

Ordinance No. 19-19

ORDINANCE: To repeal in its entirety and re-enact Chapter 24 of the Rockville City Code entitled “Water, Sewers and Sewage Disposal” so as to revise the title to “Water, Sewers and Wastewater Disposal;” to include new administrative sections; to comply with Federal and State provisions; to provide for proper maintenance of private water and sewer facilities; to amend requirements for water restrictions and droughts; to revise and establish requirements and standards for water and sewer authorization to connect to city water and sewer systems; and to establish monetary credit towards Capital Contribution Charges when a developer constructs an off-site city water or sewer improvement; and to generally reorganize and revise the chapter.

BE IT ORDAINED BY THE MAYOR AND COUNCIL OF ROCKVILLE, MARYLAND that Chapter 24 of the Rockville City Code, entitled “Water, Sewers and Sewage Disposal” is hereby repealed in its entirety and a new Chapter 24 entitled “Water, Sewers and Wastewater Disposal” is enacted to read as follows:

Chapter 24. Water, Sewers and Wastewater Disposal

ARTICLE I. IN GENERAL

- Sec. 24-1. Purpose and scope.
- Sec 24-2. Definitions and acronyms.
- Sec. 24-3. Interpretation.
- Sec. 24-4. Severability.
- Sec. 24-5. Administration.
- Sec. 24-6. Water restrictions.
- Sec. 24-7. Prohibitive discharges.
- Sec. 24-8– 24.11 - Reserved

Sec. 24-1. Purpose and scope.

- (a) This Chapter establishes requirements to provide safe and reliable water and wastewater systems and services for the protection of public health, safety, and welfare to protect the

City's drinking water from contamination or pollution; to protect the City's sewer system from prohibited discharges; and to protect city personnel maintaining these systems.

- (b) Unless otherwise stated, this Chapter shall apply to all properties within the corporate limits of the City, except those properties within the Washington Suburban Sanitary District (WSSD). In addition, this Chapter shall apply to any other property that may be permitted to connect to the water and/or sewer systems maintained or owned by the City.
- (c) This Chapter does not seek to establish a separate pretreatment program within the City of Rockville.
- (d) Nothing herein shall require the City to extend its water and/or sewer system or to otherwise provide water and/or sewer service to property located outside the corporate limits of the City.

Sec. 24-2. Definitions and acronyms.

- (a) Definitions- for the purposes of this Chapter and the regulations established hereunder, certain words and terms used herein are defined as follows:

Accessible fire hydrant means that the location is such that it is accessible for immediate use by the fire authority, at a specific location, at all times, and no major obstructions exist such as a major, multi-lane road.

Accessory structure means a structure that is customarily associated with and clearly incidental and subordinate to a legally established principal structure. Such structures cannot be attached to the main building by any part of a common wall or common roof. Uses within accessory structures must comply with the applicable provisions of Chapter 25, Section 25.09.01.

Applicant means a person, company, firm, corporation, municipality, agency, contract purchaser, developer, builder, governmental agency, or any authorized representative or agent who executes the necessary forms to procure official approval of a development project or a City permit to carry out construction of a development project and who applies for water or sewer service provided by systems or facilities within the City's service area.

Appurtenances means adjunct components of the water or sewer systems; including, but not limited to valves, valve boxes, bypass piping, backflow preventers, vaults, manholes, and clean-outs.

Backflow means the flow of water or other liquids, mixtures, or substances into the distribution system of a potable supply of water from any source or sources other than its intended source. There are two types of backflow: backsiphonage and backpressure.

Backflow assembly means any testable backflow preventer that is installed on any potential hazardous plumbing system connection, as defined by the International Plumbing Code.

Backflow device means any non-testable backflow preventer that is installed on a non-hazardous plumbing system connection, as defined by the International Plumbing Code.

Backflow preventer means a one-way appurtenance that only allows water to flow in the desired direction and physically impedes reverse flow.

Backpressure means backflow that occurs when the pressure in an unprotected downstream piping system exceeds the pressure in the supply piping.

Backsiphonage means a backflow that results from negative pressures in the distribution system of a potable water supply.

Building(s) means a structure having one (1) or more stories and a roof designated primarily for shelter, support, or enclosure of persons, animals, or property of any kind.

Change of use means the replacement of an existing use by a new or different use that may affect traffic generation, parking and/or loading requirements, water and sewer service, or similar public services.

City means the Mayor and Council of Rockville, a municipal corporation of that name chartered by the State of Maryland, also known as the City of Rockville.

City Manager means the City Manager for the City of Rockville or any authorized representative.

City service line means a service pipe from a City public water or sewer main to the property line.

Cleanouts means capped pipe which provides access to a sewer lateral.

Collector sewer means gravity pipeline that conveys wastewater from lateral sewers or other collector sewers to a trunk sewer.

Commercial building means any non-residential building or multi-family residential building.

Connection means any new connection to the water and sanitary sewer system of the City or any connection to the water system which requires the installation of a larger-sized water meter.

Condominium means a residential property that is subject to a condominium regime established under the Maryland Condominium Act.

Cross-connection means any actual or potential connection between the public water supply and a source of contamination or pollution.

Crown of pipe means the top or highest point of the internal surface or the inside top of the pipe.

Department means the Department of Public Works of the City of Rockville.

Development means any activity, other than unimproved open space activity, which materially affects the existing condition or use of any land or structure.

Director means the Director of the Department of Public Works or any authorized representative.

Discharge means to dump, spill, leak, leach, throw, place, push, pump, toss, convey, or otherwise release pollutants to City sanitary sewers.

Easement means a recorded grant or reservation by the owner of land for the use of all or a portion of such property to the public or others, for a specific purpose.

Fats, oils, and grease (FOG) means any substance such as a vegetable or animal product that is used in, or is a byproduct of, the cooking or food preparation process, and that turns or may turn viscous or solidifies with a change in temperature or other conditions

Fire suppression lines means pipes that provide water solely to extinguish fires.

Food Service Establishments (FSE) means places where food is prepared and provided for the public, with or without charge, including, but not limited to restaurants, cafeterias, hotel kitchens, church kitchens, school kitchens, hospital cafeterias, bakeries, bars, grocery stores, pizzerias, ice cream or frozen yogurt shops, or any other commercial or industrial operation that discharges grease-laden wastewater.

Force main means pressure sewer pipeline that conveys wastewater from a pumping station.

Grease abatement system means a device installed to prevent the discharge of fats, oils, and grease and other substances harmful or hazardous to a sewer or storm drain system.

Imminent and substantial endangerment means a discharge which presents an impending or immediate threat of significant personal injury or harm to one or more persons, the sewer system, or the environment.

Inspection Services Division (ISD) means the Inspection Services Division within the Department of Planning and Development Services (PDS).

Interference means a discharge that causes or significantly inhibits the efficient and effective conveyance of sewage to treatment. A substance or pollutant that, in whole or in part, causes or contributes to any of the following is considered interference:

- i) Blocks or obstructs the sewer flow

- ii) Renders a pump station ineffective or inefficient
- iii) Corrodes or collapses a portion of the sewer
- iv) Explodes within the sewer
- v) Allows any wastewater or produced gases to overflow out of the sewer.

Lateral means gravity sewer pipeline designed and constructed to convey wastewater from the building to the collector sewer, sometimes referred to as sewer service line or sewer house connection.

Mixed-use structure means a building containing any combination of office, commercial, and residential uses integrated vertically and horizontally.

Owner means the person, lessee, or other agent in control of a site on which development is, will be, or has been done.

Peak day water production means the highest amount of water produced during a 24-hour hour period by the Rockville Water Treatment Plant.

Person means the federal government, the State of Maryland, any county, municipal corporation, or other political subdivision of the State, or any of their units, or an individual receiver, trustee, guardian, executor, administrator, fiduciary or representative of any kind, or any individual, partnership, company, firm, association, nonprofit organization, public or private corporation, co-partnership, joint venture, joint stock company, society, trust, group, estate, sole proprietorship, or any other legally recognized entity.

