

Town of Emmitsburg

300 A South Seton Avenue • Emmitsburg, MD 21727

Office: 301-600-6300 • Fax: 301-600-6313

www.emmitsburgmd.gov

TOWN MEETING AGENDA

TOWN OFFICE – 300A SOUTH SETON AVENUE

MONDAY, APRIL 3, 2023 AT 7:00 PM

1. CALL TO ORDER
2. PLEDGE OF ALLEGIANCE
3. FUTURE MEETINGS

Citizens Advisory Committee: Tuesday April 18, 2023 at 7:30 pm (Town Office & Zoom)

Planning Commission Meeting: Monday April 24, 2023 at 7:00 pm (Town Office & Zoom)

Town Board Meeting: Monday May 1, 2023 at 7:00 pm (Town Office & Zoom)

FY24 Budget Meeting: Monday May 15, 2023 at 7:00 pm (Town Office & Zoom)

MEETING ITEMS

- A. APPROVE MINUTES: March 13, 2023
- B. POLICE REPORT
- C. TOWN MANAGER'S REPORT
- D. TOWN PLANNER'S REPORT
- E. COMMISSIONER COMMENTS
- F. MAYOR'S COMMENTS
- G. PUBLIC COMMENTS
- H. ADMINISTRATIVE BUSINESS
 1. For consideration, Proclamation declaring April 2023 Child Abuse Prevention Month.
 2. For consideration, Proclamation declaring April 22, 2023 Earth Day in the Town of Emmitsburg.
- I. CONSENT AGENDA
 1. Accept Glenn Blanchard's resignation from the Planning Commission.
- J. TREASURER'S REPORT
- K. PLANNING COMMISSION REPORT
- L. AGENDA ITEMS (DETAILS ATTACHED)
 1. Hold a public hearing then consideration of ordinance 2023-05 which would increase water and sewer rates over a five – year period.
 2. Hold a public hearing then consideration of ordinance 2023-04 which would add allowable projection of fences over a 4 – feet high on corner lots for consideration.
 3. For consideration, approval of Frederick County Sheriff's Office contract FY24.

~~4. FY2022 budget transfers to the capital projects fund for consideration.~~
POSTPONED UNTIL THE MAY 1ST TOWN MEETING.

5. For consideration, ordinance 2023-06 which would allow a business owner within the Town limits to be a member of the Citizens Advisory Committee.

M. SET AGENDA FOR NEXT MEETING: MAY 1, 2023.

4. SIGN APPROVED TEXT AMENDMENTS AND/OR RESOLUTIONS

5. ADJOURN

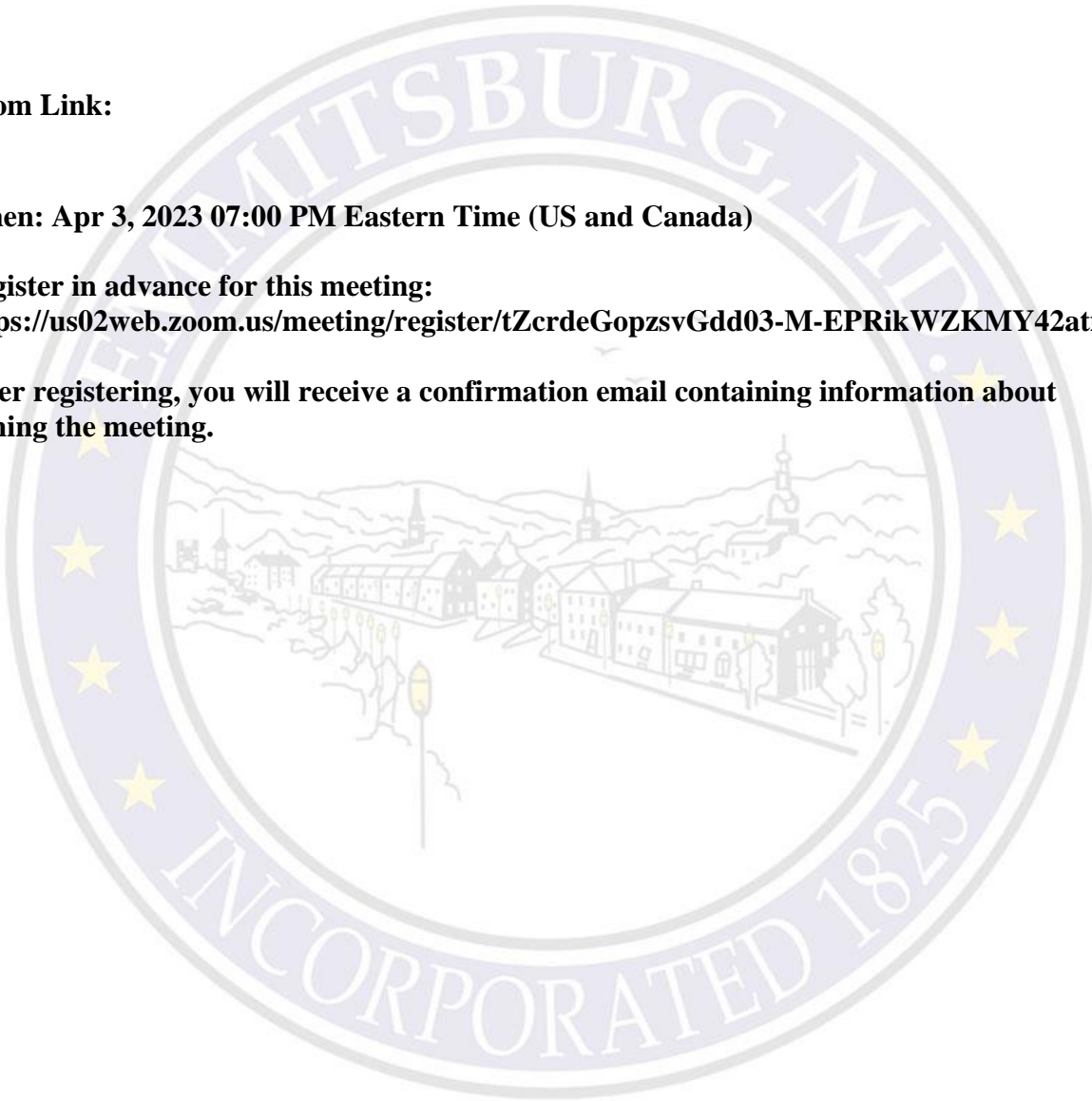
Zoom Link:

When: Apr 3, 2023 07:00 PM Eastern Time (US and Canada)

Register in advance for this meeting:

<https://us02web.zoom.us/meeting/register/tZcrdeGopzsvGdd03-M-EPRikWZKMY42atmg>

After registering, you will receive a confirmation email containing information about joining the meeting.



A. APPROVE MINUTES

**MINUTES
TOWN MEETING
MARCH 13, 2023
TOWN OFFICE – 300A SOUTH SETON AVENUE**

Present: *Elected Officials* - Mayor Donald Briggs; Commissioners: Timothy O'Donnell, President; Joseph Ritz III, Vice President; Clifford Sweeney, Treasurer, Frank Davis; and Amy Boehman-Pollitt. *Staff Present* – Cathy Willets, Town Manager; Cole Tabler, Accounting Supervisor; Najila Ahsan, Town Planner; Sabrina King, Town Clerk; Jessica Housman, Recorder. *Others Present* – Deputy Barthalow, Deputy Honaker.

I. Call to Order

A quorum being present, Commissioner Timothy O'Donnell, President of the Board of Commissioners, called the March 13, 2023 Town meeting to order at 7:00 p.m. Pledge of Allegiance was recited. Upcoming meetings were announced.

Approval of Minutes

Commissioner Ritz motioned to accept the February 6, 2023 town meeting minutes as presented; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was accepted.

Police Report:

Deputy Barthalow presented the police report from February 2023 (exhibit attached).

Town Managers Report:

Ms. Willets, Town Manager presented the January 2023 Town manager's report. (Exhibit in agenda packet). Ms. Willets announced the Town will be sponsoring Earth Day this year behind the Town office from 12PM to 2PM, and there will be activities for children along with food and ice cream. Ms. Willets went onto highlight key points in her report and noted that Rainbow Lake was at the spillway level of 16.6 feet. She then explained the Town produced an average of 235,893GPD and consumed an average of 251,214GPD with the amount of Backwash Water in the month of January which was, (14.58%). Ms. Willets noted that there were no spills of untreated sewage in the month of January. She also highlighted that Staff completed December 2022 water report along with the semi-annual water withdrawal report and backwash pond.

