



## Legislation Details (With Text)

**File #:** O-10-16      **Version:** 1      **Name:**

**Type:** Ordinance      **Status:** Adopted

**File created:** 1/6/2016      **In control:** City Council

**On agenda:** 5/23/2016      **Final action:** 5/23/2016

**Title:** Water Service Billing Adjustments - For the purpose of clarifying the procedures for requesting an adjustment to water or sewer service billing, and matters generally relating to water or sewer service billing adjustments.

**Sponsors:** Michael J. Pantelides

**Indexes:** Environmental Matters Committee, Finance Committee

**Code sections:**

**Attachments:** 1. O-10-16 Water Billing Adjustments.pdf, 2. O-10-16 Staff Report.pdf, 3. O-10-16 Fiscal Impact.pdf, 4. O-10-16 Mayor Pantelides and Finance Committee Proposed Amendments.pdf, 5. PROTESTS JANUARY 2013 TO DECEMBER 2015.pdf, 6. Administrative Sewer Adjustment Criteria.pdf, 7. PROTESTS JAN 2013 TO CUR FINAL (1).pdf, 8. O-10-16 Environmental Matters Committee Proposed Amendment.pdf, 9. O-10-16 SIGNED.pdf

Date	Ver.	Action By	Action	Result
5/23/2016	1	City Council	adopt on second reader	Pass
5/23/2016	1	City Council	amendment(s) approved	Fail
5/23/2016	1	City Council	amendment(s) approved	Pass
5/23/2016	1	City Council	adopt as amended	Pass
5/23/2016	1	City Council	adopt on third reader	Pass
5/19/2016	1	Environmental Matters Committee	recommend with amendments	Pass
4/21/2016	1	Environmental Matters Committee	postpone	Pass
3/21/2016	1	City Council	postpone	Pass
3/17/2016	1	Environmental Matters Committee	postpone	Pass
2/25/2016	1	Environmental Matters Committee	postpone	Pass
2/16/2016	1	Finance Committee	recommend with amendments	Pass
2/16/2016	1	Finance Committee	amendment(s) approved	Pass
2/8/2016	1	City Council	declare the public hearing closed	
1/11/2016	1	City Council	adopt on first reader	Pass
1/11/2016	1	City Council	refer	
1/11/2016	1	City Council	refer	

**Water Service Billing Adjustments** - For the purpose of clarifying the procedures for requesting an adjustment to water or sewer service billing, and matters generally relating to water or sewer service billing adjustments.

## CITY COUNCIL OF THE

# City of Annapolis

## Ordinance 10-16 Amended

Introduced by: Mayor Pantelides

### Referred to

Environmental Matters Committee

Finance Committee

**AN ORDINANCE** concerning

### Water Service Billing Adjustments

**FOR** the purpose of clarifying the procedures for requesting an adjustment to water or sewer service billing, and matters generally relating to water or sewer service billing adjustments.

**BY** repealing and re-enacting with amendments the following portions of the Code of the City of Annapolis, 2015 Edition  
16.08.080

**SECTION I: BE IT ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that the Code of the City of Annapolis shall be amended to read as follows:

### Chapter 16.08 - WATER SERVICE

#### 16.08.080 - Adjustments.

A. All requests for any adjustments in the charges imposed under this chapter for water or sewer service shall be made in writing and shall be received by the Department of Finance no later than the due date indicated on the bill. The customer shall be assessed a charge of forty dollars for any request for adjustment. If the ~~Department~~ DIRECTOR of Finance determines that an error has occurred, the forty dollar charge shall be refunded to the customer.