Pollutant means any solid, liquid, or gas substance, including but not limited to abrasives, acids, automotive fluids, batteries, biological materials, caustics, cooking oils, debris, dirt, dredged material, dust, fertilizers, garbage, grass clippings, gravel, grease, hazardous waste, herbicides, incinerator ash, nutrient, oil, oxygen-demanding material, paint, pesticides, petroleum, pet wastes, pharmaceuticals, radioactive materials, refuse, roadway and sidewalk cleaners, rock, sand, scrap metal, sediment, soil, solid waste, toxic substance, trace metals, trash, turbidity-causing materials, wastewater treatment sludges, wet saw cuttings or yard wastes that are discharged into the City sanitary sewer system.

Potable means water that is suitable to drink.

Premises means a house or building and the land on which it is built.

Pretreatment means the reduction of the amount of pollutants, or the alteration of the nature of pollutant properties in wastewater prior to discharge into a Public Owned Treatment Works (POTW) or sewer system by a person. This reduction or alteration can be obtained by physical, chemical, or biological processes; by process changes; or by other means, except by diluting the concentration of the pollutants.

Private water and sewer facilities means any piping, fixtures, appliances and appurtenances or part thereof which is not owned and/or maintained by the City of Rockville or WSSC.

Right-of-way (ROW) means an area on which the public has a right to pass or travel that was originally intended for development as a road, street, or highway and was accepted on behalf of the public by plat, easement, eminent domain, purchase, fee simple title, or prescriptive use.

Rim elevation means the top elevation of the cover on the sewer manhole.

Service line means a service pipe, from a City public water or sewer main, to one building.

Sewer means an underground piping system for conveying wastewater from houses and commercial buildings to treatment facilities.

Sewer main means a pipeline that conveys wastewater for ultimate treatment at a wastewater treatment facility.

Site or site area means any tract, lot or parcel of land, or combination of tracts, lots, or parcels of land that are in common ownership, or are contiguous and in diverse ownership, where development is to be performed as part of a unit, subdivision, or development project.

Trunk sewer means a gravity pipeline that conveys wastewater from collector or other trunk sewer lines to treatment facilities.

Washington Suburban Sanitary Commission (WSSC) means the water and wastewater utility that serves parts of Prince George's and Montgomery counties, including portions of the City of Rockville. It is governed by and is under the jurisdiction of a commission of six members constituting a statutory body corporate.

Washington Suburban Sanitary District (WSSD) means the sanitary district incorporated under Chapter 122 of the Acts of the General Assembly of 1918, as amended and is under the jurisdiction of WSSC.

Wastewater means aqueous waste containing contaminants discharged into the sewer system to convey, treat, and dispose of the waste. Wastewater includes domestic sewage, commercial or industrial process water.

Water main means a pipeline that conveys treated water from the water treatment plant or other water mains to service lines that serve customers.

Water service means a pipeline that conveys treated water from a water main to the building, also called *Service Connection*.

Yard piping means private water pipes and sewer pipes or a system of pipes that connect and serve multiple buildings on one record lot, parcel or ownership lot and connects to the City service line. Yard piping for water systems may include private fire hydrants.

- (b) Acronyms – for the purposes of the Chapter and the regulations established hereunder, certain acronyms are defined as follows:

CFR - Code of Federal Regulations

DC – District of Columbia

FOG – Fats, Oils and Grease

FSE – Food Service Establishments

ISD – Inspection Services Division

MWCOG - Metropolitan Washington Council of Governments

NFPA - National Fire Protection Association

PDS – Planning and Development Services

POTW - Public Owned Treatment Works

ROW – Right of Way

WSA – Water and Sewer Authorization

WSSC - Washington Suburban Sanitary Commission

WSSD - Washington Suburban Sanitary District

Sec. 24-3. Interpretation.

The requirements contained herein are the minimum necessary and are in addition to, not in lieu of, all other legal requirements. They are to be liberally construed to accomplish the purposes set forth herein.

Sec. 24-4. Severability.

If any portion of this Chapter is held invalid or unconstitutional by a court of competent jurisdiction, such portion will not affect the validity of the remaining portions of this Chapter. It is the intent of the City that this Chapter will stand; even if a section, subsection, sentence, clause, phrase, or portion may be found to be invalid.

Sec. 24-5. Administration.

(a) Mayor and Council:

- (1) May establish by resolution fees to cover the cost of administering the provisions of this Chapter; including but not limited to Water and Sewer Authorization (WSA) application fee, Water System Capacity Desk-top Hydraulic Analysis Review fee, Sewer System Desktop Hydraulic Capacity Analysis Review fee, meter fees, Backflow Prevention Test Report submittal fee, unmetered private fire hydrant fee, and capital contribution charges.
- (2) Establish by ordinance the water consumption charges, sewer usage charges, and ready-to-serve charges.

(b) The City Manager may declare water restrictions and/or moratorium on new water and/or sewer connections.

(c) The Director:

- (1) Administers the provisions of this Chapter, unless otherwise specified, and performs other duties as set forth in the regulations or guidance documents and as may be conferred or imposed from time to time.
- (2) Makes determinations on the adequacy and capacity of the City water and/or sewer system.
- (3) Develops regulations or guidance documents, design standards and guidelines by whatever title, to implement this Chapter.
- (4) Collects fees for Water and Sewer Authorization application, Water System Desk-top Hydraulic Analysis, and Sewer System Desk-top Hydraulic Analysis, Water System Hydraulic Computer Model Analysis, and Sewer System Hydraulic Computer Analysis.
- (5) Makes determinations on all requests for reductions of capital contribution charges.

(d) The Chief of ISD administers provisions of this Chapter for ensuring that private fire hydrants meet standards and provide adequate fire flow.

(e) The Chief Financial Officer administers Article IV—Rates and Charges.

Sec. 24-6. Water Restrictions.

- (a) In the event of a water shortage, drought, emergency, or operational condition, the City Manager may declare system-wide water restrictions. Such water restrictions may be implemented through one or more of the following:
- (1) Voluntary Water Conservation:
 - a. Initial notification to the public and businesses to voluntarily conserve water, with an emphasis on reducing outdoor water use.
 - b. Water supply conditions are deteriorating, but the regional water supply is adequate.
 - (2) Voluntary Water Restriction:
 - a. Public and businesses are asked to restrict water on a voluntary basis to help ensure the water supply is adequate.
 - b. List of voluntary restrictions is distributed.
 - (3) Mandatory Water Restriction:
 - a. Emergency conditions requiring public and businesses to conserve water because the water supply is very limited and the ability to meet future demand is compromised.
 - b. List of mandatory restrictions is distributed.
 - c. Failure to comply with Mandatory Water Restrictions ordered by the City Manager may subject the violator to enforcement actions prescribed by this Chapter. When implementing such a declaration, the City Manager will consider the recommendation from the Director, the Metropolitan Washington Council of Governments (MWWOG); water or sewer providers to the City system; and federal, state, and local authorities.
- (b) Public notice of such water restrictions shall be widely disseminated as a regional effort through the MWWOG. Such water restrictions shall remain in effect until removed by the City Manager. Restricted use or absolute curtailment of water use for certain nonessential use include:
- (1) The use of hoses, sprinkler, or other means for sprinkling or watering of shrubbery, trees, lawns, grass, plants, vines, gardens, vegetables, flowers, or any other vegetation;

- (2) The use of water for washing automobiles, trucks, trailers, trailer houses, or any other type of mobile equipment, except for commercial vehicle washing facilities that utilize recycled water;
 - (3) The washing of streets, driveways, parking lots, service station aprons, office buildings, exterior of homes, sidewalks, apartments, or other structures making a similar use of water;
 - (4) The use of water for filling swimming and wading pools;
 - (5) The operation of any water-cooled comfort air-conditioning which does not have water conserving equipment.
- (c) Notwithstanding the above, the Director may issue water restrictions, including water shut-offs, due to operational and maintenance conditions not affecting the entire water and/or sewer system(s).

Sec. 24-7. Prohibited discharges.