Town Planners Report:

Ms. Ahsan, Town Planner presented the February 2023 Town planners report (exhibit in the agenda packet). Ms. Ahsan highlighted key points in her report and noted that the Silo Hill SWM has submitted the progress report to Chesapeake Bay Trust. She announced the next Planning Commission meeting will on March 27, 2023 at 7:00 PM. Ms. Ahsan informed the board that there are updated forms with correct contact information and will be uploaded to the Town website.

Commissioner Comments:

- Commissioner Davis: He announced baseball season will begin first week of April. He gave a shout out to the boy's track team at Catoctin High School for winning the State Championship. He also mentioned Mount Saint Mary's have begun their Spring sports and congratulated the men's and women's basketball team for a great finish.
- Commissioner Sweeney: He mentioned Little League will be coming back into Town and the concession stands will be open starting in April.
- Commissioner Ritz III: He attended the second Sustainable Community Work Group meeting on March 2nd at 11:30 AM. He noted that the group thoroughly went through all the applications and made fair recommendation on how the total grant money of \$50,000.00 should be rewarded. He mentioned that the Board should consider approving members of this committee after they approve the resolution for the grant.
- Commissioner Amy Boehman-Pollitt: She announced Earth Day festivities on April 22nd and how it coincides with Community Advisory's Clean-Up Day from 9AM to 12PM and will end in the back parking lot behind the Town office. She noted that Kadeem Brim has been doing a wonderful job looking for more farmer's for the Farmer's Market. She also mentioned the Community Garden is coming along well and hearing great feed-back from the Town. She also noted that she seconds Commissioner Ritz on voting on the Legacy Grant funds next year.
- Commissioner O'Donnell: He announced North County Regional Park is set to be developed on the university land across from the St. Anthony Road. He said there will be public input and suggested for those to come and speak. He also mentioned the County budgeted a study, intending to create a pedestrian link between the Town of Emmitsburg and the University and hopefully to the Regional Park. He noted if the funds are available, it can move forward to Thurmont. He feels that it would be great to connect to the County project to push towards connection to Frederick and the Canal.

Mayor's Comments:

Mayor Briggs thanked Commissioner O'Donnell for serving on the County Committee and his due diligence. He also thanked Commissioner O'Donnell for running the clinic for coaches and biking at the Mother Seton School. Mayor Briggs announced Transit will be adding new bus routes and times for Emmitsburg. He also toured the three projects at the Daughter's of Charity St. Joseph House, the pre-seminarians wing will open next August along with the museum and gift shop and in another year the public services school will open. He also announced that the Sister City Lutsk has been bombed and asked to keep them in your prayers.

Public Comments:

None.

Administrative Business:

None.

Consent Agenda:

Commissioner Davis motioned to approve to re-appoint Scott Frager to the Board of Appeals with a term of 02/17/2023 to 02/17/2026; second by Commissioner Ritz III. Yeas – 5; Nays – 0. The motion was adopted.

Commissioner Sweeney motioned to approve to re-appoint Carolyn Miller to the Parks and Recreation Committee with a term of 03/13/2023 to 03/13/2025; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Commissioner Ritz III motioned to approve to re-appoint Martin Miller to the Parks and Recreation Committee with a term of 03/13/2023 to 03/13/2025; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Commissioner Sweeney motioned to approve to accept Mark Walkers resignation from the Citizens Advisory Committee; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Commissioner Davis motioned to approve to appoint Valerie Turnquist to the Planning Commission with a term of 03/13/2023 to 03/01/2026; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

Treasurer's Report:

Commissioner Sweeney, Treasurer, presented the Treasurer's Report for February 2023 (exhibit in agenda packet). The top 10 check amounts are listed in the agenda packet.

Planning Commission Report:

None.

II. Agenda Items

~~Agenda #1 Approval of ordinance 23-04, update to Chapter 17.40.060 to add allowable projection of fences over 4 feet high on Corner Lots, for consideration.~~ POST PONED UNTIL APRIL 3, 2023.

Ms. Willets asked the board to switch agenda items #2 and #3.

Agenda item #3 For consideration, approval of the amendment to Loan and Financing agreement for the extension of credit made to the Vigilant Hose Company of Emmitsburg as the successor by merger to the Emmitsburg Volunteer Ambulance Company. Mr. Ward spoke on behalf of the Vigilant Hose Company and gave a brief background history of the past agreement with the Town of Emmitsburg beginning in 2006. He noted that the only change in the agreement is due to the new banking model and added that the Town attorney has read over the agreement and found it to be in good standing. *Motion:* Commissioner Ritz motioned to approve the amendment to Loan and Financing agreement for the extension of credit made to the Vigilant Hose Company of Emmitsburg as the successor by merger to the Emmitsburg Volunteer Ambulance Company; second by Commissioner Sweeney. Yeas – 4; Nay – 0; Abstain – 1 (Davis).

Agenda item # 2 Discussion related to increases to water and sewer rates. Ms. Willets presented the power point on the water and sewer rate fee, and she highlighted key points. (exhibit in the agenda packet). Ms. Willets briefly explained that the bid was originally posted on October 12, and the deadline was November 30th, and the board reviewed and approved the current vendor on December 7, 2021. She explained that her and Mr. Tabler worked very closely with the consultant in January. She noted that there were many meetings with staff and a lot of numbers exchanged. Ms. Willets then explained that the first initial presentation was on October 3, 2022, a second presentation on November 7, 2022 and lastly on December 12, 2022. The Town

advertised for a public hearing on December 12, 2022. As a result of the December meeting, the Board wanted to see other proposed rates over a longer number of years. She explained the last increase for an average user was in 2006, and then in May 2013 the water rates increase was raised for the users over 10,000 gallons. She also noted the last sewer rate increase was April 1, 2012 which was increased by 27% and on July 1, 2014 the sewer rates increased by another 21%. Ms. Willets and Mr. Tabler went into further detail of the power point presentation with the current charges and fees, along with the proposed percentage scenarios of the 30% and 36%.

Commissioner O'Donnell stepped out at 7:53 PM.
Commissioner O'Donnell returned at 7:57 PM.

Commissioner Boehman-Pollitt had questions regarding the final increase amounts for the five-year scenarios. Staff suggested speaking with Commissioner Boehman-Pollitt to review the numbers together and she agreed.

Ms. Willets noted the contractor has suggested the proposed percentages based off inflation and cost increases to fix water infrastructure.

Commissioner Davis suggested that Staff meet with Commissioner Boehman-Pollitt and if she is satisfied Staff could move forward. Commissioner O'Donnell asked the board for consensus to direct Staff to advertise a public hearing for the next meeting on April 3, 2023 with a 36% increase each year for the next five years.

Commissioner Davis made a consensus to approve the change order; second by Commissioner Ritz III.

Commissioner Davis motioned to approve the change order; second by Commissioner Ritz III. Yeas – 5; Nays – 0.

Set Agenda Items for April 3, 2023 Town Meeting

Agenda Items: (1.) Hold a public hearing then consideration of ordinance 2023-05 which would increase water and sewer rates over a five-year period. (2.) Hold a public hearing then consideration of ordinance 2023-04 which would add allowable projection of fences over a 4-foot high on corner lots for consideration. (3.) For consideration, approval of Frederick County Sheriff's Office contract FY24. (4.) For consideration, ordinance 2023-06 which would allow a business owner within the Town limits to be a member of the Citizens Advisory Committee.

Administrative Business: (1.) For consideration, Proclamation declaring April 2023 Child Abuse Prevention month. (2.) For consideration, Proclamation declaring April 22, 2023 Earth Day in the Town of Emmitsburg. **Consent Items:** (1.) Accept Glenn Blanchard's resignation from the Planning Commission. **Motion:** Commissioner Ritz III motioned to accept the April 3, 2023 town meeting agenda as presented; second by Commissioner Sweeney. Yeas – 5; Nays – 0. The motion was adopted.

III. Sign Approved Text Amendments and/or Resolutions

IV. Adjournment

With no further business, Commissioner Ritz motioned to adjourn the March 13, 2023 town meeting at 8:49 p.m.; second by Commissioner Boehman-Pollitt. Yeas – 5; Nays – 0. The motion was adopted.

