 102 (Fees) of the Code of the Town of Rock Hall and were last increased pursuant to Ordinance No. 2021-07, effective September 1, 2021, with such rates taking effect retroactively on July 1, 2021; and

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-727, before setting or modifying a rate, charge, or assessment for water service, sewer upkeep, or sewer service, the Council shall give prompt notice of the proposed rate, charge, or assessment in at least one newspaper of general circulation in the area of the water or sewerage system and conduct a hearing on the necessity or advisability of the proposed rate, charge, or assessment; and

WHEREAS, in accordance with Md. Code Ann., Envir. § 9-727, the Council held a public hearing on December 8, 2022 concerning the necessity for and advisability of a proposed increase in municipal water and sewer usage rates; and

WHEREAS, notice of the Council's December 8, 2022 public hearing concerning the necessity and advisability of a proposed increase in municipal water and sewer usage rates was published on November 21, 2022 and December 1, 2022 in the Kent County News a newspaper of general circulation in the Town; and

WHEREAS, the Council, for the good and welfare of the community, deems it necessary and appropriate to amend Chapter 102 (Fees) of the Code of the Town of Rock Hall for the purposes of increasing certain fees and charges related to the Town's exercise of its governmental authority.

NOW, THEREFORE BE IT HEREBY ORDAINED AND ENACTED by the Council of the Town of Rock Hall that:

SECTION 1. Chapter 102 (Fees), Section 102-1 of the Code of the Town of Rock Hall is amended as follows:

§ 102-1. Schedule of fees.

* * *

A. (5) Chapter 167, Plumbing.

* * *

(f) Sewer connection:

[1] Four-inch single sewer connection: [~~\$5,000.~~] **\$7,500.**

[2] Six-inch single sewer connection: [~~\$8,750.~~] **\$13,125.**

[3] Eight-inch single sewer connection: [~~\$12,500.~~] **\$18,750.**

[4] Unchanged.

(g) Single water connection:

[1] Three-fourths-inch: [~~\$5,000.~~] **\$7,500.**

[2] One-inch: [~~\$6,000.~~] **\$9,000.**

[3] One-and-one-half inch: [~~\$7,000.~~] **\$10,500.**

[4] Two-inch: [~~\$8,000.~~] **\$12,000.**

[5] Two-and-one-half inch: [~~\$9,000.~~] **\$13,500.**

[6] Three-inch: [~~\$10,000.~~] **\$15,000.**

[7] Four-inch: [~~\$12,000.~~] **\$18,000.**

[8] Six-inch: [~~\$14,000.~~] **\$21,000.**

* * *

(6) Chapter 184, Sewers.

* * *

(b) The following application fees for the purchase of sewer allocations are adopted as follows:

[1] Site plans:

[a] Multiple-family dwellings, per unit: [~~\$200.~~] **\$400.**

[b] Townhouses, per unit: [~~\$200.~~] **\$400.**

[c] Hotels, motels and motor lodges, rooming and boarding houses, per transient lodging unit or rental unit: [~~\$200.~~] **\$400.**

[2] Subdivision:

[a] Residential, per dwelling unit: [~~\$200.~~] **\$400.**

[b] Detached, single-family dwelling (fill-in-lots), per unit: [~~\$100.~~] **\$200.**

[c] Group homes/domiciliary care homes, per lodging unit: [~~\$200.~~] **\$400.**

[d] Bed-and-breakfast facilities, per sleeping room: [~~\$100.~~] **\$200.**

[e] Unchanged.

(c) **Sewer impact fee: \$2,000.**

(d) All other current sewer rates and charges are on file in the office of the Town Clerk.

* * *

(10) Chapter 200, Water.

(a) In-town water rates, effective ~~[April 1, 2019]~~ **January 1, 2023:**

Number of Gallons Used per Quarter	Quarterly Fee
First [15,000] <u>12,000</u>	See meter size in § 102-1A(10)(b) for quarterly fee amount.
Over [15,000] <u>12,000</u> , per 1,000 gallons	[\$5.61] <u>\$5.75</u>

(b) Charge for water by measurement: minimum quarterly charge, per meter (effective ~~[April 1, 2019]~~ **January 1, 2023:**)