No person (whether or not subject to any other federal, state or local pretreatment requirements) shall discharge, cause, or allow to be discharged directly or indirectly into the City sewer system in excess of the standards listed in this section or the Federal Categorical Pretreatment Standards at 40 Code of Federal Regulations (CFR) Chapter I, Subchapter N incorporated herein:

- (a) Additives: Any use of biological enzymatic, surfactant, solvent, emulsifier, free enzymes, or material that allows grease to pass from the grease abatement system of a FSE into the City's sewer system is prohibited. For the purposes of this section, normal kitchen and dish cleaning products used in a residential setting are not considered additives.
- (b) Animal waste: Any animal waste or product used to manage animal waste from domestic animals.
- (c) Corrosives: Any substance having a pH lower than 5.0 or greater than 11.5 or having any other corrosive property capable of causing damage to sewer system structures, equipment, processes, or personnel. Such waste includes, but is not limited to, battery or plating acids and wastes, copper sulfate, chromium salts and compounds, or salt brine.
- (d) Excessive coloration: Any substances with objectionable or excessive color not removed in treatment processes which adversely impact the color of discharges from

the sewer system, such as but not limited to solvents, resins, glycols, esters, paint, dye wastes and vegetable tanning solutions.

- (e) Fats, oils and grease (FOG): Any discharge of fats, oils, or greases of animal or vegetable origin in excess of 100 mg/l.
- (f) Flammable or explosive substances: Any liquid, solid, or gas which by its nature or quantity are, or may be sufficient either alone or by interaction with other substances to cause fire or explosion or be injurious in any way to the operation of the sewer system or waste streams with a closed cap flashpoint of less than 140 degrees Fahrenheit or 60 degrees Celsius (using the test methodology specified in 40 CFR, Section 261. 21). Prohibited materials include, but are not limited to ketones, aldehydes, peroxide, chlorates, perchlorates, bromates, carbides, hydrides and sulfides and any other substances in any quantity or concentration that the local, state or the Federal Government has declared as a fire hazard or a hazard to a city sewer system.
- (g) Medical waste: Any wastewater containing medical wastes including, but not limited to isolation waste, infectious agents, human blood and blood products, pathological waste, sharps, body parts, contaminated bedding, surgical waste, or potentially contaminated laboratory waste.
- (h) Noxious or malodorous substances: Any noxious or malodorous liquid, gas, solid or other wastewater which singly or through its interaction with other wastes are sufficient to create a public nuisance or imminent and substantial endangerment to human life, or are sufficient to prevent entry into the City's sewer system for maintenance and repair.
- (i) Pesticides: Any wastewater containing pesticides including but not limited to algaecides, fungicides, antibiotics, herbicides, insecticides, rodenticides, oxidizing or reducing agents in such a quantity or strength as to cause or contribute to interference with or upset the City's sewer, or to be a personnel safety hazard.
- (j) Petroleum: Any petroleum oil, any non-biodegradable cutting oil, or any amounts of mineral oil product which may cause interference with the City's sewer system.
- (k) Radioactive wastes: Any wastewater containing radioactive wastes or isotopes of such concentrations that may exceed any applicable local, state, or federal laws or regulations.
- (l) Solids or viscous matter: Any solid or viscous substance which may cause obstruction or interference to the flow of the City's sewer system such as grease or fat, garbage with particles greater than one-half inch in any dimension, animal guts or tissues, paunch manure, bones, hair, hides, entrails, whole blood, feathers, ashes, cinders,

sand, spent lime, stone or marble dust, metal, glass, straw, shavings, grass clippings, rags, lint, spent grains, spent hops, wastepaper, wipes (flushable or non-flushable), wood, plastics, gas, tar, asphalt residues, residues from refining or processing of fuel or lubricating oil, mud, glass grinding or polishing wastes.

- (m) Sludges or Scum: Any substance which may cause the City's sewer system effluent, or any other product of the City's sewer system such as sludges or scums, to be unsuitable for reclamation and reuse or which may interfere with the reclamation process.
- (n) Sulfides: Any wastewater containing sulfides in sufficient quantity or concentration as to cause or contribute to the City's sewer system corrosion, worker, or public safety hazard or upset of the City's sewer system.
- (o) Toxic Substances: Any wastewater containing toxic pollutant listed in, but not limited to any pollutant specified in section Appendix A 40 CFR Part 423. Such substances include gases, vapors or fumes in sufficient quantity, which singly or by interaction with other pollutants may injure or interfere with the City's sewer system, cause acute worker health and safety problems, constitute a hazard to humans or animals, create a toxic effect in the receiving waters of the City's sewer system, result in exceedances of sludge disposal requirements, or exceed limitations set in a local, state or federal pretreatment standard or pretreatment regulation.
- (p) Trucked or hauled waste: Any material trucked or hauled from a cesspool, holding, or septic tank or any nondomestic source, except such material received at designated locations under City contract or permit in accordance with any other applicable requirements of the Rockville City Code or rules adopted thereunder.
- (q) Miscellaneous: Any other substance at any mass or concentration which will cause interference with the operation or performance of the City's sewer system, or which may generally cause the sewer system to be in violation of the Clean Water Act (33 USC x 1251, et seq.).

Sec. 24-8 – 24.10. - Reserved.

ARTICLE II. PERMITS AND AUTHORIZATIONS

Sec. 24-11. Permits required.

Sec. 24-12. Adequacy of water and sewer systems.

Sec. 24-13. Water and sewer authorization.

Sec. 24-14 – 24-20. Reserved

Sec. 24-11. Permits required.

Any person must apply for and obtain a Public Improvement Permit, in accordance with the provisions of Chapter 21, Streets and Public Improvements, from the City before beginning work to connect, extend, modify, and/or abandon any portion of the City's water and/or sewer system. Any person must apply for and obtain a permit, in accordance with Chapter 5, Buildings and Building Regulations from the City before beginning work to install, maintain, extend, and/or alter any piping, fixtures, appliances, and/or appurtenances of the privately-owned water supply system and sanitary sewer system.

Sec. 24-12. Adequacy of water and sewer systems.

(a) Before issuing a permit in accordance with Chapter 21 for water and/or sewer, the Director shall ensure adequate capacity.

(1) The adequacy of the water system is evaluated for:

- a. Raw water supply capacity;
- b. Water treatment and pumping capacity;
- c. Hydraulic capacity of the water distribution system.

(2) The adequacy of the sewer system is evaluated for:

- a. Wastewater treatment capacity at DC Water's Blue Plains Advanced Wastewater Treatment Plant; and
- b. Hydraulic conveyance capacity in the Rockville and WSSC sewer collection systems and pumping stations.

(b) The Director shall publish, and make available to the public, Water and Sewer Adequacy Standards, which are adopted by reference.

Sec. 24-13. Water and sewer authorization.

- (a) The applicant must file with the Department a Water and Sewer Authorization (WSA) application for each development project, in accordance with the Water and Sewer Adequacy Standards. Each application must include the following:
- (1) An application form;
 - (2) Plans, computations, and other information required by this Chapter;
 - (3) Fees:
 - a. WSA Application fee for all applications; and
 - b. Copy of the PDS development application; and
 - c. Water and / or Sewer System Desk-top Hydraulic Analysis Review Fee(s); if required, or
 - d. Water and / or Sewer System Hydraulic Computer Model Analysis Review Fee(s), if required;
 - (4) Any other information and documentation that the Department may deem necessary.
- (b) Upon receipt of a complete WSA application, the Department determines the adequacy of the water and sewer systems.

Secs. 24.14 —24-20. Reserved.

ARTICLE III. WATER AND SEWER INFRASTRUCTURE

DIVISION 1. IN GENERAL.

Sec. 24-21. Use of water system.

Sec. 24-22. Use of sewer system.

Sec. 24-23 Wells and private wastewater disposal systems.

Sec. 24-24. Water system cross-connection control and backflow prevention.

Sec. 24-25. Food service establishments.

Sec. 24-26. Oil sand separators.

Secs. 24-27 —24-30. Reserved.

DIVISION 2. PUBLIC WATER AND SEWER SERVICE.

Sec. 24-31. Connections to public water and sewer lines.

Sec. 24-32. Conditions for service lines and connections.

Sec. 24-33. Temporary water and sewer service.

Sec. 24-34. Public fire hydrants.

Sec. 24-35. Meters and meter settings.

Sec. 24-36. Sewer cleanouts and connections.

Sec. 24-37. Maintenance and repair of public water and sewer facilities.

Secs. 24-38 —24-40. Reserved.

DIVISION 3. PRIVATE WATER AND SEWER SERVICE.

Sec. 24-41. Service lines.

Sec. 24-42. Private fire hydrants.

Secs. 24-43. Maintenance of private water and sewer facilities.

Secs. 24-44 —24.50. Reserved.

DIVISION 1. IN GENERAL

Sec. 24-21. Use of water system.