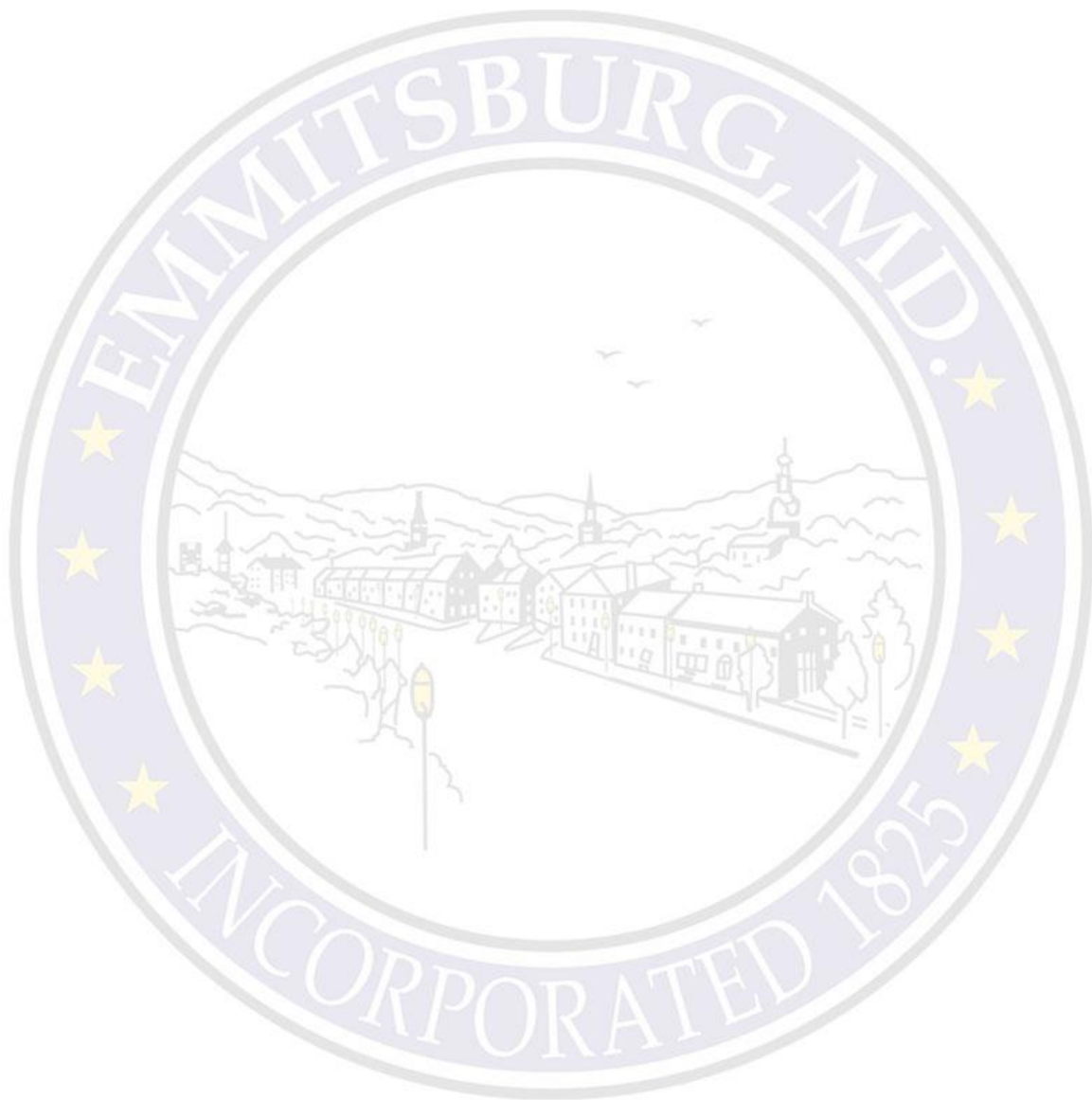
Respectfully submitted,

Sabrina King, Town Clerk

Minutes Approved On:



B. POLICE REPORT



C. TOWN MANAGER'S REPORT

Town Manager's Report

February 2023

Prepared by Cathy Willets

Streets:

- Staff replaced and repaired some street signs around town.
- Staff conducted monthly street sweeping.
- Staff repaired streetlights.
- Staff conducted monthly storm drain inlet cleaning.
- Staff worked with contractor on new town square project.
- Staff took down all the remaining Christmas decorations.
- Staff put up the Veteran's Banners on the streetlight poles.
- Staff repainted yellow curb in front of fire hydrants in Silo Hill.

Parks:

- Staff conducted daily park checks – trash cans, cameras, dog waste stations, restrooms.
- Staff completed the board fences project in E. Eugene Myers Park.
- Staff conducted inventory of all park equipment, pavilions, tables, trash cans, etc.
- Staff trimmed and took down some trees/shrubs by ballfield #3 parking lot.
- Staff assisted Mr. Deatherage at the Farmers market re: future community garden plots.
- Staff put up no hunting signs around the disc golf area and town property.

Water:

- Rainbow Lake is at the spillway level (16.6 feet).
- The roughing filters are being backwashed two times a day. The DE filters are getting one week runs.
- Well levels (optimum level was determined to be May 2011).

	<u>May 2011</u>	<u>February</u>	<u>Change</u>
○ Well #1:	35'	35'	0'
○ Well #2:	8'	12'	-4'
○ Well #3:	12'	25'	-13'
○ Well #4:	108'	OFF'	N/A
○ Well #5:	10'	OFF'	N/A

- Water production and consumption. We produced an average of 220,464 GPD. We consumed an average of 234,309 GPD (finish water + MSM). The amount of Backwash Water in the month of January is ... (19.3%).
 - 33.12% of this water came from wells.
 - 5.87% of this water came from Mt. St. Mary's.

- 61.01% of this water came from Rainbow Lake.

We purchased 416,900 gallons of water from MSM this month.

Wastewater:

- We treated an average of 337,824 gpd (consumed 234,309 GPD) which means that 30.64% of the wastewater treated this month was "wild water".
- We had no spills of untreated sewage in the month of February.
- We did not exceed the plant's design capacity any time in the month of February.
- We received about 1.9" of precipitation this month (the average is 2.7"). We have a precipitation **SURPLUS of 3.16"** over the last six months. The average precipitation for the period from September through February 28 is 20.44". We have received 23.6" for that period.

Trash: Trash pickup will remain Mondays in the month of April.

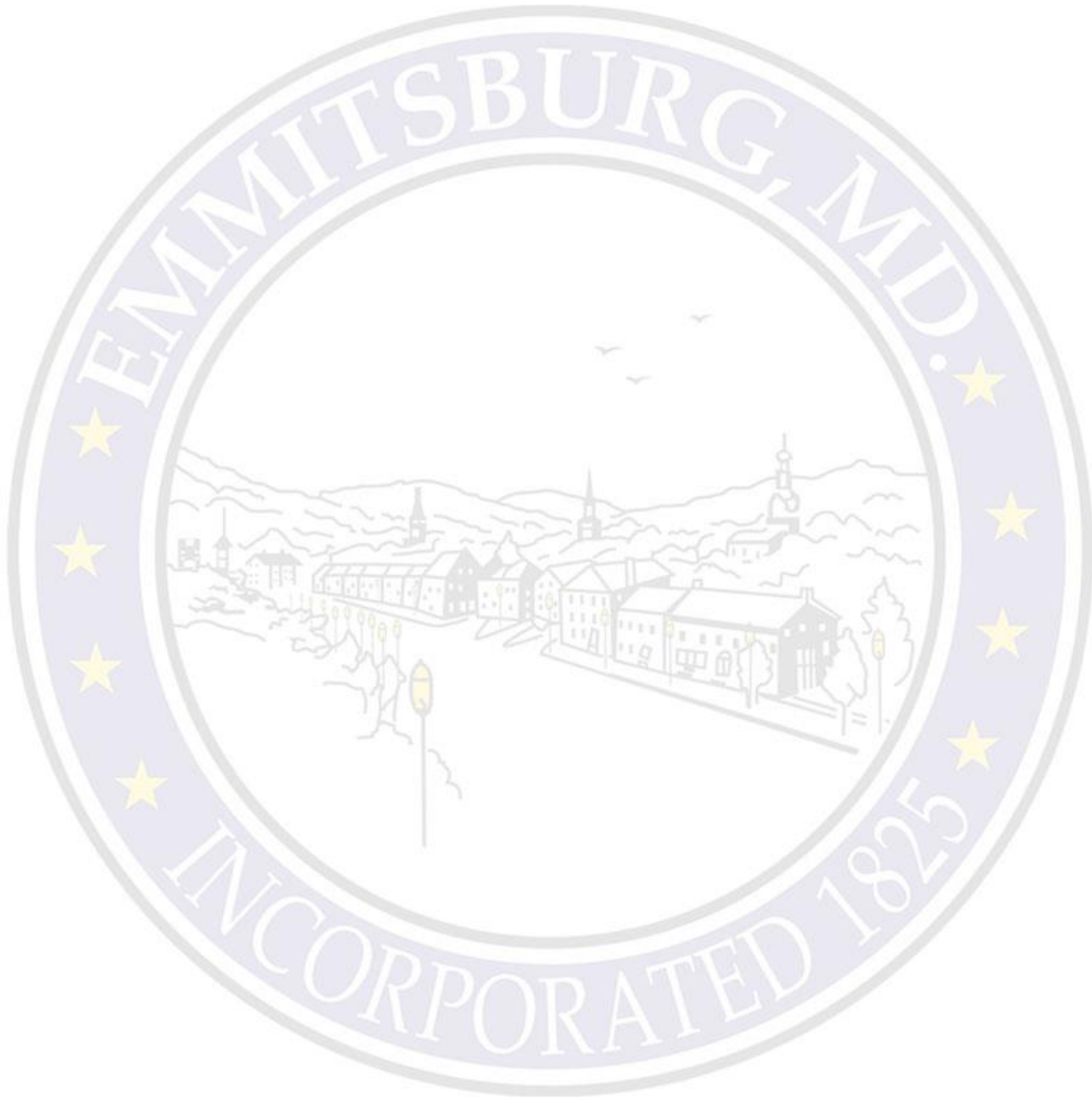
Meetings Attended:

