

**ORDINANCE NO. 831**

**AN ORDINANCE AMENDING CHAPTER 160, "WATER", OF  
THE CODE OF THE CITY OF WESTMINSTER TO ADD  
PROVISIONS RELATING TO THE USE OF RECLAIMED (RECYCLED)  
WATER BY CERTAIN CUSTOMERS OF THE CITY'S WATER  
SUPPLY SYSTEM AND AMENDING CHAPTER A175, "FEES",  
ARTICLE II, "UTILITY FEES", TO ESTABLISH CHARGES AND  
FEES FOR CONNECTION TO THE CITY'S RECLAIMED WATER SYSTEM  
AND FOR THE USE OF WATER FROM SUCH SYSTEM**

**WHEREAS**, pursuant to Md. Code Ann., Env. Art., § 9-705, the Mayor and Common Council of Westminster ("the City") has been given authority to construct, extend, alter, and maintain a water supply system; and

**WHEREAS**, pursuant to Md. Code Ann., Env. Art., § 9-720 through 9-724, the City has been given authority to establish and charge fees for the right to connect to a municipal water supply system and to use water from the system through such connection; and

**WHEREAS**, pursuant to the aforementioned authority, the City has established a water supply system, adopted regulations relating to the right to connect to said system and to purchase water from the City's water supply system, and established rates applicable to the purchase of such water; and

**WHEREAS**, the Maryland General Assembly has established a policy to promote and encourage the use of reclaimed water in order to conserve water supplies, facilitate the indirect recharge of groundwater, and develop an alternative to discharging wastewater effluent to surface waters, thus pursuing the goal of the Clean Water Act to end the discharge of pollutants and meet the nutrient reduction goals of the Chesapeake Bay Agreement; and

Underlining : Indicates matter added to existing law.  
Asterisks \* \* \* : Indicate matter retained in existing law but omitted herein

**WHEREAS**, the Maryland Department of the Environment (MDE) is the State agency charged with the regulation and oversight of the water resources of the State, including municipal water supply systems; and

**WHEREAS**, the geography and topography of Carroll County limits the availability of water in the City in a manner that constrains development and has adverse impacts on residents and local businesses, particularly in times of drought; and

**WHEREAS**, the City finds that the conservation of its water resources is of particularly great benefit in the context of the limited availability of water in the County; and

**WHEREAS**, as a consequence of the City's limited water supply, the City finds that a policy of encouraging the use of reclaimed water, while assuring the health and safety of the City's residents, visitors and taxpayers and protection of the environment, is in the best interests of present and future generations; and

**WHEREAS**, the use of reclaimed water may be preferable under appropriate circumstances to the continued use of potable water for irrigation and other purposes for which non-potable water can be used safely; and

**WHEREAS**, the City finds that the use of reclaimed water is safe when used as intended and benefits the community as a whole because it extends the availability of potable water for those uses that require it.

**Section 1. NOW THEREFORE BE IT ENACTED AND ORDINANCE** by the Mayor and Common Council of Westminster, that Chapter 160, "Water", of the Westminster City Code, be and is hereby amended to read as follows:

ARTICLE I. POTABLE WATER

§ 160-1. Effective date of rates.

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The rates for metered service established in the Utility Fee Ordinance

\* \* \*

§ 160-21. Delinquent bills become lien.

All delinquent water bills shall be and become liens upon the premises served, which liens may be collected in the same manner as the collection of delinquent taxes.

## ARTICLE II. RECLAIMED WATER.

§ 160-22. Purpose and Intent

A. This Article sets forth the requirements for the City's reclaimed water system. The reclaimed water system provides an alternative water source for non-potable water demands. It is the City's policy to provide reclaimed water to meet non-potable water demands when it is feasible to do so. It is the City's purpose and intent to establish a reclaimed water system and to extend such system to certain areas of the City where the Common Council determines that the extension of reclaimed water is practical and economical. The reclaimed water distribution system will be constructed in sections and phases to provide reclaimed water service to designated areas as determined by the Common Council from time to time and pursuant to the terms and conditions set forth herein.

B. The objectives of this article are:

1. To reduce potable water demand.
2. To reduce wastewater discharges into local watersheds.
3. To help meet nutrient-reduction goals for the Chesapeake Bay.