Water from the City system may be used for residential, business, industrial, agricultural, and public purposes; except as provided in this Chapter. All uses shall be metered.

Sec. 24-22. Use of sewer system.

- (a) Wastewater, originating within buildings of all types, including the interior levels of parking garages, shall be discharged into the City's sewer system. Stormwater, surface water, groundwater, sump pumps, exterior subsurface drains, and wastewater that did not originate within buildings of any type shall not be discharged into sewers that are provided for carrying wastewater from buildings.
- (b) Use of the City's sewer system are subject to provisions of Section 24-7, Prohibited discharges.

Sec. 24-23. Wells and private wastewater disposal systems.

- (a) This section applies to all properties located in the City, including those located in the WSSD.
- (b) No new septic system or cesspool shall be constructed in the City nor shall existing septic systems or cesspools be replaced or expanded.

- (c) No well shall be constructed in the City, except for irrigation for non-residential properties.
- (d) Whenever a water service line is provided for a property previously served by a well, the well shall be abandoned and closed in accordance with Montgomery County Well and Septic Well Abandonment Procedures.
- (e) Whenever a sewer service line is provided for a property, all plumbing fixtures on the property shall be connected to the public sewer system, and all septic systems, or other private means of wastewater disposal on the property, shall be abandoned in accordance with Montgomery County Guidelines for Septic System Abandonment.
- (f) Temporary sanitary toilet facilities for use at events and for use on construction projects are allowed.

Sec. 24-24. Water system cross-connection control and backflow prevention.

In accordance with federal and state laws and the City backflow Prevention Guidance document, all property owners are required to install backflow prevention to protect the public potable water distribution system from contamination in accordance with the following:

- (a) Residential properties that are metered by the City separately for each unit shall have a dual check backflow device installed in the meter crock in accordance with the International Residential Code and Chapter 5 of the City of Rockville Code for all new construction and rehabilitation when the City water meter is replaced or relocated.
- (b) Owners of commercial and residential properties not metered by the City separately for each unit are required to install, maintain, repair, replace, and test backflow prevention assemblies in accordance with the International Plumbing Code.
 - (1) Testing shall be performed annually and upon installation, relocation, or repair; by a master plumber, certified in backflow prevention as required by the Maryland Plumbing Code.
 - (2) Backflow Prevention Test reports shall be prepared and submitted to the Department within 30 days of testing. Test Reports must be kept by the property owner for a minimum of five years.

Sec. 24-25. Food service establishments.

- (a) This section applies to persons owning or operating FSEs, including those owned by the City or other government entities, connected to the City's sewer system where food is served or provided to the public, with or without charge, including, but not limited to restaurants, cafeterias, hotels, churches or school kitchens, hospital cafeterias, bakeries, bars, grocery stores, pizzerias, ice cream or frozen yogurt shops, or any other commercial operation that generates fat or grease-laden wastewater, including those owned by the City or other government entities. This section does not apply to establishments that do not prepare food on-site and use disposable paper and/or products for food service.
- (b) FSEs shall install a grease abatement system in accordance with permitting and procedures in City of Rockville Code, Chapter 5.
- (c) FSEs shall maintain grease abatement systems to ensure there is no discharge exceeding 100 mg/l FOG. FSEs shall clean grease abatement equipment and keep records of the cleanings for a minimum of two years, in the form of grease abatement logs, invoices, or manifests. Records shall be used to assess the adequacy of cleaning frequency and document that cleaning has been performed. The use of an additive will not substitute for the need for proper cleaning or maintenance of the grease abatement device and cannot be used as justification for altering the cleaning frequency.
- (d) In the event two or more FSEs share systems used to capture, store or treat FOG, all the participating establishments, including any management company hired or employed to maintain this system, shall have joint responsibility for the effectiveness and maintenance of the shared systems, including being subject to enforcement actions under this Chapter.
- (e) All FSEs are subject to compliance inspection by the Department. The purpose of the inspection is to:
 - (1) assess functionality of grease systems;
 - (2) ensure that all fixtures and/or appliances are connected to the sewer systems;
 - (3) evaluate the FSE's grease management practices;
 - (4) based on the inspection results, the FSE may be directed to perform remedial activities to bring the establishment into compliance.

Sec. 24-26. Oil sand separators.

In accordance with Chapter 5 of the City's code oil sand separators shall be installed in automotive facilities, car washes and parking garages before discharging into the sewer.

- (a) Oil sand separators shall be maintained in accordance with manufacturers recommendations.
- (b) Cleaning records shall be kept for three years.

Secs 24-27 – 24-30 - Reserved.**DIVISION 2. PUBLIC WATER AND SEWER SERVICE****Sec. 24-31. Connections to public water and sewer lines.**

- (a) All new buildings must connect to the public water and sewer systems.
- (b) Water and sewer service lines and connections:
 - (1) A permit is required from the City for all new and changes to service lines, yard pipes and/or meters.
 - (2) Each service line, from the City main to each building; the water meters; and yard piping; shall be sized to sufficiently serve the number and type of plumbing fixtures for the building(s) and/or fire hydrants it serves. The applicant shall submit to the Department plans and specification showing size, depth, and location of all lines and meters.
 - (3) The owner of the lot, ownership lot, or parcel of land, at their expense, must construct meters, service lines and yard piping.
 - (4) Any existing service line and/or yard piping that will not be used for redevelopment must be disconnected and abandoned at the expense of the owner.
 - (5) Upon application to the Department for a permit under Chapter 21, applicant's proposing to reuse City services lines, and/or water meters must demonstrate to the satisfaction of the Director, that the size, condition and material meet current standards.
 - (6) If a City service line and/or water meter is found to be inadequately sized to serve the building(s) and/or fire hydrants, the property owner must correct the deficiency as directed by the Director. If the property owner fails to comply with the directive, the City Manager may terminate service to the property.
- (c) If an existing building is discovered to not be connected to the City's water and/or sewer system, then a connection will be required:

- (1) If a non-commercial building is located within 300-feet of existing water/sewer system and the property owner is applying for a building permit for an addition or to tear down/rebuild an existing house.
 - (2) For commercial buildings, within three years of discovery.
 - (3) In the event that an existing septic system, cesspool or well fails, except for wells that are used for irrigation on non-residential properties, the property owner must connect to a public sewer or water system.
 - (4) For properties currently located outside the City and the WSSD, upon annexation into the City limits. If the terms of an annexation agreement conflict with this, then the terms of the annexation agreement shall govern.
 - (5) Nothing herein shall prohibit a property located in the WSSD from connecting to a City water or sewer system provided that the WSSC concurs with the connection.
- (c) Exceptions to the requirement to connect to the City water or sewer system may be granted by the Director when a public water or sewer system is not abutting the property and the building to be served is located more than 300-feet from a public water or sewer main.
- (e) All other exceptions are granted by the Mayor and Council.
- (f) A property owner requesting water and/or sewer service must extend water and/or sewer main(s) to the property if necessary to make connection(s).

Sec. 24-32. Conditions for service lines and connections.

- (a) For all permit applications for a new water service under Chapter 5 and/or Chapter 21, each record lot, parcel, or ownership lot, shall have one City water service line and City meter connecting to the City water main, except as otherwise provided in this section. For all permit applications for a new sewer service under Chapter 5 and/or Chapter 21, each record lot, parcel, or ownership lot shall have one City sewer service line connecting to the City sewer main, except as otherwise provided in this section. Water and sewer connections must comply with the following:
- (1) Piping shall not be laid through or under any other building or structure.
 - (2) Piping that crosses adjacent property must be in an approved private easement.
 - (3) Connections shall not be made to any piping belonging to or supplying any other lot, ownership lot, or parcel of land.