- 02/01 Met with the Mayor.
- 02/02 Met with staff and vendor re: purchase of Forestry Banking Credit for water clarifier project.
- 02/08 Met with Mayor.
- 02/08 Met with Town Planner and consultant re: Silo Hill SW Basin grant.
- 02/09 Met with Town Planner re: ongoing projects.
- 02/09 Met with Town Accountant re: water and sewer rate study.
- 02/13 Met with Town Planner re: ongoing projects.
- 02/16 Attended pre-bid construction meeting at Creamery Rd. Pump Station.
- 02/20 Met with Mayor.
- 02/20 Met with Town Planner, resident and broker re: potential sale of property.
- 02/21 Met with Mayor, Town Planner and Scott Frager, Brookfield HOA.
- 02/21 Attended Department Head Meeting.
- 02/21 Attended Support Staff Meeting.

Noteworthy:

- Staff pumps holding tank every 10 days at 8533 Hampton Valley Rd.
- Staff worked the yard waste dumpster twice in February.
- Staff conducted monthly equipment and fire extinguisher maintenance.
- Staff did some water meter upgrades.
- Staff assisted contractor with a sewer back-up in Emmit Gardens.
- Staff put 37 water shut off door hangers on residents' doors prior to scheduled shut off date.
- Staff met with LG Sonic contractor to prepare for upcoming season.
- Staff completed and submitted water and sewer state reports.
- Staff rebuilt the soda ash pump.

- Staff purchased and mounted pressure gauge data logger for fire hydrants to monitor PSI day and night.
- Staff continues to work on ChemScan upgrade at the WWTP.
- Staff getting quotes to service and/or replace all PRVs around town and at WTP.
- Staff gathering information for smart manhole covers that will assist with I&I.



PARKING ENFORCEMENT REPORT

PARKING ENFORCEMENT REPORT

MARCH 2023

<i>Overtime Parking</i>	35		
<i>Restricted Parking Zone</i>			
<i>Parked in Crosswalk</i>			
<i>Parked on Sidewalk/Curb</i>			
<i>Parked by Fire Hydrant</i>			
<i>Parked Blocking Street</i>			
<i>Parked Blocking Driveway</i>			
<i>Failure to Park between Lines</i>			
<i>Left Side Parking</i>			
<i>Parked in Handicapped Space</i>			
<i>48 Consecutive Hours</i>			
<i>Total Tickets - Warnings</i>	35	5	
<i>Meter Money</i>	\$1091.90		
<i>Meter Reservations</i>	Daily Reservations: 1 \$30	Funeral Home Reservations:	
<i>Parking Permits by Type</i>	3M: 0	6M: 1	1Y: 0
<i>Parking Permits Money</i>	\$115		
<i>Violation Cost</i>	\$300		
<i>Late Fees Assessed</i>	\$60		
<i>Payment Received</i>	\$120		
<i>Dues Forward</i>	\$240		
<i>Totals March:</i>	<i>Made</i> \$1326.90		<i>Due</i> \$240
<i>Totals 2023</i>	<i>Violations Paid</i> \$1155	<i>Outstanding Bal.</i> \$990	<i>Meter Money</i> \$3307.11
			<i>Permit Revenue</i> \$825

*All information accurate as of March 27th

As a reminder failure to pay parking tickets can bar you from renewing your vehicle registration until tickets are paid.

GRANTS ADMINSTRATOR REPORT

As of March 28, 2023

Grants Administrator Report

Prepared By: Madeline Shaw, Grants Administrator

ACTIVE GRANTS (14 TOTAL)

#22-1, USDA New Public Works Equipment for \$168,900 (match of \$128,500)

- For purchase of a 4x4 work truck, backhoe loader, multi-user tractor, WWTP SCADA.
- Status - Backhoe and multi-use tractor delivered. SCADA 98% completed. Waiting on work truck to be delivered any day now and final equipment to arrive for SCADA. Once all invoices are received final report will be submitted.

#22-6, POS New Bathroom/Concession Stand for \$147,980 (\$89,000 match)

#22-7, LPPI New Bathroom/Concession Stand for \$62,290 (no match)

- For construction of a new bathroom/concession stand combo building in Community Park.
- Status – Waiting on electrical conduit and transformer to be installed in April hopefully. Also waiting on building permits and final plan edits from engineer. Need to order pre-fabricated building, then hire contractor to prepare site for delivery (water/sewer/electrical/stone pad).

USDA Creamery Road Pump Station Replacement \$863,000 grant, \$1,987,000 loan

- For replacement of Creamery Road Pump Station will new station.
- Status – seven total construction bids were received on March 22. Engineering is currently reviewing bids to give recommendation. Bids anticipated to come to board at May 1 town meeting for approval. Need to apply for additional funding. Continuing to submit monthly reports to USDA.

#23-2, TRIPP Emmitsburg Advertising for \$2,963 (\$1,481 match)

- For advertising Emmitsburg in Celebrate Gettysburg, Visit Frederick and Montgomery Magazine.
- Status – ads placed in Celebrate Gettysburg (March/April) and Visit Frederick (2023), and Montgomery Magazine (April/May) so far.

#23-3, DHCD Community Legacy Façade Improvements FY2023 for \$50,000

- Provide property owners in sustainable community's district with 50/50 funds to fix-up property
- Status – Sustainable Communities Work Group met on Jan. 26th and Mar. 2nd. Projects submitted to Maryland DHCD on Mar. 3rd for approval. Once State approves projects, property owners will be notified in writing of award amount and grant agreement must be signed before work can begin.

#23-4, CP&P Silo Hill Playground Improvements for \$146,263 (no match)

- To replace old swing set and playground tower and install half basketball court.
- Status – Playground and hoop installation completed Jan. 27. Waiting on ½ basketball court installation once weather is warmer, then project complete.

#23-5, POS Rainbow Lake Parking Lot for \$70,000 (\$37,500 match)

- For SWM plan and to pave a 10 to 12 space parking lot at Rainbow Lake.

- Status – State approved Feb. 15. Need to collect at least three written estimates for engineering before a contract is signed and engineering design can begin.

#23-6, POS Community Park Cornhole for \$6,000 (\$2,00 match)

- For installing two pairs of permanent concrete cornhole boards in Community Park.
- Status – State approved on Jan. 25. Waiting on warmer weather for concrete pads to be poured. Need to order equipment.

#23-7, POS Outdoor Storybook Trail for \$8,250 (\$2,750 match)

- For installation of 20 single pedestal exhibits that would display exchangeable storybook pages.
- Status – State approved on Jan. 25. Equipment ordered Mar. 13. Anticipated installation around May 15.

#23-8, MEA Streetlight & Outdoor Lighting Efficiency Pilot for \$27,500 (15% of total project match)

#23-10, USDA Downtown Streetlight Replacement for \$75,000

#23-11, USDA Downtown Streetlight Replacement for \$50,000

- Replace 102 streetlights along Main Street / Seton Avenue with new LED dimmable cutoff lights.
- Status – waiting on town budget transfer to fund remainder of project est. at \$234,090 before a request for proposal will be distributed for the purchase of the streetlights and installation. Hoping for installation in the fall.