§ 160-23. Definitions

In this Article, the following terms shall have the meanings provided in this section unless the context clearly indicates otherwise.

A. Available: a reclaimed water distribution main is or will be located at a property line of a property on which an irrigation system is installed or proposed, or a property proposed to be serviced with reclaimed water.

B. Cross-connection: any unprotected actual or potential physical connection whereby the public water supply is connected with any other water supply system, whether public or private, either inside or outside of any building or buildings, in such a manner that a flow of water into the public water supply is possible either through the manipulation of valves or because of ineffective check or back-pressure valves, or because of any other arrangement. This includes any unauthorized taps, whether or not adequate protection is provided.

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- C. Department: the City of Westminster's Department of Public Works.
- D. Director: the Director of Public Works or his or her designee.
- E. Dry Line: A pipe installed underground for the purpose of transporting water but which is not connected to a water system.
- F. Irrigation system: a system of devices to provide for the application of water typically to any outdoor planted material by means of a permanent piping system under pressure and that is manually, semi-automatically or automatically operated. Major reclaimed water line shall mean those reclaimed water lines that are eight (8) inches in diameter or greater.
- G. MDE: the Maryland Department of the Environment.
- H. Permit: written permission granted by the City to install and/or use reclaimed water lines and/or systems.
- I. Potable water: water provided by the City via the City's water distribution system or by a privately-owned water system for public consumption that meets the State's potable drinking water standards, or water provided by a private source for consumption (drinking, cooking, bathing, etc.) by the applicant.
- J. Reclaimed distribution main: those conduits used to supply reclaimed water to service lines from transmission mains.
- K. Reclaimed water or Reuse water: water provided by the City via the City's reclaimed water distribution system that has been treated to and meets the State's reclaimed water standards and is permitted to be used for certain non-potable (e.g. non-drinking, non-cooking, non-bathing) purposes.
- L. Reclaimed water service stubs: those portions of reclaimed water service pipes that extend from the City's reclaimed water mains to the boundaries of public easements and/or rights-of-way but are not connected to a user's facilities.
- M. Reclaimed Water Service Area: any portion of the City's Water Sewer Service Area that is within the City's reclaimed water distribution system.
- N. Reclaimed Water Distribution System: Any plant, well, pipe, tank, reservoir, facility, property or combination thereof, and associated hardware and other appurtenances, including meters, extending to the customer's reclaimed water meter, that is used for or has the capacity for use for supplying reclaimed or reuse water
- O. Service Line: that conduit for reclaimed water from the reclaimed water distribution main to the property line.
- P. Transmission Mains: those utility lines used to supply reclaimed water from the City's
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pumping stations or treatment facilities to the City's reclaimed water distribution system.

Q. Utility system or utility lines: reclaimed water pipe lines, water pipe lines, and sewer pipe lines (any or all as determined by the context), and all pipes, valves, valve boxes, hydrants, and other fixtures, equipment, and apparatus connected to and forming a part of the reclaimed water, potable water, or sewer pipe lines and systems or all, and all appliances necessary and convenient thereto. The utility lines dedicated to the City shall include only main transmission or distribution lines, valves, hydrants and other apparatus, fixtures and equipment forming a part of the lines laid in public streets, roads, highways and alleys or across City utility or sanitary sewer easements on private property, and shall not include lines leading from the mains at the property boundary to the building on private property and shall not include the reclaimed water, potable water, or sewer lines within any residences or other privately owned building.

R. Water Service Area: the areas served or programmed to be served by the City's water treatment plant as shown on the Carroll County Master Plan map.

§ 160-24. Adoption of Governing Authorities

A. Rules and regulations relating to waste not discharged to surface waters contained in the Maryland Annotated Code and/or the Code of Maryland Regulations (COMAR) and/or any permit issued to the City by MDE or other State agency governing or relating to the use of reclaimed or recycled water, as these may be amended from time to time, are hereby adopted by reference and incorporated into this Article as though fully set forth within this Article.

B. In the event of any variation between the provisions of the this Article, and those of the Maryland Annotated Code, COMAR, and/or any permit issued to the City governing or relating to the use of reclaimed or recycled water, the more strict provision shall prevail.