1. THE ADMINISTRATIVE SEWER AND WATER ADJUSTMENT CRITERIA SHALL BE AS FOLLOWS:

- A) THE CUSTOMER MUST FIRST FILE A PROTEST WITHIN 30 DAYS OF THE BILLING DATE;
- B) ASSUMING NO ADJUSTMENT IS FORTHCOMING FROM THE PROTEST RESULTS, THE WATER CONSUMPTION FOR THE PROTESTED PERIOD MUST BE AT LEAST 53 TIMES THE AVERAGE OF THE 8 PRIOR WATER CONSUMPTIONS;
- C) THE SEWER AND/OR WATER CHARGE SHALL BE ADJUSTED TO THE AVERAGE RATE OF THE 8 PRIOR WATER CONSUMPTIONS;
- D) ANY ADJUSTMENT UNDER THIS SECTION IS A ONE TIME ONLY ADJUSTMENT. NO SEWER AND/OR WATER ABATEMENTS WILL BE MADE FOR SUBSEQUENT HIGH WATER CONSUMPTIONS (OTHER THAN ADJUSTMENTS THAT MIGHT BE MADE AS A RESULT OF A

PROTEST UNDER THE CITY CODE).

- B. All requests for any adjustment in the charges imposed under this chapter for water or sewer service, upon receipt by the Finance Department, shall be referred to appropriate personnel of the Department of Public Works for review, investigation or inspections as are deemed necessary and appropriate to determine the validity or correctness of any requests for adjustment of charges. Unless it becomes necessary to perform further or more detailed tests of equipment, a recommendation for the allowance, partial allowance, or disallowance of the requested adjustment shall be submitted by the reviewing employee to the Director of Public Works within fifteen working days after receipt of the requested adjustment. THE DIRECTOR OF PUBLIC WORKS SHALL PROMPTLY SUBMIT THE RECOMMENDATION TO THE DIRECTOR OF FINANCE.
- C. The Director of Public Works FINANCE, after reviewing the recommendation of the DEPARTMENT OF PUBLIC WORKS' department's personnel, and any further investigation or inspections the director deems necessary, shall issue a decision with respect to all requests for adjustments in the charges imposed under this chapter for water or sewer service, within fifteen TEN working days after receipt of the requested adjustment RECOMMENDATION OF THE DEPARTMENT OF PUBLIC WORKS, but any decision shall be limited to the following actions: (1) Allowance of the requested adjustment in whole or in part; or (2) disallowance of the requested adjustment. All decisions shall be in writing and shall state the grounds for the decision. No adjustments shall be allowed, in whole or in part, if it is determined that the claimed excessive charge has occurred as a result of any of the following conditions:
1. Malfunction or improper operation of any water or sewer equipment or facilities located on the user's property or premises;
  2. Subsurface breakage in any water or sewer line between the property or premises of the user and the point where the line is connected to the City's lines or equipment;
  3. Failure of the user to repair or correct any broken or malfunctioning water or sewer equipment or facilities or water or sewer line on the property or premises of the user, after receipt of notice from the City to do so;
  4. Improper or illegal use of any City water or sewerage equipment or facilities, including any water box, stopcock box, meter box, valve, water or sewer main, fire hydrant and ancillary equipment, or service pipe of any type, or wherever located.
- D. A decision of the Director of Public Works FINANCE made under the authority of this chapter shall be final. A decision resulting in an adjustment in a bill issued for water or sewer charges shall be furnished to the Director of Finance DEPARTMENT shall issue an adjusted billing RESULTING FROM A DECISION TO APPROVE AN ADJUSTMENT. No request for adjustment in charges imposed under this chapter shall relieve the user from liability for the payment of the charges, or for any interest or penalties (including the discontinuance of service) imposed in connection with late payment or nonpayment.
- E. ANY PERSON AGGRIEVED BY A FINAL WRITTEN DECISION OF THE DIRECTOR OF FINANCE UNDER THIS CHAPTER SHALL BE ENTITLED TO APPEAL TO THE CIRCUIT COURT FOR ANNE ARUNDEL COUNTY WITHIN 30 DAYS AFTER THE DATE OF THE DECISION.

**SECTION II: AND BE IT FURTHER ESTABLISHED AND ORDAINED BY THE ANNAPOLIS CITY COUNCIL** that this ordinance shall take effect from the date of its passage.

**EXPLANATION**

CAPITAL LETTERS indicate matter added to existing law.  
~~Strikethrough~~ indicates matter stricken from existing law.  
Underlining indicates amendments