#23-12, DHCD Business District and Neighborhood Safety Grant for \$85,000 (no match)

- Purchase two portable radar speed trailers and two surveillance cameras for town square.
- Status – Collecting at least three written estimates for speed trailers and surveillance cameras currently before estimate approval and equipment ordered.

NEWLY AWARDED (5 TOTAL):

#23-13, LPPI Rainbow Lake Parking Lot for \$44,500

- For SWM plan and to pave a 10 to 12 space parking lot at Rainbow Lake. Multi grant project.

#23-14, LPPI Community Park Pavilion Improvements for \$30,500

- To new pavilion roof, repair rotting wood, pressure wash, sand/stain, replace 10 picnic tables.

#23-15, LPPI Memorial Park Pavilion Improvements for \$22,000

- To repair pavilion rotting wood, pressure wash, sand/stain, replace 11 picnic tables.

#23-16, LPPI Baseball Field Bat/Helmet Racks for \$3,000

- To purchase bat/helmet racks for remaining three ballfield dugouts (fields #5, #4 and #2).

#23-17, DHCD Operating Assistance Grant – Main Street Improvement Grant for \$10,000

- To replace 102 streetlights along Main Street / Seton Avenue with new LED dimmable cutoff lights. Multi grant project.

NOT AWARDED GRANTS:

Keep Maryland Beautiful Citizen Stewardship Grant for \$5,000 submitted 11/14/2022.

- Purchase 4 pet waste stations and 3 recycling containers to be installed at various areas in Town.

PENDING GRANTS (WAITING FOR ANNOUNCEMENT) (6 TOTAL)

MWIFA Drinking Water Revolving Loan and/or Water Supply Grant for \$2,255,552 submitted 01/31/22

1. North Seton Avenue waterline replacement \$1,145,552
2. DePaul Street waterline replacement \$1,110,000

DNR Community Parks and Playgrounds FY2024 – 2 Totaling \$120,686 submitted 08/24/22

1. Install half basketball court in Memorial Park \$15,000
2. Install playground addition via Timber Stacks play equipment in Memorial Park \$105,686

State Aid for Police Protection (SAPP) FY2024, submitted 12/13/2022.

MWIFA Emmitsburg Transmission Main Replacement, submitted 01/31/2023.

- To replace 10-inch mountain main into Town with 16-inch to improve water quality and fire flow.

UPCOMING GRANTS (TO APPLY FOR)

1. **TRIPP Tourism Grant, due March 31, 2023**
2. **Main Street Affiliate designated funding, due April 1, 2023**
3. **Program Open Space FY24, due May 5, 2023**
4. **Community Development Block Grant, due around June 2023**
 - Fund remaining DePaul Street waterline replacement (as needed)
5. **Community Legacy grant, due around July 1, 2023**
6. **And other grants as funding is found/needed.**

D. TOWN PLANNER'S REPORT



Memo

March 2023 Planner Report
Prepared by: Najila Ahsan

1. Municipal Separate Storm Sewer System (MS4):

- Silo Hill SWM basin retrofit & tree planting project management.
 - IJJA MOU completed and submitted to DNR.
- MS4 Phase II
 - Stormwater article in Spring Newsletter

2. Code Enforcement & Permits:

- Processed the following permit applications:
 - 4 Zoning
 - 1 – detached accessory structure (gazebo)
 - 1 – Addition to principal structure
 - 1 – change of use
 - 1 – driveway extension
 - 1 Street Closure
 - 1 Cross Connection
- Provided notices for Cross Connection permit renewal.

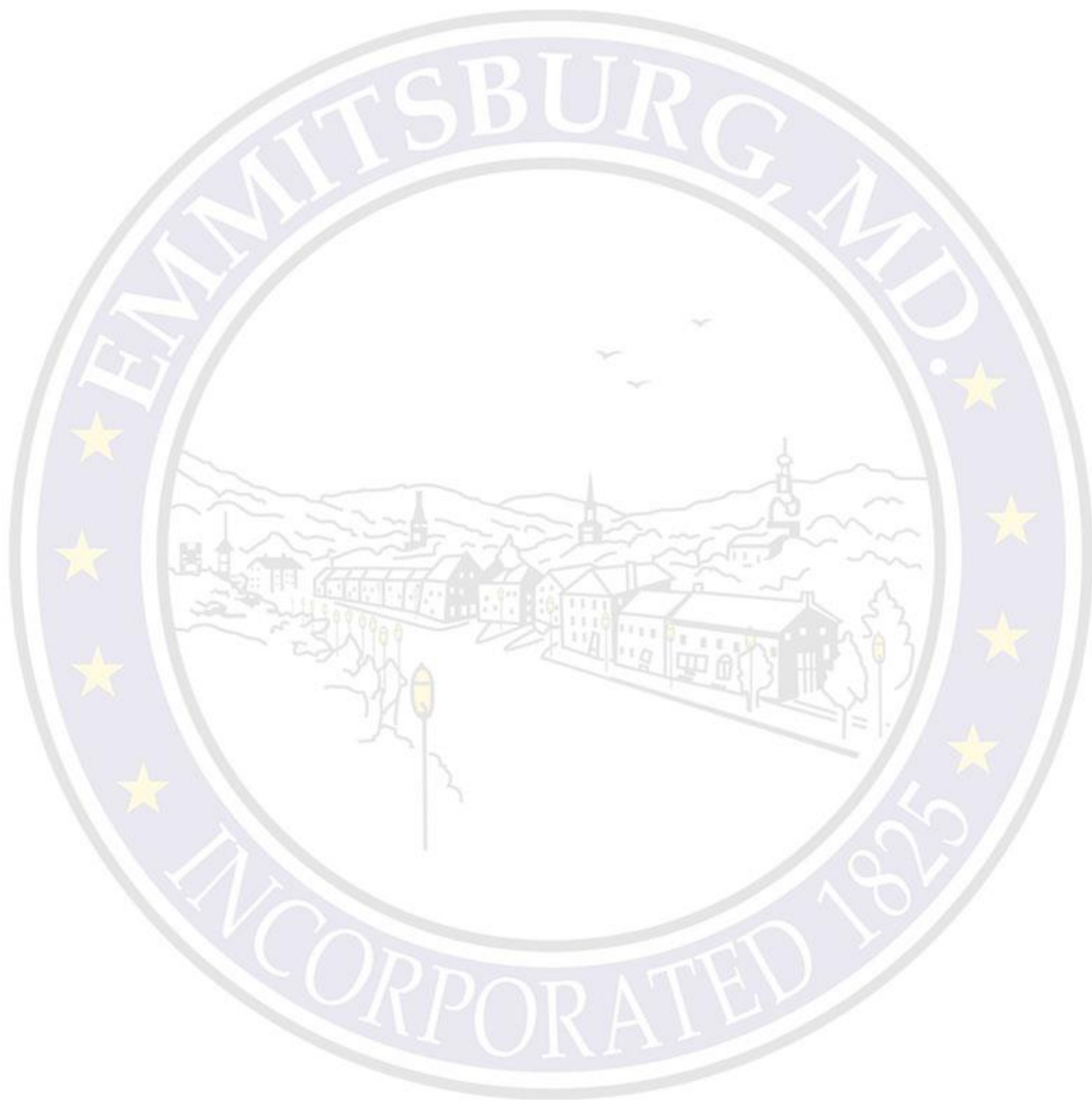
3. Planning Commission (PC):

- March 27, 2023
 - Approval of Silo Hill Addition Plat in Silo Hill Parkway
 - Discussion: Comprehensive Plan
 - Discussion: Planning Commission Rules & Procedures
- **New Ordinance for approval:** Ord No. 23-04 (see attached)