- (4) Multiple condominiums located on a lot, ownership lot, or parcel of land which are configured as single-family dwelling units shall be served by separate City water and sewer service lines from the City main to each condominium, as approved by the Director and the Chief of ISD.
- (5) Mixed-use structures that include residential units must have separate water and sewer service connections, including a water meter, to the residential portion of the structure.
- (b) If a lot currently has multiple water service lines to multiple buildings on the lot, then the property owner may retain the multiple service lines, unless the property is being entirely redeveloped.
- (c) The Director may allow more than one City water service and sewer line for one record lot, parcel, or ownership lot to be connected to the City water main and sewer main. The City water service line must include a meter and sewer service line must include a cleanout.
- (d) Multiple buildings on one record lot, parcel, or ownership lots shall comply with the following:
 - (1) Each building must be sub-metered separately. The sub-meter shall be owned and maintained by the property owner.
 - (2) For all new development and re-development, the private property owner must execute a declaration of covenants in a manner acceptable to the City. The document must:
 - a. Require the owner to install separate water and sewer City service lines connecting to the City water and sewer main in the event the owner seeks to create multiple lots, parcels or ownership lots.
 - b. Require each lot, parcel or ownership lot to be served by separate water and sewer City service lines connecting to the City water and sewer main.
 - c. Require each lot, parcel or ownership lot to be separately metered.
 - d. Be binding on all subsequent property owners of land served by the water or sewer systems.
 - e. Be recorded by and at the expense of the owner, in the land records of Montgomery County, prior to the issuance of a Building Permit unless otherwise the Director otherwise allows the recordation at another time.
- (e) If a lot or parcel is divided into ownership lots following initial building construction and separate City water and/or sewer service lines for each building do not already exist, then separate City service lines from the City water and sewer main serving each ownership lot are required. If a building is being constructed:

- (1) Separate connections must be approved prior to recording the ownership lots in the Montgomery County Land Records.
- (2) Separate water and sewer connections shall be approved prior to issuing building permits and constructed prior to occupancy of the building.
- (3) The Director may allow the buildings to remain on a single connection if separating the connections is not feasible or is practicable.

Sec. 24-33. Temporary water and sewer service.

- (a) A permit is required for temporary water and/or sewer service, in accordance with the provisions of Chapter 21.
- (b) Existing water and/or sewer service lines must be used for temporary water and/or sewer service during the construction of development. If using the existing water and/or sewer service lines is not feasible, water and/or sewer service may be furnished by installing a new service line, or for water service lines, temporarily connecting to a designated public fire hydrant using a City hydrant meter.
- (c) All temporary water service connections must include a City-approved backflow preventer.

Section 24-34. Public fire hydrants.

No person, other than an authorized employee of the City, or a member of a fire Department acting under orders of his proper superior in the performance of his duties, may operate a public fire hydrant unless in possession of a permit from the Director.

Section 24-35. Meters and meter settings.

- (a) When making a water connection a property owner shall obtain, at their expense, a permit in accordance with Chapter 21, prior to installing a City water meter, a City water service line, yard piping and/or associated appurtenances. The City water service line, water meter, vault and associated appurtenances, except backflow preventers, shall remain under the ownership of and will be maintained by the City.
- (b) For new development and re-development of existing projects; all water service lines, City service lines, and yard piping excluding fire suppression lines; shall be metered, unless the Director grants an exception.

- (c) Water meters must be properly sized to meet demand, shall not be oversized or undersized, and the size must be approved by the Chief of ISD. Outside meter settings will be used, except when the Director determines obstructions or other considerations require the meter be placed inside the building, in which case they shall be set as required. When the water meter is set inside the building, the property owner will be held responsible for the protection of the meter from injury due to freezing; and repair and replacements of meters so damaged shall be at the expense of the property owner.
- (d) Water meters, including location and settings, shall be installed in the public ROW, or in an easement dedicated to the City, as close to the ROW /private property boundary as practicable, as approved by the Director.
- (e) The top of the outside meter housing must be installed and maintained so that it is the same grade as the final grade of the ground surface.
- (f) For properties with an existing water meter installed on private property, the owner will be required to move the water meter to the ROW, or as close to the ROW as practicable, if a development change requires a permit under the provisions of Chapter 5 and/or Chapter 21 unless the Director grants an exception.
- (g) No connection shall be made to any City water service line between the Rockville water main and the meter, except such bypass as the City may allow or install. If such unlawful connection is found, the connection will be disconnected and abandoned at the City service line.

Section 24-36. Sewer Cleanouts and Connections

- (a) When making a sewer connection a property owner shall, at their expense, obtain a permit, prior to installing a City sewer cleanout, a sewer service line, yard piping, and/or associated appurtenances. The City sewer service line, sewer cleanout, and associated appurtenances shall remain under the ownership of and be maintained by the City.
- (b) Sewer cleanouts shall be installed in the public ROW as close to the ROW /private property boundary as practicable, as approved by the Director.
- (c) The top of the sewer cleanout must be installed and maintained so that it is the same grade as the final grade of the ground surface.
- (d) For properties with an existing sewer cleanout installed on private property, the owner will be required to install an additional sewer cleanout as close to the ROW as practicable,

if a renovation or tear down/rebuild requires a permit under the provisions of Chapter 5 and/or Chapter 21, unless the Director grants an exception.

Section 24-37. Maintenance and repair of public water and sewer facilities.

- (a) The City is responsible for repairing water leaks; relieving sewer stoppages; maintaining and repairing all water and sewer mains and City service lines in the public ROW or within a water and/or sewer easement dedicated to the City.
- (b) The City is responsible for maintaining, replacing, repairing and/or rehabilitating City water meters; crocks; meter vaults; meter appurtenances; and backflow devices on residences individually metered by the City.
- (c) In the event of a sewer stoppage, the property owner will report the stoppage to the City.
 - (1) The City will at once ascertain if the main line sewer and the City's portion of the service line are clear, and if not, the stoppage will be relieved as quickly as possible. If the main-line sewer and the City's portion of the service line are found to be clear, the complainant will be so informed and he shall then, at his own expense, employ a master plumber to relieve the stoppage and to clean out the lateral line. Maintenance of the sewer from the building to and including the junction with the City's sewer cleanout is entirely the owner's responsibility.
 - (2) If there is no cleanout on the service line and the plumber finds that the stoppage is located between the City's ROW/private property boundary and the building, the plumber shall relieve the stoppage. However, if the plumber finds the stoppage is in the connection between the main line and the City's ROW /private property boundary, he shall inform the City. The City shall then decide, at the City's expense, to excavate and install a cleanout at the City's ROW /private property boundary. The City shall relieve the stoppage and make repairs on the City's portion of the service line, as needed.

Secs. 24-38. – 24-40 - Reserved.

DIVISION 3. PRIVATE WATER AND SEWER FACILITIES

Section 24-41. Service lines.

- (a) Lots, parcels, or ownership lots with multiple buildings must have privately owned water and sewer yard piping such that each individual building shall be served by a separate water line and sewer line connecting to the yard piping. Permits for privately owned water lines and yard piping shall be issued only after the applicant has secured a water meter from the City.
- (b) Individual, single family dwelling units shall be served by separate water and sewer service lines from the City water and sewer main to each dwelling unit.
- (c) A single-family dwelling unit with an accessory structure on the same residential lot or parcel of land may be supplied by extending a service line from the single-family dwelling unit to the accessory structure.

Sec. 24-42. Private fire hydrants

- (a) All private fire hydrants must be color-coded and labeled/identified, as specified by the Chief of ISD. Color coding shall distinguish private fire hydrants from public fire hydrants and identify flow rate.
- (b) The property owner shall flush and test fire hydrants annually and maintain records in accordance with National Fire Protection Association (NFPA) 25 standards.
- (c) The owner shall submit the flushing and testing records within 60 days of the last test to the City Fire Marshal.
- (d) Water use from private fire hydrants is limited to fire suppression and fire hydrant flushing. The Chief of ISD may require locking devices to be installed on private fire hydrants.
- (e) The property owner shall pay any unmetered private fire hydrant fee which may be assessed by the Mayor and Council.

Section 24-43. Maintenance of private water and sewer facilities.

- (a) The private property owner is responsible for repairing water leaks; relieving sewer stoppages; maintaining and repairing all water and sewer pipes, appurtenances and private water meters, and all water and sewer facilities on private property, not located

within a water or sewer easement dedicated to the City. The Director, where he shall deem such action necessary, may do maintenance or repair work on private property. The cost of such work may be charged to the property owner. The cost of any work within the public ROW or easement, made necessary by the neglect or through the action of a property owner or tenant, may be charged to the property owner. The property owner shall pay such assessed charges.

- (b) Grease abatement systems shall be maintained in efficient operation by the owner/operator at their expense. The FOG inspector shall determine the cleaning frequencies during the annual inspection and are based on the size of the grease abatement system, the amount of grease generated, and the number of fixtures connected to the device. Increased cleaning frequencies may be required if the FSE is in an area that has frequent clogs.