C. Subject to the direction of the City Administrator, the Director shall have the authority to implement administrative programs that may be required to adhere to federal or state law, adhere to the conditions of any permits from federal or state agencies, or provide efficient operation of the reclaimed water system. Such programs may include, but are not limited to, an application program to approve new users, a connection inspection program, follow-up inspection program, compliance and enforcement program, spill prevention, control, and notification program, and educational program to advise the public of the proper and safe use of reclaimed water.

§ 160-25. Rates, fees and charges

The rates, fees and charges for the reclaimed water system are set forth in the Utility Fee Ordinance, Chapter 175 of this Code. Fees and charges incurred by any user of reclaimed water system are subject to the collection provisions of Article I of this Chapter applicable to the distribution of potable water.

§ 160-26. Conditions of reclaimed water service use

A. The City may terminate, discontinue, or suspend reclaimed water service in accordance with this Article and the City's policies and procedures in the event of (i) a violation of this Article

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or City regulations, policies or procedures, (ii) failure to pay bills by the due date, (iii) tampering with any utility service, (iv) the existence of a plumbing cross-connections with another water source, or (v) any customer condition or action that may be detrimental to the City's potable water system, its reclaimed water system, or its wastewater collection and treatment system.

B. The City may, at its option, suspend service until the condition is corrected and all costs due the City are paid. These costs may include delinquent billings, connection charges, and payment for any damages caused to the potable water, reclaimed water, or wastewater collection or water distribution system.

C. In addition to any authority to enter private property contained elsewhere in this Code, the Director or his or his designee may enter any premises upon such notice that is reasonable under the circumstances to determine the presence of any cross connections or other potential hazards to the City's potable water system. Each customer of reclaimed water service shall, by completing the reclaimed water application, give written consent to such entry upon the customer's premises.

§ 160-27. No Guarantee of Reclaimed Water

The City makes no guarantees that reclaimed water service will be provided, or, once provided, continued. The City may, at any time, and from time to time, refuse to extend or suspend or terminate service on the basis of a use detrimental to the system, an inadequate supply of reclaimed water, the failure to pay required fees, or for any other reason which, in the judgment of the Director, will cause the extension not to be to the benefit of the City.

§ 160-28. City's Maintenance Responsibility; Emergency Discontinuation of Service; Repairs

A. The City shall have responsibility for maintaining and repairing reclaimed water service stubs in the public right of way or easement. The repair of all pipes and fixtures on private property shall be the responsibility of the property owner.

B. The City shall have the right to suspend or terminate reclaimed water service to any property when, in the judgment of the Director, a leak or other deficiency in the facilities is of sufficient magnitude or has continued for a sufficient period of time to cause harm to the system or to the public interest.

§ 160-29. Enforcement Procedure

A. It shall be a municipal infraction subject to a penalty of Five Hundred Dollars (\$500.00) for any person to violate any of the provisions of this Article, or any regulation, standard, rule, or order duly adopted in furtherance of this Article, or to continue any alteration extension or construction of the utility system or part thereof without first obtaining a permit or written permission or to undertake or continue any alteration, extension, or construction of the utility system or part thereof, except in conformity with the terms, conditions, requirements, and provisions of an approved application, plan or both. Every day the violation continues shall be a separate offense.

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B. Whenever the City has reasonable cause to believe that any person is violating or threatening to violate any of the provisions of this Article or any standards, regulation, rule or order duly adopted in furtherance of this article, or is undertaking or continuing any alteration, extension and construction of the utility system without first obtaining a permit or written permission, or is undertaking or continuing any alterations, extension, or construction of the utility system or part thereof, except in conformity with the terms, conditions, requirements and provisions of an approved application, plan, or both, the City may, either before or after the institution of any other action or proceeding authorized by this Code, institute a civil action in the name of the City for injunctive relief to restrain the violation or threatened violation. The institution of an action for injunctive relief under this subsection shall not relieve any party to such proceeding from any civil or criminal penalty prescribed for violations of this Code.

§ 160-30. Reclaimed Water User Permit

A. No reclaimed water may be used for any purpose, either upon initial installation, or upon change of use or change of property ownership, until the user has obtained a reclaimed water permit from the City. Applications for reclaimed water service shall be made and will be accepted in the same manner as applications for water and sewer service, subject to the provisions of this Article.