4. Development Updates:

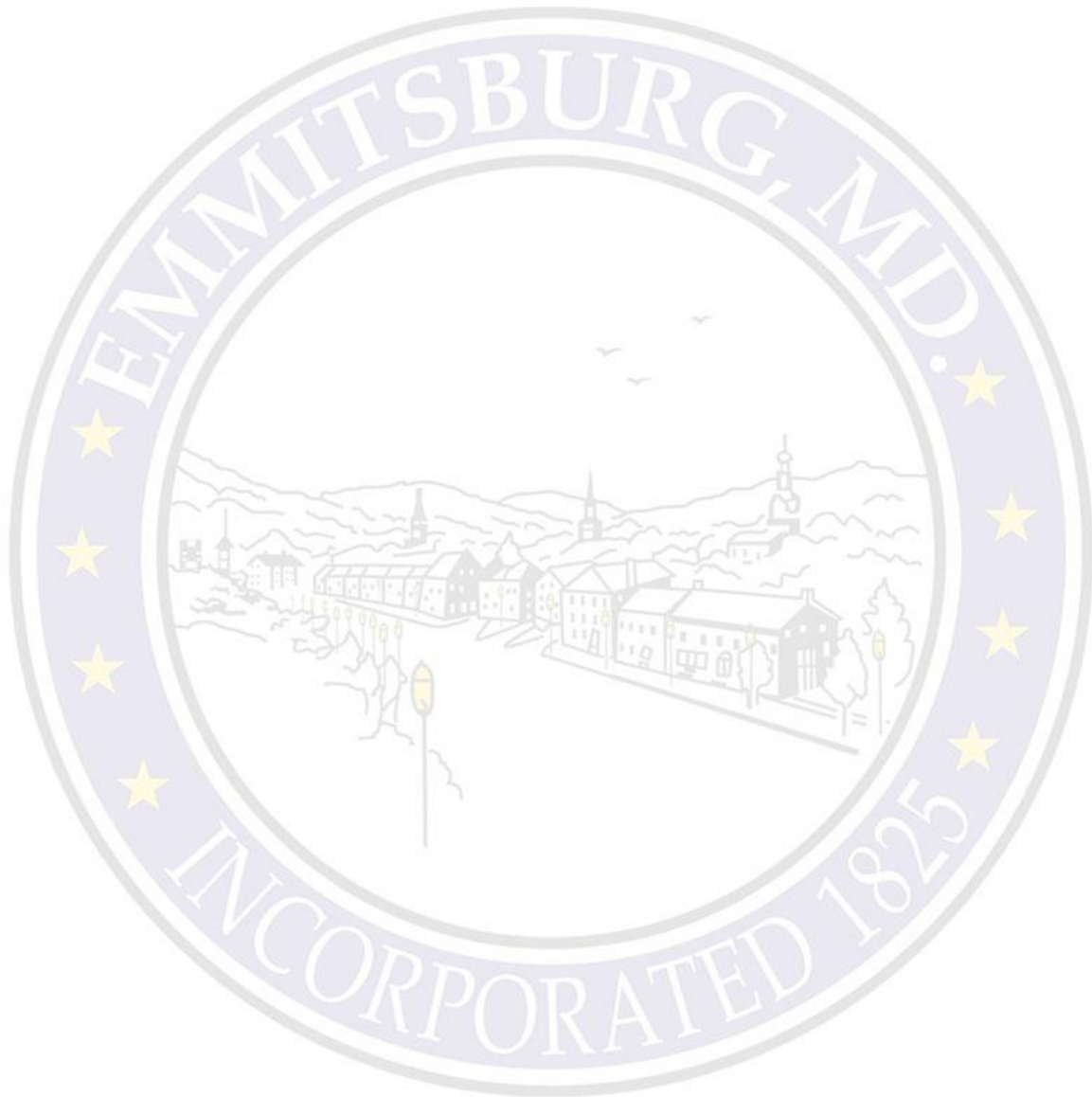
- **Federal Stone** – Awaiting the submission of updated Site Plan and Improvement Plans and reviewing Payment and Performance bonds.
- **Village Liquors & Plaza Inn** – Owner has received conditional approval of the Addition Plat, and is now seeking to have an updated site plan and improvement plat approved by the Planning commission.

E. COMMISSIONERS COMMENTS

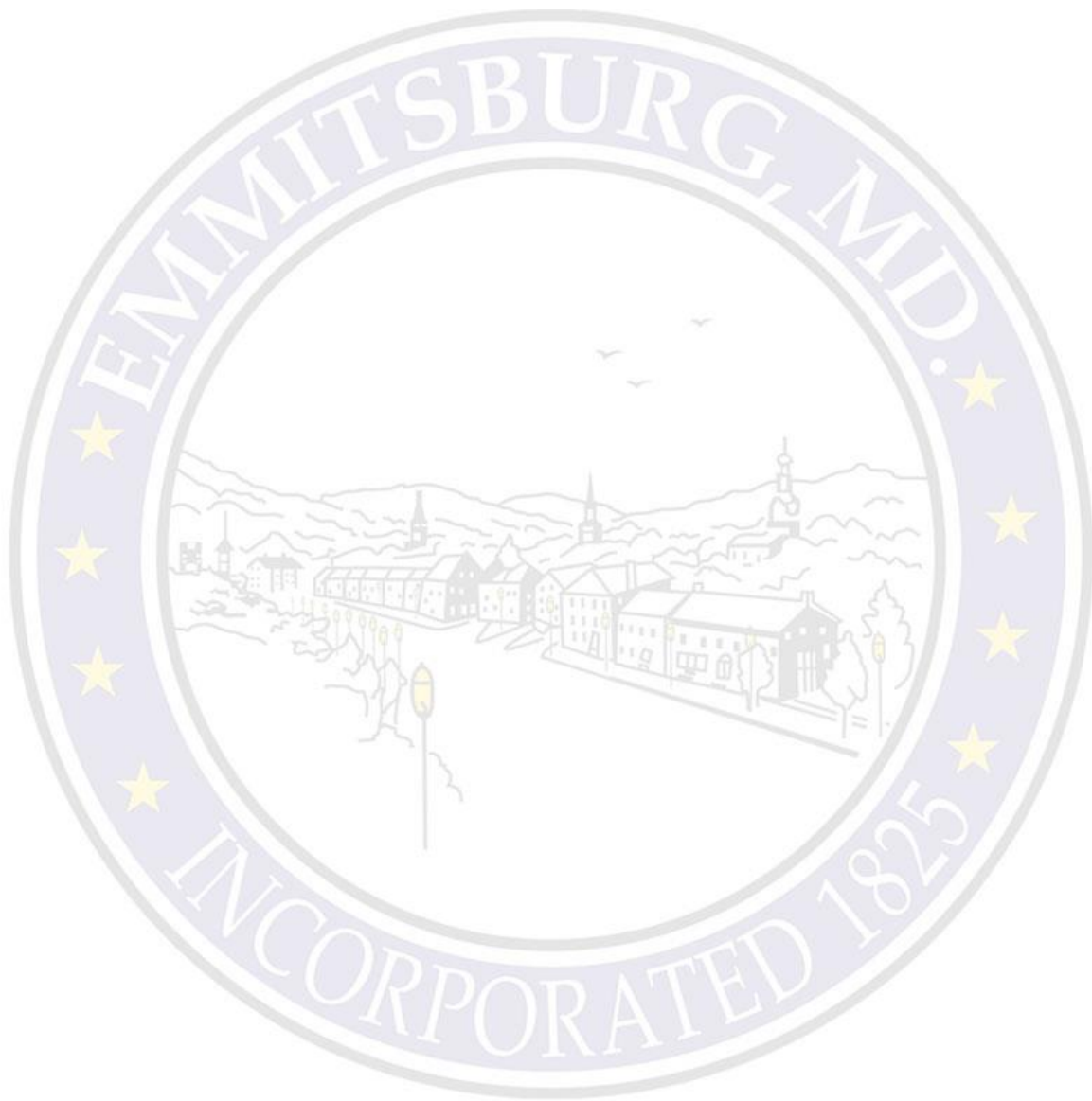


F. MAYORS COMMENTS

Presentation at the meeting.