Secs. 24-44—24-50 - Reserved.

ARTICLE IV. RATES AND CHARGES

- Sec. 24-51. Water consumption charge.
- Sec. 24-52. Sewer usage charge.
- Sec. 24-53. Capital contribution charges.
- Sec. 24-54. Adjustments to bills and testing of meters.
- Sec. 24-55. Billing and collection procedures.
- Sec. 24-56. Ownership/rental changes.
- Sec. 24-57. Delinquent accounts.
- Secs. 24-58—24-60. Reserved.

Sec. 24-51. - Water consumption charge.

- (a) In order to determine the consumption of water obtained from the mains of the City, the City Manager shall cause the meters installed as herein provided to be read monthly or quarterly and at such other times as the City Manager shall determine in order to bill timely in accordance with State Law. Within the corporate limits of the City, a charge as

set forth in the following charts for fiscal years 2019 through 2021, per one thousand (1,000) gallons of water supplied, as determined from the readings of the meter, shall be made against the owner or owners of each premises supplied with water, and the charges shall be due and collectible monthly or quarterly.

Water usage rates for Fiscal Years 2019 through 2021

Water Usage Charges Rate per 1,000 gallons Level (usage amount based on monthly or quarterly Tier charts below)	FY 2019	FY 2020	FY 2021
Tier 1	\$5.34	\$5.61	\$5.89
Tier 2	\$8.22	\$8.63	\$9.06
Tier 3	\$12.75	\$13.39	\$14.06
Tier 4	\$17.21	\$18.07	\$18.97

Monthly Usage Tier Chart

Water Usage Monthly Use Meter size	Tier 1 (monthly use)	Tier 2 (monthly use)	Tier 3 (monthly use)	Tier 4 (monthly use)
5/8"	0-5,000	5,001-10,000	10,001-15,000	15,001+
3/4"	0-7,500	7,501-15,000	15,001-22,500	22,501+
1"	0-12,500	12,501-25,000	25,001-37,500	37,501+
1 1/2"	0-25,000	25,001-50,000	50,001-75,000	75,001+
2"	0-40,000	40,001-80,000	80,001-120,000	120,001+
3"	0-80,000	80,001-160,000	160,001-240,000	240,001+
4"	0-125,000	125,001-250,000	250,001-375,000	375,001+
6"	0-250,000	250,001-500,000	500,001-750,000	750,001+
8"	0-400,000	400,001-800,000	800,001-1,200,000	1,200,001+
10"	0-575,000	575,001-1,150,000	1,150,001-1,725,000	1,725,001+

Quarterly Usage Tier Chart

Water Usage Quarterly Use Meter size	Tier 1 (quarterly use)	Tier 2 (quarterly use)	Tier 3 (quarterly use)	Tier 4 (quarterly use)
5/8"	0-15,000	15,001-30,000	30,001-45,000	45,001+
3/4"	0-22,500	22,501-45,000	45,001-67,500	67,501+
1"	0-37,500	37,501-75,000	75,001-112,500	112,501+
1 1/2"	0-75,000	75,001-150,000	150,001-225,000	225,001+
2"	0-120,000	120,001-240,000	240,001-360,000	360,001+
3"	0-240,000	240,001-480,000	480,001-720,000	720,001+
4"	0-375,000	375,001-750,000	750,001-1,125,000	1,125,001+
6"	0-750,000	750,001-1,500,000	1,500,001-2,250,000	2,250,001+
8"	0-1,200,000	1,200,001-2,400,000	2,400,001-3,600,000	3,600,001+
10"	0-1,725,000	1,725,001-3,450,000	3,450,001-5,175,000	5,175,001+

(b) The established charges shall go into effect on July 1, of the fiscal year for which they have been established. New charges will apply to the entire billing cycle and are not prorated.

(c) There shall be due from each user of the water system, a monthly Ready to Serve charge. The Ready to Serve charge may be collected monthly or quarterly. The amount of the charge shall be based on water meter size and is hereby established for fiscal years 2019 through 2021 as set forth in the following charts:

Monthly Ready to Serve Charges for Fiscal Years 2019 through 2021

Monthly Water Ready To Serve Charge Meter Size	FY 2019	FY 2020	FY 2021
5/8"	\$4.10	\$4.38	\$4.67
3/4"	\$6.15	\$6.57	\$7.01
1"	\$10.25	\$10.94	\$11.68
1 1/2"	\$20.50	\$21.89	\$23.37
2"	\$32.80	\$35.02	\$37.39
3"	\$65.60	\$70.04	\$74.77
4"	\$102.50	\$109.44	\$116.83
6"	\$205.00	\$218.89	\$233.67
8"	\$328.00	\$350.22	\$373.87
10"	\$471.50	\$503.44	\$537.43

Quarterly Ready to Serve Charges for Fiscal Years 2019 through 2021

Quarterly Water Ready To Serve Charge Meter Size	FY 2019	FY 2020	FY 2021
5/8"	\$12.30	\$13.13	\$14.02
3/4"	\$18.45	\$19.70	\$21.03
1"	\$30.75	\$32.83	\$35.05
1 1/2"	\$61.50	\$65.67	\$70.10
2"	\$98.40	\$105.07	\$112.16
3"	\$196.80	\$210.13	\$224.32
4"	\$307.50	\$328.33	\$350.50
6"	\$615.00	\$656.67	\$701.00
8"	\$984.00	\$1,050.67	\$1,121.60
10"	\$1,414.50	\$1,510.33	\$1,612.30

- (d) Notwithstanding the foregoing, there shall be no charge for water provided for fire suppression. There shall be no charge for water provided to test or flush the system annually.

Sec. 24-52. - Sewer usage charge.

- (a) There shall be due to the City from each user of its sewerage system and/or disposal plant for each property served by its system, the sum as set forth in the following charts for fiscal years 2019 through 2021, for each one thousand (1,000) gallons of water used by such property during the preceding three (3) months or at such other times as the City Manager shall determine in order to bill timely in accordance with State Law.

	FY 2019	FY 2020	FY 2021
Sewer Usage Charge All Meter Sizes, All Use Rate per 1,000 Gallons	\$9.86	\$10.50	\$11.18

- (b) No person using water obtained otherwise than from the water system of the City shall empty such water into the sewerage system of the City unless the water shall be measured through a meter owned or installed and owned by the City at the expense of such user, and quarterly thereafter shall be due to the City from each such user of its sewer system and/or disposal plant for each property so served by its system the sum as set forth in the following charts for fiscal years 2019 through 2021 for each one thousand (1,000) gallons of water used on such property during the preceding three (3) months or at such other times as the City Manager shall determine in order to bill timely in accordance with State Law.

	FY 2019	FY 2020	FY 2021
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Sewer Usage Charge All Meter Sizes, All Use Rate per 1,000 Gallons	\$9.86	\$10.50	\$11.18
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- (c) Any person procuring water from the water system of the City, a substantial part of which water is not thereafter diverted into the sewerage system of the City, shall have the privilege of having a meter installed in compliance with permits issued by the City's Inspection Services Division and/or Department of Public Works at the expense of such water user, whereby that portion of the water purchased by him from the City and not thereafter diverted into its sewer system, may be measured, and in computing the amount due the City from such user, as a sewer usage charge, the amount of water so measured and not diverted into the sewerage system of the City shall be deducted from the total amount of water delivered to the user from the water system of the City. This additional meter shall only be read by the City if said meter is compatible with the technology used by the City for meter reading. This meter shall be privately installed, owned and maintained, and is not the responsibility of the City once installed.
- (d) There shall be due from each user of the sewer system, a monthly Ready to Serve charge. The Ready to Serve charge may be collected monthly or quarterly. The amount of the charge shall be based on water meter size and is hereby established for fiscal years 2019 through 2021 as set forth in the following charts:

Monthly Ready to Serve Charges for Fiscal Years 2019 through 2021

Monthly Sewer Ready To Serve Charge Meter Size	FY 2019	FY 2020	FY 2021
5/8"	\$4.63	\$5.08	\$5.58
3/4"	\$6.95	\$7.62	\$8.37
1"	\$11.58	\$12.71	\$13.94
1 1/2"	\$23.16	\$25.41	\$27.89
2"	\$37.05	\$40.66	\$44.62
3"	\$74.10	\$81.32	\$89.24
4"	\$115.78	\$127.06	\$139.44
6"	\$231.56	\$254.11	\$278.89
8"	\$370.49	\$406.58	\$446.22
10"	\$532.58	\$584.46	\$641.44

Quarterly Ready to Serve Charges for Fiscal Years 2019 through 2021

Quarterly Sewer Ready To Serve Charge Meter Size	FY 2019	FY 2020	FY 2021
5/8"	\$13.89	\$15.25	\$16.73
3/4"	\$20.84	\$22.87	\$25.10
1"	\$34.73	\$38.12	\$41.83
1 1/2"	\$69.47	\$76.23	\$83.67
2"	\$111.15	\$121.97	\$133.87
3"	\$222.29	\$243.95	\$267.73
4"	\$347.33	\$381.17	\$418.33
6"	\$694.67	\$762.33	\$836.67
8"	\$1,111.47	\$1,219.73	\$1,338.67
10"	\$1,597.73	\$1,753.37	\$1,924.33

Sec. 24-53. - Capital contribution charges.