B. All applicants for reclaimed water, at the applicant's own cost and expense, shall apply for, obtain and meet all requirements of all necessary permits, licenses, conditions, and approvals for the initial construction and the operation of the onsite reclaimed water facilities and the use of reclaimed water.

C. At the time of application, a user seeking a new connection to the reclaimed water supply system shall enter into a public works agreement that shall contain those provisions the Director deems necessary to protect the public interest, including, but not limited to, provisions relating to:

1. the design and construction of all facilities through which reclaimed water shall pass;
2. the posting of bonds or other security for performance of the work;
3. permission for the City through its officials, employees and/or agents to enter upon the property for inspection, upon reasonable notice under the circumstances, and to perform necessary repairs; and
4. the dedication to and conditions for acceptance by the City of any portions of the facilities that are to become part of the City's system.

§ 160-31. Allowable Uses of Reclaimed Water

A. Except as set forth in subsection B hereof, reclaimed water shall only be used for the following purposes:

1. Irrigation of farmland, golf courses, athletic fields, turf, and/or landscaping; and
2. Any other use that the Director considers appropriate and is approved by MDE.

B. Irrigation systems using reclaimed water shall be designed to keep all spray on the user's

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property. The Director shall enforce buffers from the edge of the spray influence to the following features:

1. Surface waters including intermittent streams, perennial streams, perennial water bodies and wetlands, up to 100 feet;
2. Residential structures, up to 25 feet;
3. Schools and playgrounds, up to 50 feet;
4. Public roads and residential property lines, up to 25 feet;
5. Potable wells, up to 100 feet.

C. Irrigation and other systems using reclaimed water shall not generate runoff that flows into the natural waterways or into the buffer areas. Runoff shall not enter a storm sewer or drainage ditch that connects to waters of the State.

D. Any and all new or replacement reclaimed water supply systems within flood-prone areas shall be designed and constructed to minimize and eliminate discharges from such systems into floodwaters.

#### § 160-32. Conservation of Water Resources

A. The use of reclaimed water is intended to reduce demands on the potable water supply, and consequently restrictions that the City may impose from time to time upon reclaimed water usage may be less stringent than those imposed upon potable water users.

B. The availability of reclaimed water is directly related to the volume of wastewater and treatment thereof. The City may, upon just cause and for the purpose of the protection of public health, place temporary and special limitations upon reclaimed water users due to conditions, upsets, or other acts with interfere with the production or transmission of reclaimed water.

#### § 160-33. Connecting With Reclaimed Water Pipes

It shall be unlawful for any person to connect any pipe or take by any means reclaimed water from or interfere with the pipes of the reclaimed water system of the City without authorization from the Director.

#### § 160-34. Replacement Of Reclaimed Water Service Stubs

In the event of the paving or widening of streets, or the raising or lowering of the grade of a street, or in the installation of curbs or gutters and/or sidewalks, or in the case of the installation of new reclaimed water lines initiated by the public, all reclaimed water service stubs may be replaced so as to meet the standards prescribed by the City plumbing code. There shall be no charge for such replacements.

#### § 160-35. Responsibility for Making Connections

All reclaimed water services shall be installed, extended, replaced or repaired by City forces from the City's main to the property line unless otherwise permitted by the Director;

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provided, no such permission shall be granted for work within the corporate limits in public street rights-of-way except by licensed utility contractors. All reclaimed water connections in new developments shall be the responsibility of the developer and at his expense in accordance with City standards and specifications.

§ 160-36. Meter Requirements; Placement of Meters

A. A separate reclaimed water metered connection is required for each lot at the time of connection with reclaimed water service.

B. All such meters shall be placed in the street right-of-way at such locations as the Director shall determine. Reclaimed water meters shall be placed within five feet of the potable water meter serving the property. All meters shall conform to the standards and material specifications of the City. All reclaimed water meters shall be installed in accordance with the City's standards and fee schedule.

§ 160-37. Maintenance by customer

The property owner and/or customer shall be responsible for the maintenance of all reclaimed water lines and appurtenances on the customer's property, in conformance with State and local regulations. The City reserves the right to disconnect the service to any property when the reclaimed water system and appurtenances are not properly maintained. In addition, should the customer require reclaimed water at different pressures, or different quality, or in any way different from that normally supplied by the City, the customer shall be responsible for the necessary devices to make adjustments and for obtaining approval by the director.