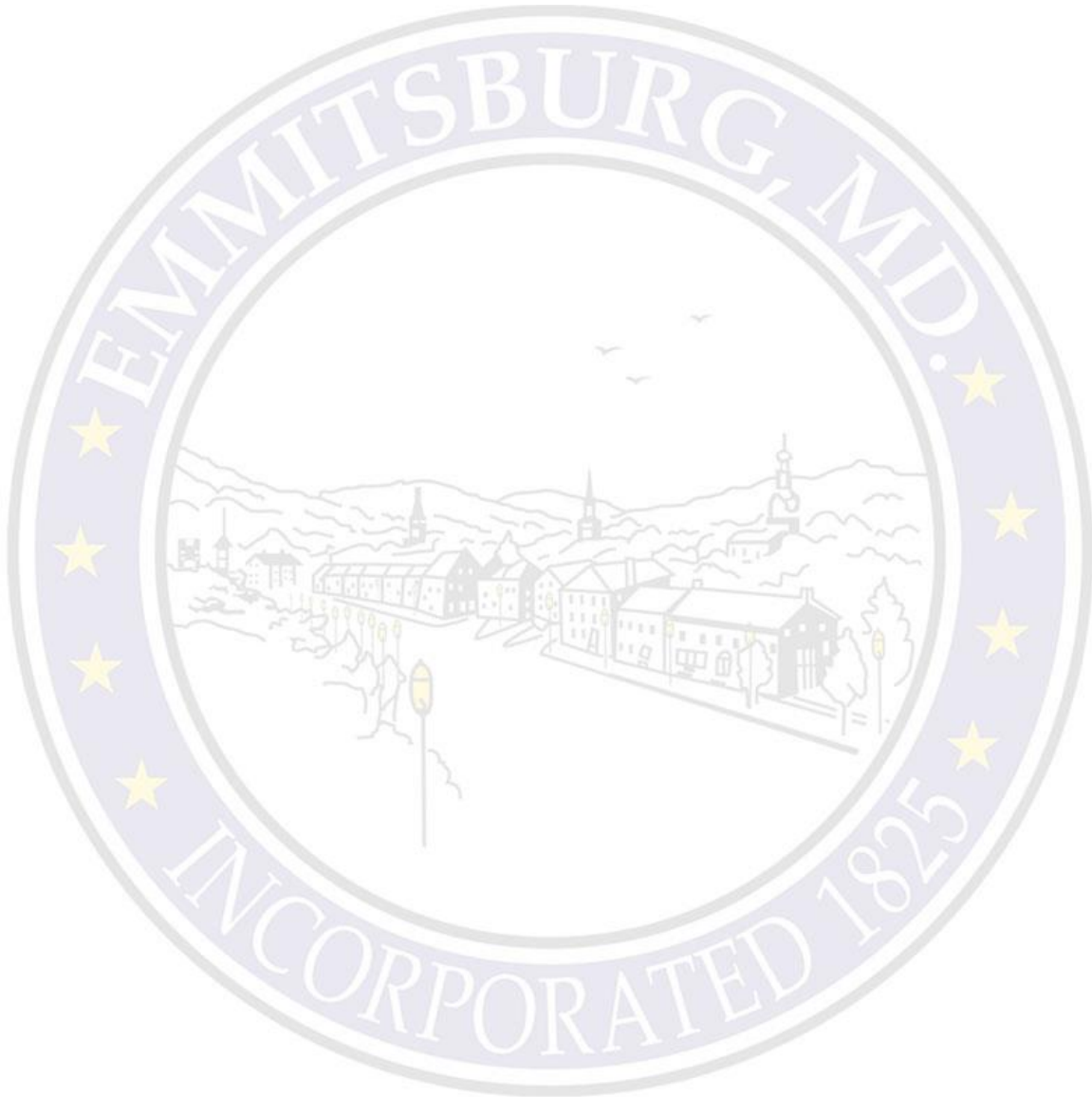


G. PUBLIC COMMENTS



H. ADMINSTRATIVE BUSINESS

1. For consideration, Proclamation declaring April 2023 Child Abuse Prevention Month.
2. For consideration, Proclamation declaring April 22, 2023 Earth Day in the Town of Emmitsburg.





draft

Proclamation

NATIONAL CHILD ABUSE PREVENTION MONTH

April 2023

WHEREAS, child abuse prevention is a community problem and finding solutions depends on involvement among people throughout the community; and

WHEREAS, the effects of child abuse are felt by a whole community and need to be addressed by the entire community; and

WHEREAS, effective child abuse prevention programs succeed because partnerships are created among social service agencies, schools, religious organizations, local governments, law enforcement agencies, and the business community; and

WHEREAS, youth-serving prevention programs offer positive alternatives for young people and encourage youth to develop strong ties to their community; and

WHEREAS, all citizens should become involved in supporting parents to raise their children in a safe, nurturing environment.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim the month of April 2023 as National Child Abuse Prevention Month in the Town of Emmitsburg and call upon all citizens, community agencies, religious organizations, medical facilities and businesses to increase their participation in efforts to prevent child abuse, thereby strengthening the Emmitsburg community.

ADOPTED this _____ day of _____, 2023.

Donald N. Briggs
Mayor

Timothy J. O'Donnell, President
Board of Commissioners



Proclamation Earth Day

SATURDAY, APRIL 22, 2023



WHEREAS, in 1872, J. Sterling Morton proposed to the Nebraska Board of Agriculture that a special day be set aside for the planting of trees; and

WHEREAS, this holiday, called Earth Day, was first observed with the planting of more than a million trees in Nebraska; and

WHEREAS, Earth Day is now observed throughout the nation and the world; and

WHEREAS, trees can reduce the erosion of our precious topsoil by wind and water, cut heating and cooling costs, moderate the temperature, clean the air, produce life-giving oxygen, and provide habitat for wildlife; and

WHEREAS, trees are a renewable resource giving us paper, wood for our homes, fuel for our fires and countless other wood products; and

WHEREAS, trees in our city increase property values, enhance the economic vitality of business areas, and beautify our community; and

WHEREAS, trees, wherever they are planted, are a source of joy and spiritual renewal.

NOW, THEREFORE, BE IT PROCLAIMED, that the Mayor and Council of the Town of Emmitsburg, Maryland do hereby proclaim April 22, 2023 as Earth Day in the Town of Emmitsburg. We call upon all citizens and organizations to support efforts to protect our trees and woodlands by planting trees to gladden the heart and promote the well-being of this and future generations.

ADOPTED this ____ day of April, ____.

Donald N. Briggs
Mayor

Timothy J. O'Donnell, President
Board of Commissioners

I. CONSENT AGENDA

1. Accept Glenn Blanchard’s resignation from the Planning Commission.

J. TREASURER’S REPORT



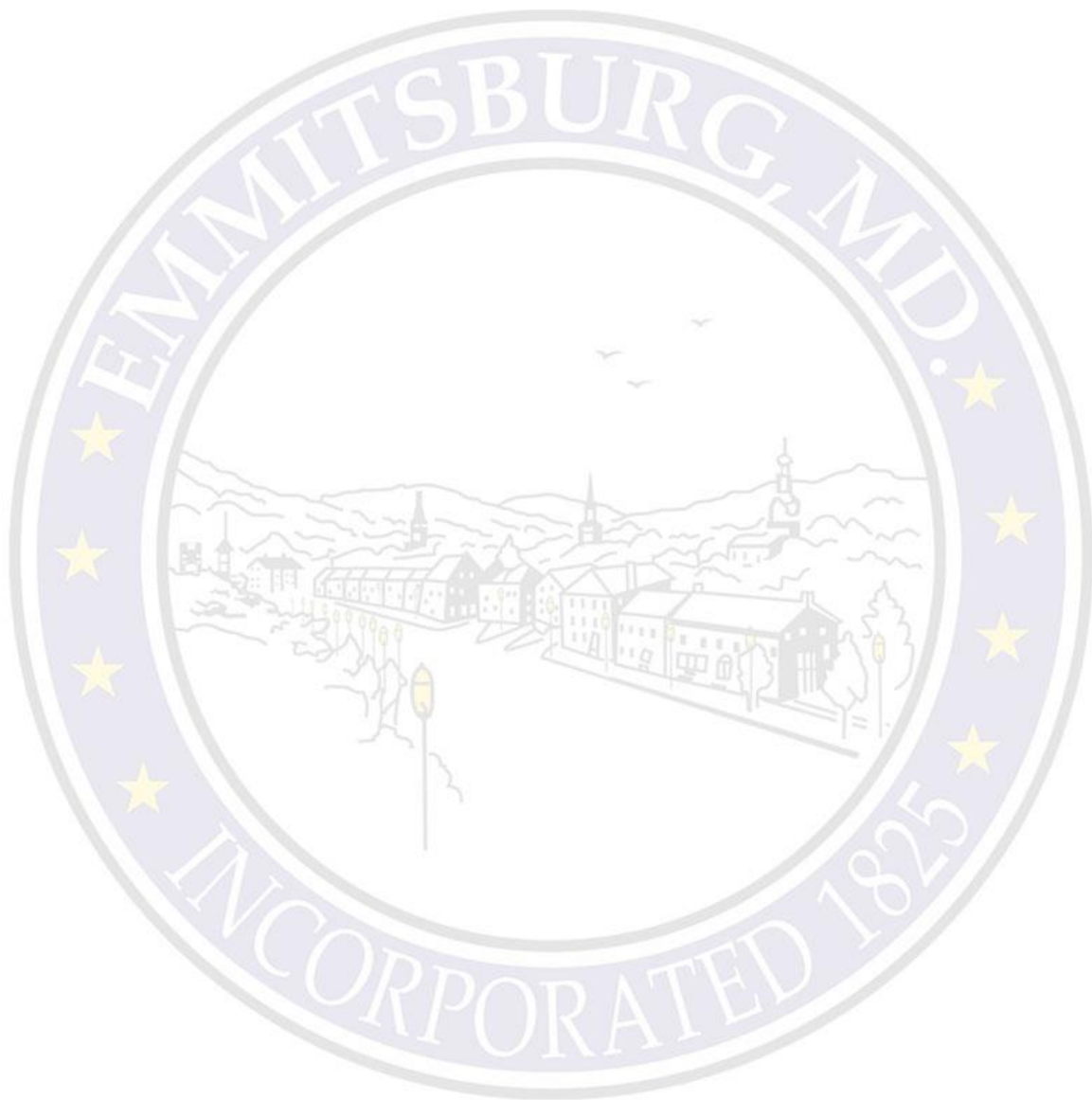
**TOWN OF EMMITSBURG
 CASH ACTIVITY as of March 28, 2023**