(a) Any applicant for a new connection to the City water system or a plumbing permit to add fixtures to a building shall be subject to water and sanitary sewer capital contribution charges. Such charges shall be in the amount established by resolution; provided, however, that a water and sewer credit shall be given for the existing connection. The amount of the credit shall be the capital contribution charge in effect at the time of the application for the existing connection being upgrade. Water credit shall only be credited to water capital contribution charges, and sewer credit shall only be credited to sewer capital contribution charges. The charges shall be paid prior to the issuance of the plumbing permit.

(b) Credit shall also be given when an applicant constructs off-site water or sanitary sewer system improvements that benefit the City water or sanitary sewer system. The amount of the credit shall be based on the cost of the off-site capital improvements that the applicant constructs. The Department shall approve the amount of credit. Credit may only be applied for the capital contribution charge for the development project for which the off-site improvement is constructed per the Adequate Public Facilities Ordinance required mitigation. Water credit shall only be credited to water capital contribution charges, and sewer credit shall only be credited to sewer capital contribution charges.

Sec. 24-54. - Adjustments to bills and testing of meters.

- (a) Where a meter fails to function correctly or bears evidence of having been tampered with, charges shall be made on the basis of an average consumption of water, unless the supply shall have been suspended. The average consumption of water shall be calculated over the preceding one-year period. Where a consumer or user desires to have his meter tested and the meter is a one-inch meter or less, the City Manager shall have the meter removed and appropriate tests made and should the meter prove to be functioning correctly, a charge of fifty dollars (\$50.00) shall be paid by such consumer or user. Where the meter is greater than one (1) inch, the customer will pay the direct fee that the City is billed for the outside testing. There shall be no charge to test the meter if the meter is determined not to be functioning correctly and needs to be replaced. The City Manager may grant a one-time waiver of this charge in the sole discretion of the City Manager, but not more frequently than once every five (5) years.
- (b) When a consumer or user desires to have the water meter manually re-read to determine if the original reading was correct, there shall be a charge of fifty dollars (\$50.00) if the original reading of the meter is determined to be accurate. There shall be no charge if the original reading of the water meter is determined to have been incorrect.
- (c) The City Manager shall have the authority to adjust water and sewer utility bills under the following circumstances:

(1) When an underground leak occurs between a water meter and a building and the customer could not have reasonably detected the leak, or when a water line bursts inside a building. In such instances, the City Manager may not adjust any bill below the average amount of the combined water and sewer usage for the preceding one-year period. A lesser amount of time may be used in the discretion of the City Manager if the account in question has not been in existence for one (1) year. Satisfactory evidence that an underground leak or burst water pipes have occurred and have been repaired shall be required. The customer shall cause such leaks to be repaired within ten (10) days of discovery. The bill adjustment described in this subsection is limited to once every five (5) years and the adjustment will only be applied to a customer's account once satisfactory evidence that the repair has been made has been provided to the City.

(2) When an amount of water consumed for any one (1) billing period exceeds four (4) times the average amount of water consumed for the preceding four (4) billing periods, the City Manager may not adjust any bill by an amount which exceeds two-thirds (2/3) of the amount billed for combined water and sewer usage. The bill adjustment described in this subsection is limited to once every five (5) years. Evidence that a plumbing repair has occurred shall be required, and the adjustment will only be applied to a customer's account once evidence that the repair has been made has been provided to the City.

(3) If a customer notifies the City in writing that the customer is filling a swimming pool, the City may provide a credit for sewer usage for the time period in which the pool is filled if the customer qualifies for the credit. In order to qualify for the credit, the customer must schedule with the City and the City must take both a meter reading prior to filling the swimming pool, and a meter reading after filling the pool. The customer will receive the credit against the sewer portion of the bill for the usage registered between the beginning and ending reading.

Sec. 24-55. - Billing and collection procedures.

(a) Customers are responsible for providing the City with their correct information including telephone number, mailing address and, where applicable, email address. Failure to receive bills will not be considered a reason for nonpayment, nor permit an extension of the date at which time the account will be considered delinquent.

(b) Following the reading of the meters as provided in section 24-51, the City Manager shall render a statement covering the charges provided for in sections 24-51 and 24-52. Upon failure to pay such charges within thirty (30) days from the rendition of a bill, a penalty of ten (10) percent of the amount of the statement shall be added thereto. The City Manager may grant a one-time waiver of the penalty once every five (5) years should no previous penalties have been incurred. Where such charges remain unpaid for a period of thirty (30) days from the date of the imposition of the penalty, service shall be suspended to the premises involved. A fifty dollar (\$50.00) disconnect charge shall be assessed against the account. Water service shall not again be restored until all charges and penalties are paid in full, and an additional penalty of fifty dollars (\$50.00) for restoring the flow of water to the premises involved shall be added to the charges and penalties. The City Manager may grant a one-time waiver of the disconnect and reconnect charges once every five (5) years should no previous disconnect/reconnect charges have been incurred. If requested and approved, the disconnect/reconnect charge may be placed on a customer's future bill to get service reconnected. If reconnection of water service is performed after normal business hours at the request of the customer, an additional eighty dollars (\$80.00) shall be charged for after-hours service.

(c) The City Manager is authorized to approve a payment plan on unpaid bills. Only one (1) payment plan can be active per customer account. During the period of a payment plan, all regular bills and all regular charges apply to amounts not covered in the payment plan. A customer defaulting on a payment plan will have water service disconnected until all delinquent amounts are paid in full.

(d) If a meter should fail to register for any reason or if the City after reasonable effort, is unable to obtain a meter reading, an estimated bill will be rendered. Such bill shall be for a reasonable estimated consumption as determined by the customer's prior usage history based on the

average consumption of water calculated over the preceding one-year period, or in the case of a new customer as determined by normal usage for similar customers.

(e) The City reserves the right to correct any bills issued in error.

(f) Payment of water bills may be made by check. In the event a customer submits two (2) checks within a three-year period that are returned by the customer's bank for insufficient funds, then payment must be made by cash or money order for the next one-year period.

(g) Where electronic payments are rejected by the financial institution on which they are drawn, then payment must be made by cash or money order for the next one-year period.

(h) In all instances where a payment method is rejected, a customer's account becomes immediately delinquent and subject to disconnection of service in accordance with the provisions of State Law.

Sec. 24-56. - Ownership/rental changes.

(a) Where a property is sold, the water and sewer charges due on the property after settlement will be placed on the first bill for payment by the new property owner and be subject to and deemed a current charge for the new owner.

(b) (1) Where the property is rented and the account is in the name of the renter, any delinquency owed by the renter that remains unpaid after thirty (30) days from the billing shall be billed to the property owner and service to the property shall be disconnected if the account remains unpaid after sixty (60) days from the billing.

(2) Payment for final bills is due upon issuance of the bill. While a final bill remains unpaid on a property, a new account shall not be established for a new tenant at that property address.

Sec. 24-57. - Delinquent accounts.

(a) Where an account is delinquent for more than sixty (60) days, the City will forward the delinquent amount and the property address of the property being served to the County for placement of the unpaid charges on the property tax bill of the property being served. All charges including penalties, interest and disconnection/reconnection charges shall be included.