§ 160-38. Access to and Obstruction of Appurtenances, Structures or Easements

A. No person shall open, enter into, place, or allow anything to be placed in a manhole, vault, or valve box of the City's reclaimed water system without written approval from the Director or his or her designee.

B. No person shall damage, obstruct, or cover a manhole, vault, or valve box of the City's reclaimed water system.

C. No person shall plant trees, shrubs, or other plants within a reclaimed water easement without prior written approval from the Director.

D. No person shall place any part of a structure or any permanent equipment within a reclaimed water easement without prior written approval from the Director.

§ 160-39. Injury To Systems; Removing, Damaging, Breaking, Etc.

It shall be unlawful for any person to remove, damage, or interfere with any reclaimed water pipes belonging to the City, or to remove, break, or injure any portion of any manhole, or any part of the reclaimed water of the utility system.

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§ 160-40. Ownership by City

All reclaimed water facilities and appurtenances within dedicated public easements when constructed or accepted by the City shall become and remain the property of the City. No person shall, by payment of any charges provided herein, or by causing any construction of facilities accepted by the City, acquire any interest or right in any of these facilities or any portion thereof, other than the privilege of having their property connected thereto for reclaimed water service in accordance with this article and any amendments thereof.

**Section 2. BE IT FURTHER ENACTED AND ORDINANCE** by the Mayor and Common Council of Westminster, that Chapter A175, "Fees", Article II, "Utility Fees", of the Westminster City Code, be and is hereby amended to read as follows:

Article II. Utility Fees

§ A175-3. Utility fees, charges and costs adopted; and Utility Fee Schedule Established.

The Mayor and Common Council of Westminster hereby enacts and adopts the following fees, charges and costs relating to the utility services provided pursuant to Chapters 124 and 160 of the Westminster City Code.

A. Chapter 124, Sewers and Sewage.

\* \* \*

B. Chapter 160, Water  
Article I. Potable Water

\* \* \*

Article II, Reclaimed Water.

Section 160-25

Application for service: \$25.

Extension of service, review and approval of construction drawings:

(a) County: \$500.

(b) City: \$1,000.

Reclaimed water charge, comprised of a fixed charge plus a reclaimed water quantity charge.

[I] Fixed quarterly charge:

<u>Meter Size (inches)</u>	<u>Inside City Sewer</u>	<u>Outside City Sewer</u>
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<u>Meter Size (inches)</u>	<u>Inside City Sewer</u>	<u>Outside City Sewer</u>
<u>1</u>	<u>\$47.82</u>	<u>\$67.19</u>
<u>1 1/2</u>	<u>\$95.64</u>	<u>\$134.39</u>
<u>2</u>	<u>\$153.02</u>	<u>\$215.02</u>
<u>3</u>	<u>\$306.04</u>	<u>\$430.04</u>
<u>4</u>	<u>\$478.19</u>	<u>\$671.94</u>
<u>6</u>	<u>\$956.38</u>	<u>\$1,343.88</u>
<u>8</u>	<u>\$1,530.21</u>	<u>\$2,150.21</u>

[2] Reclaimed water quantity charge (unit rate per 1,000 gallons):

<u>Inside City</u>	<u>Outside City</u>
<u>\$2.32</u>	<u>\$3.47</u>

**Section 3. BE IT FURTHER ENACTED AND ORDAINED** by The Mayor and Common Council of Westminster that this Ordinance shall take effect (10) ten days after its passage and approval, unless it is returned unsigned by the Mayor at the next meeting of The Mayor and Common Council together with the Mayor's reasons for withholding his signature therefrom, and is not passed thereafter by the votes of four-fifths of the members of the Common Council, and further provided that it is posted after adoption for not less than two weeks in some conspicuous location in the City Hall and recorded in a book provided for that purpose.

INTRODUCED this 12<sup>th</sup> day of December, 2011.


  
Margaret L. Wolf, City Administrator

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PASSED this 9<sup>th</sup> day of January, 2012.


  
Margaret L. Wolf, City Administrator

APPROVED this 9<sup>th</sup> day of January, 2012.

  
Kevin R. Utz, Mayor

**APPROVED AS TO FORM AND SUFFICIENCY**

this 11<sup>th</sup> day of January, ~~2011~~: 2012

  
Elissa D. Levan, City Attorney

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