

Introduction – July 9, 2014
Adopted – July 23, 2014
Effective – August 13, 2014

ORDINANCE NO. 453

AN ORDINANCE TO AMEND CHAPTER 328 (WATER) OF THE CODE OF THE TOWN OF ST. MICHAELS FOR THE PURPOSES OF PROHIBITING THE INSTALLATION OF PRIVATE WELLS WITHIN THE ST. MICHAELS WATER SERVICE AREA, REGARDLESS OF WHETHER SUCH WELLS ARE FOR POTABLE OR NON-POTABLE PURPOSES, AND AMENDING THE PARAGRAPH NUMBERING TO REFLECT THE INSERTION OF THE NEW TEXT, AND GENERALLY RELATING TO PRIVATE WELLS IN THE TOWN OF ST. MICHAELS.

WHEREAS, pursuant to Md. Code Ann., Envir. § 9-716, The Commissioners of St. Michaels (the “Commissioners”) are authorized and empowered to adopt rules and regulations to provide for the maintenance of any water system under their control; and

WHEREAS, pursuant to § C-73 of the Charter of the Town of St. Michaels, the Commissioners may construct, operate and maintain a water system and water plant within and outside the corporate boundaries of the Town of St. Michaels, and do all things they deem necessary for the efficient operation and maintenance of the same; and

WHEREAS, the Commissioners currently provide municipal water service to properties located within the corporate boundaries of the Town and in select areas located outside the corporate boundaries, specifically, Chester Park, Rio Vista and Bentley Hay (hereafter collectively referred to as the “St. Michaels Water Service Area”); and

WHEREAS, the Commissioners are concerned about the potential contamination of private wells within the St. Michaels Water Service Area, which contamination could potentially contaminate the Town’s water system and which would be detrimental to the public health, welfare and safety of the citizens of the Town and other users in the St. Michaels Water Service Area; and

WHEREAS, the Commissioners are desirous of prohibiting private wells within the St. Michaels Water Service Area in order to prevent contamination of the Town’s water system, regardless of whether such wells are for potable or non-potable purposes; and

WHEREAS, during their meeting held on July 9, 2014, the Commissioners did discuss and accept public comments on the aforesaid amendments; and introduced the matter into the record.

WHEREAS, for the reasons stated above, the Commissioners deem it in the interest of the public health, welfare and safety of the citizens of the Town, and for the good government of the Town, to enact the following Ordinance.

SECTION 1. NOW, THEREFORE, BE IT ORDAINED AND ENACTED BY THE COMMISSIONERS OF ST. MICHAELS that Chapter 328 (Water) of the Code of the Town of St. Michaels be amended as follows, with new language shown in *italics* and underlined and deleted language shown in ((double parentheses)) and as a ~~strikethrough~~:

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ARTICLE I: Connection Charges

§328-1 Private wells.

The installation of private wells, whether for potable or non-potable purposes, is prohibited in the St. Michaels Water Service Area.

§328-((1)) 2 Capital charges.

Any person, corporation, association, partnership, land owner or ((~~perspective~~)) *prospective* user of the water system of the Town of St. Michaels shall now be required to pay a charge to The Commissioners of St. Michaels for hooking up to the Town's water system, which charge shall be a one-time fee paid by each customer of the Town's water system before any waterline of the Town's system may be connected to the plumbing system of a private user or before any water service is newly established. The charge for hooking up shall be known as a "capital charge". This capital charge shall be separate from the charges for labor and materials involved in the actual physical connection to the Town's water system.

§328-((2)) 3 Establishing amount of capital charge.

The Commissioners of St. Michaels shall establish the amount of the capital charge from time to time as they deem necessary by means of a resolution passed by a majority of them.

§328-((3)) 4 Establishment of bank account.

All of the moneys collected from capital charges shall be deposited in a separate bank account, which shall be interest-bearing, and which shall be labeled "Water System – Capital Charge Fund."

§328- ((4)) 5 Limitation on use of moneys.

Moneys in the "Water System – Capital Fund" bank account shall be used by The Commissioners of St. Michaels only for capital expenditures for the improvement and maintenance of the Town's water system, and for no other purpose.

ARTICLE II: Service Rates

§328- ((5)) 6 Setting of water tariff rates by resolution.

The Commissioners of St. Michaels are hereby authorized to set tariff rates and schedules to be charged users of the St. Michaels water system by resolution, and to change those tariff rates from time to time by resolution as The Commissioners of St. Michaels deem necessary, just or proper.

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§328- ((6)) 7 Tariff rate structure.

The water tariff rates as passed by resolution, from time to time, may be based upon either a flat charge or be based upon the amount of water used based upon metered readings; the water tariff rates may include different rates or rate structures for residential, business, and other types of users; and the water tariff rates may further differentiate between uses located within the Town boundaries of St. Michaels and those located outside of the Town boundaries of St. Michaels.

§328- ((7)) 8 Passage of resolutions.

All resolutions by The Commissioners of St. Michaels for the establishment of water tariff rates shall be by written resolution of The Commissioners, with a recorded vote of each Commissioner. Said resolution shall require at least three yea votes and shall become effective, unless otherwise provided, immediately upon its passage by The Commissioners of St. Michaels.

SECTION 2. AND BE IT FURTHER ORDAINED AND ENACTED, that this Ordinance shall take effect twenty (20) days from the date of its enactment, having been read at two (2) meetings of The Commissioners of St. Michaels and having been passed by a yea and nay vote of The Commissioners of St. Michaels.

HAVING BEEN INTRODUCED, read for the first time and ordered posted on the Town bulletin board at the Public Meeting of The Commissioners of St. Michaels held on the 9th day of July, 2014, at 5 o'clock p.m., in the meeting room at the Edgar M. Bosley, Jr. Building (Town Office), St. Michaels, Maryland.

_____(SEAL)
JEAN R. WEISMAN
Town Clerk\Manager

HAVING BEEN READ for the second time and passed by a yea and nay vote of The Commissioners of St. Michaels at a Public Meeting of The Commissioners of St. Michaels held on this the 23rd day of July, 2014, at 5 o'clock p.m., in the meeting room of the Edgar M. Bosley, Jr. Building (Town Office), St. Michaels, Maryland.

BORDERS - ___yea_____

CLARK - ___yea_____

HARROD - ___yea_____

MYERS - ___yea_____

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WINDON - _____yea_____

I HEREBY CERTIFY that the above Ordinance No. 453 was passed by a ye and nay vote of The Commissioners of St. Michaels on the 23rd day of July, 2014.

ATTEST: THE COMMISSIONERS OF ST. MICHAELS

Jean R. Weisman, Town Clerk / Manager

By: _____(Seal)
Joanne R. Clark, President

I HEREBY CERTIFY that an exact copy of this Ordinance was posted from the 24th day of July, 2014, at 8:30 o'clock a.m. to the 12th day of August, 2014, at 4:30 o'clock p.m., on the bulletin board at the Town Office in St. Michaels, Maryland, and that a summary of the aforesaid Ordinance No. 453 the date of its passage, its effective date and the fact that the entire text of the Ordinance may be read on the bulletin board of the Town Office, St. Michaels, Maryland, for at least twenty (20) days following the passage, has been published at least once each week for two (2) consecutive weeks following the passage of said Ordinance in a newspaper having general circulation in the Town of St. Michaels.

Date: _____, 2014

_____(Seal)
Jean R. Weisman, Town Clerk / Manager