(b) The delinquent charges will appear on the property tax bill and shall be collected in the same manner as property taxes.

(c) Service shall only be restored to the property once the City has received payment in full.

Secs. 24-58—24-60. - Reserved.

ARTICLE V. COMPLIANCE MONITORING AND ENFORCEMENT

Sec. 24-61. City's right of entry on private property.

Sec. 24-62. Compliance monitoring.

Sec. 24-63. Violations and enforcement.

Sec. 24-64. Appeals of enforcement actions.

Secs. 24-65—24-70. Reserved.

Sec. 24-61. City's right of entry on private property.

- (a) Any employee or agent of the City, after proper identification is presented, shall have the right of entry, upon any private premises and into any building within the corporate limits of the City, or for properties that receive water or sewer service from Rockville that are beyond the corporate limits of the City, while in the pursuit of his/her official duties, in order to ensure the proper operation, integrity of the water and/or sewer system and/or protect public health, safety and welfare of the system.
- (b) If a person withholds or withdraws consent to enter or remain on private property, the City may obtain an administrative warrant, as may be applicable, from a court with jurisdiction to authorize such entry.
- (c) Any temporary or permanent obstruction that in whole or in part prevents safe access to an establishment to be inspected or sampled shall be promptly removed by, and at the expense of, the owner upon the written or verbal request of the City and shall not be replaced.

Sec. 24-62. Compliance monitoring.

- (a) The Director shall have the authority to install or place on any property with a water or sewer connection such devices as are necessary to conduct monitoring and sampling to ensure the proper operation, integrity of the water and/or sewer system and/or protect public health, safety and welfare of the system.

- (b) The Director may order an owner, at the owner's expense, to install and operate monitoring and/or sampling equipment to ensure the proper operation, integrity of the water and/or sewer system and/or protect public health, safety, and welfare of the system. Any such monitoring and sampling equipment must be maintained in a safe and proper operating condition at all times. All monitoring equipment must be properly calibrated to ensure accuracy. Maintenance and calibration records shall be kept on-site and available for review by city staff.

Sec. 24-63. Violations and enforcement.

(a) Violations

(1) The following are violations of this Chapter:

- a. Failure of any person that violates any provision of this Chapter to correct and abate such condition after notice by the City.
- b. Creation of an imminent and substantial endangerment to human health, public safety, or the environment.
- c. Failure to comply with any directive of the City.
- d. Failure to properly maintain a grease abatement system.
- e. Failure to present records of maintenance for a grease abatement system.
- f. Interference with, removal, tampering with, or unauthorized use of public or private fire hydrants.
- g. Failure to conduct required annual testing of private fire hydrants.
- h. Interference, removal, or tampering with pipes; fittings; pumps; valves; meters; or other appurtenances of the City's water or sewer system, except by permit or under such rules and regulations as the City may adopt.
- i. Interference with, removal, tampering with, or failure to properly install a flow control device regulating FOG discharges.
- j. Interference with, removal, or failure to properly install and maintain a backflow prevention assembly.
- k. Failure to conduct required annual testing of backflow prevention assemblies.
- l. Failure to pay any cost, fee, fine, or penalty imposed by this Chapter or any order or directive issued hereunder.
- m. Making a false statement or report to the City, or tampering with or otherwise rendering a monitoring device inaccurate. Such violations shall be deemed to

have committed a separate violation of this Chapter for each false report or sample result.

- n. Failure to comply with any requirement contained or incorporated in an administrative or judicial enforcement action in this Chapter within the specified period.
- o. Failure to comply with any provision of this Chapter.

(2) Each day that a violation continues constitutes a separate violation.

(3) Unless otherwise provided, a violation of this Chapter constitutes a municipal infraction for which a citation may be issued under section 1-9 of the Rockville City Code.

(b) Enforcement

(1) When a violation of this Chapter is identified, the Director may, in his/her sole discretion, take any or all of the following enforcement actions against the person(s) causing or significantly contributing to the violation:

- a. Administrative directives and fines.
 - i. Issue an abatement order to the person responsible for a violation to abate and eliminate the violation at the responsible person's own expense.
 - ii. Issue a Compliance Directive establishing a specific schedule for achieving compliance, such as monitoring and sampling requirements, cleaning frequencies, management practices, pollution prevention practices, treatment approaches, service line and/or yard piping flushing, repairing of any damages to Rockville infrastructure, additional monitoring requirements, and other corrective actions established in the directive as the Director deems necessary. Any records, including sampling results, measurements, photos, videos, and other documentation required to be generated by the compliance order will be retained and made available upon request by the Director for a period of no less than three (3) years.
 - iii. Issue a directive imposing an administrative fine of \$250 per violation for non-discharge related violations; \$1,000 per violation per day for discharge related violations.

- iv. The issuance of any administrative directive or fine under this section does not relieve liability for any previous or continuing violations, and issuance of the order will not bar the Director from pursuing additional action against a person in violation of this Chapter.
- b. Additional administrative remedies.
 - i. The Director may discontinue water and sewer service until compliance, including all costs owed to the City relating to compliance with this Chapter, are paid.
 - ii. The Director may suspend Public Works Permits and other permits related to the activity resulting in the violation or to the site on which the violation is occurring.
- c. Judicial enforcement.
 - i. Institute any appropriate administrative action or proceeding to prevent, restrain, correct or abate any violation of this Chapter or any administrative directives issued hereunder.
- d. Costs.
 - i. The Director may require any person found to have violated this Chapter to reimburse for all costs associated with the inspection, sampling, analyses, abatement, and enforcement action resulting from the violation(s).
 - ii. The Director may reduce all fines, penalties, and costs related to compliance with this Chapter to a judgment, filed as a lien on the property of the person responsible for the violation, and added to the tax rolls for collection in the same manner as City taxes.
 - iii. Any person found to have discharged pollutants or contaminated the City's water and/or sewer system in violation of this Chapter shall indemnify the City for any fines or penalties assessed against the City as a result of prohibited discharges.
 - iv. The penalties, fines, and costs recovered by the City will be deposited into the City enterprise fund that closely corresponds to the type of violation(s) that initiated the penalties and cost recovery action.

- (2) The remedies listed in this Chapter are not sequential or exclusive. The Director may take any, all, or any combination of these actions. Further, the Director may pursue any other remedies available under any applicable federal, state, or local law.
- (3) All decisions, findings, orders, or directives issued by the Director pursuant to this section, except for a final decision of the Director on an appeal, must contain a notice of the right to appeal set forth in section 24-64.

Sec. 24-64. Appeals of enforcement actions.

- (a) Any person aggrieved by an enforcement action under this chapter from the Department may file an appeal therefrom in accordance with the following procedure.
 - (1) Any person wishing to appeal must, within five (5) business days of receiving written notice of any decision, finding, or directive, submit by certified mail to the Director a written request for reconsideration.
 - (2) If reconsideration is denied, the aggrieved person may within ten (10) business days thereof, submit by certified mail a written appeal of the Director's decision, finding, order, or directive to the City Manager. The City Manager may designate another individual to hear the appeal, provided that such designee had no significant involvement in the decision, finding, order, or directive from which the appeal is being taken.
 - (3) The decision of the City Manager or the City Manager's designee is a final decision from which an aggrieved party may appeal to the Circuit Court for the County in accordance with the Maryland Rules as set forth in Title 7, Chapter 200.
- (b) The City Manager may establish procedures for administering this appeal process.
- (c) The appeal process provided by this section is the exclusive and sole method of review of any such decision, finding, order, or directive issued pursuant to this Chapter. The failure of an aggrieved person to file an appeal in accordance with the provisions of this section will be deemed a waiver of these appeal rights and of the right to challenge the decision, finding, order, or directive in any other forum or in any other manner.
- (d) While any request for reconsideration or appeal filed under this section is pending, no person charged with being in violation of this Chapter may continue to engage in the conduct alleged to violate this Chapter.

Secs. 24-65 – 24-70. Reserved.

* * * * *

NOTE: ~~Strikethrough~~ indicate material deleted after introduction
Underlining indicates material added after introduction

I hereby certify that the foregoing is a true and correct copy of an ordinance adopted by the Mayor and Council at its meeting of July 8th, 2019

Sara Taylor Ferrell, City Clerk/Director
Of Council Operations