Meter Size (inches)	Quarterly Fee
3/4	\$56.06 <u>\$57.46</u>
1	\$56.06 <u>\$57.46</u>
1 1/2	\$112.13 <u>\$114.93</u>
2	\$168.19 <u>\$172.39</u>
3	\$224.25 <u>\$229.86</u>
4	\$336.38 <u>\$344.79</u>
6	\$560.63 <u>\$574.65</u>

(c) Charge to restore service disconnected for nonpayment:

[1] During regular business hours: ~~[\$25.]~~ **\$100.**

[2] After regular business hours, on weekends and on holidays: ~~[\$75.]~~ **\$300.**

(d) Fee for reading meters due to transfer/settlement of properties: ~~[\$10.]~~ **\$20.**

(e) Fee for reading meters for cutoff/final at customer request:

[1] During regular business hours: ~~[\$10.]~~ **\$20.**

[2] After regular business hours, on holidays, or on weekends: ~~[\$50.]~~ **\$100.**

(f) Fee for reading meters in addition to primary meters: ~~[\$10.]~~ **\$20.**

(g) Re-reads and calibrations, at customer request.

[1] Meter re-reads.

[a] During regular business hours:

[i] First reading found to be correct in a twelve-month period: [~~\$10.~~] **\$20.**

[ii] Each additional request in a twelve-month period and found correct:
[~~\$20.~~] **\$40.**

[b] After regular business hours, on holidays or on weekends: [~~\$50.~~] **\$100.**

[2] UNCHANGED

SECTION 2. Chapter 102 (Fees), Section 102-2 of the Code of the Town of Rock Hall is amended as follows:

§ 102-2. Fees established.

* * *

B. For the purpose of identifying the permanent, working businesses which are physically located within the incorporated limits of the Town of Rock Hall; for the purpose of policing the uses of such businesses in relationship to the Zoning Code of the Town of Rock Hall; and for programs intended to support and promote commerce, the Town of Rock Hall hereby imposes a business license fee of [~~\$75~~] **\$100** for the following businesses:

* * *

SECTION 3. Chapter 102 (Fees) is hereby amended to include a new Article V, entitled "Recordation Fees," as follows:

Article V
Deed Processing Fee

§ 102-9. Fee established.

There is hereby established a deed processing fee of \$100 for all deeds and other instruments to be stamped by the Town prior to recordation in the Land Records of Kent County, Maryland.

SECTION 4. The recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION 5. In this Ordinance, unless a section of the code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Substantive language added after the date of introduction

is in bold, italicized font and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION 6. If any section, subsection, sentence, clause, phrase, or portion of this Ordinance 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 portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION 7. All ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION 8. The title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

This Ordinance was introduced at a public meeting of the Council of the Town of Rock Hall, held on the 10th day of November, 2022 and having been reviewed and considered for final action after a public hearing on the 8th day of December, 2022, was duly passed and enacted on the 8th day of December, 2022.

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AND BE IT FURTHER ENACTED BY THE COUNCIL OF THE TOWN OF ROCK HALL, MARYLAND, that this Ordinance shall become effective on the 28th day of December, 2022; provided, however, that the utility rate changes set forth in Section 1 herein shall be retroactive to July 1, 2022.

VOTE:

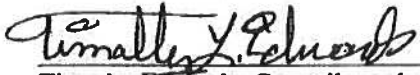
YEAS: 5


NAYS: —

ABSTAINING: —

 yes
Dawn Jacobs, Mayor (VOTE)

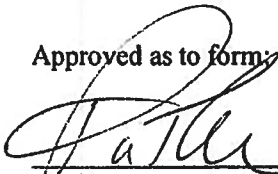
 yes
Carolyn Jones, Vice Mayor (VOTE)

 yes
Timothy Edwards, Councilmember (VOTE)

 yes
Eleanor Collyer, Councilmember (VOTE)

 yes
James Cook, Councilmember (VOTE)

Approved as to form:


Patrick W. Thomas, Town Attorney

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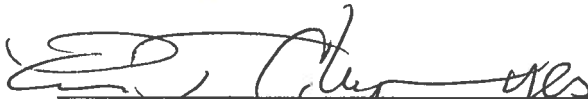
NAYS: —

ABSTAINING: —

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 yes
Carolyn Jones, Vice Mayor (VOTE)

 yes
Timothy Edwards, Councilmember (VOTE)

 yes
Eleanor Collyer, Councilmember (VOTE)

 yes
James Cook, Councilmember (VOTE)

Approved as to form:

Patrick W. Thomas, Town Attorney