\$9,009,112	Cash Balance March 1, 2023
32,625	Deposits
<u>-306,539</u>	Withdrawals
\$8,735,198	Operating Balance Forward

<u>Check Amount</u>	<u>Vendor Name</u>	<u>Description</u>	<u>Check Date</u>	<u>Check Number</u>
\$81,164	Bearing Construction, Inc	Silo Hill Stormwater Basin . Grant #22-15	03.22.23	44833
\$17,386	Utility Service Co. Inc	Annual Steel Tank	03.08.23	44804
\$16,010	Hach Company	Chemical Scan Upgrade	03.15.23	44814
\$11,308	RSV Pools, Inc	Apr 23 Pool Management	03.22.23	44841
\$10,540	LG Sonic US, LLC	Services	03.15.23	44819
\$6,942	Republic Services	Mar 23 Refuse Services	03.08.23	44796
\$5,907	Powell, LLC	Jan 23 Professional Services	03.23.23	44849
\$5,869	UGI Energy Services	Jan 23 Solar Field #1	03.15.23	44830
\$5,675	UGI Energy Services	Jan 23 Solar Field #2	03.15.23	44830
\$5,568	Powell, LLC	Feb 23 Professional Fees	03.22.23	44840

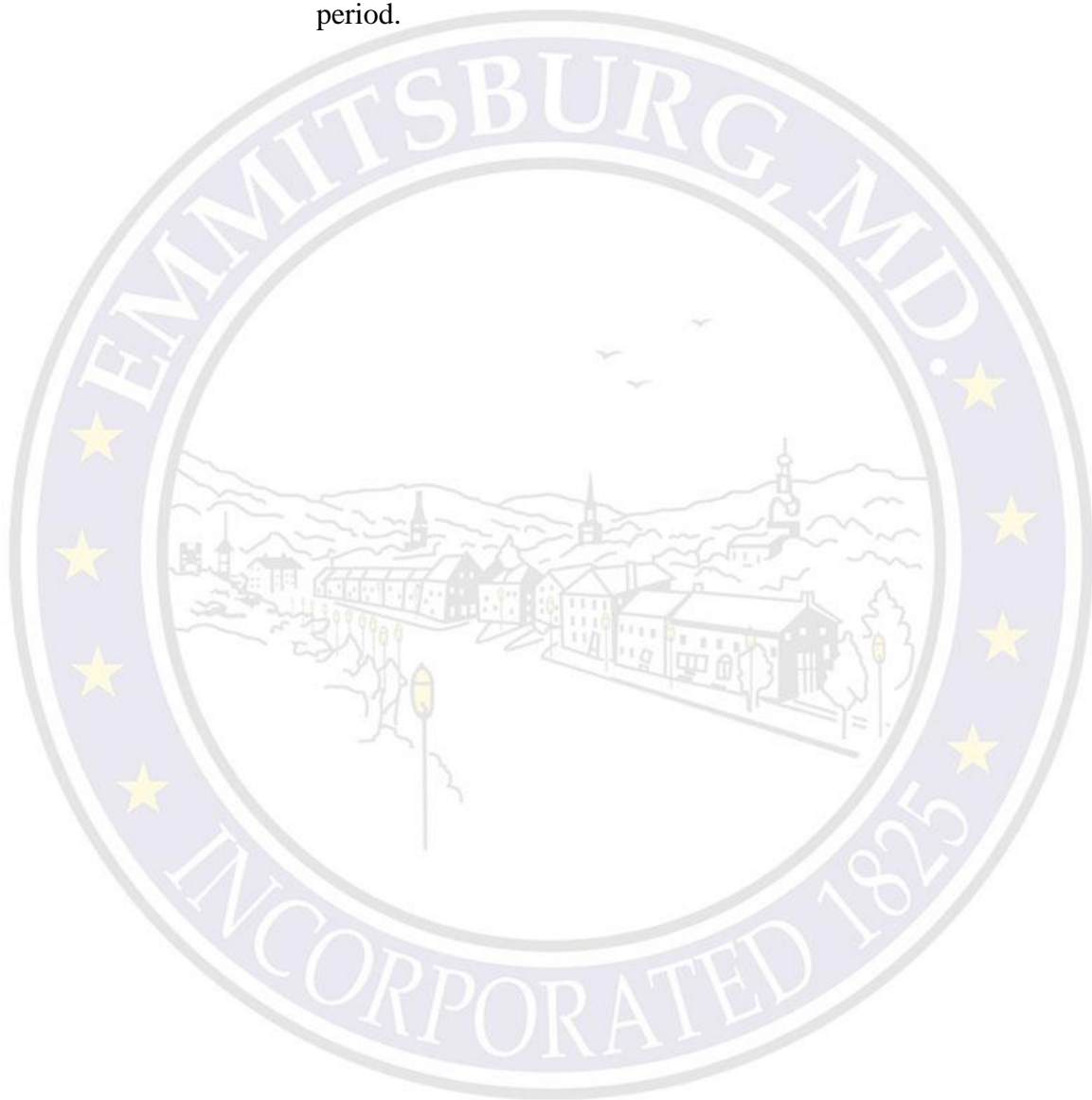
Chk dates 03.01.23 to 03.28.23

K. PLANNING COMMISSION REPORT



L. AGENDA ITEMS

AGENDA ITEM #1: Hold a public hearing then consideration of ordinance 2023-05 which would increase water and sewer rates over a five – year period.



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AN ORDINANCE TO AMEND
TITLE 13
OF THE CODE OF EMMITSBURG
ENTITLED
PUBLIC SERVICES

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 13, Public Services, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~brackets and strike out~~.

Chapter 13.04 WATER SYSTEM

13.04.010 Control and management.

- A. All of the facilities and water plant owned by the town shall be under the control and management of the mayor and commissioners who shall appoint **A SUPERINTENDENT** ~~one person~~ to have general supervision over the water system. It shall be **THE SUPERINTENDENT'S** ~~his~~ duty, whenever an applicant presents ~~to him~~ a permit signed by the town **PLANNER** ~~clerk~~, to make or cause to be made a proper connection to the water mains and shall regularly file every permit for the use of water and shall file a record with the town clerk showing the location and all other pertinent information to enable the mayor and commissioners to easily locate and identify all water connections.
- B. The superintendent shall have the right to enter in and upon all premises to ascertain whether there is a proper connection or for any purpose connected with the interest of the waterworks and if any person shall refuse to allow such examination, or oppose or obstruct such officer in the execution of his duty, he shall be guilty of a misdemeanor.
- C. The Town of Emmitsburg, as the operator of a public water system, discourages and does not support or recommend private or individual water wells within its service area except for building cooling purposes when approved by the mayor and board of commissioners. Any and all private or individual water wells that do exist within the Emmitsburg public water service area must meet all state and county standards, requirements and regulations.

(Ord. 03-07 (part): prior code Art. XII § 1; Ord. No. 13-02, 1-7-13)

13.04.020 Annual report and inspection.

The superintendent shall annually make an inspection of all connections to the water system and furnish the town clerk with a complete list of all service connections upon the property of each consumer.

(Prior code Art. XII § 2)

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13.04.030 Water rates.

A. Effective July 1, 2023 the following shall be charged for usage of town water:

1. Minimum Charge.

a. The minimum ready to serve charge for all water customers for the first six thousand (6,000) gallons used within a quarter shall be:

Meter	FY24	FY25	FY26	FY27	FY28	FY29
3/4	\$35.00 \$47.60	\$64.74	\$88.04	\$119.74	\$162.84	\$167.73
1	\$45.00 \$79.35	\$107.92	\$146.77	\$199.60	\$271.46	\$279.60
1 ½	\$50.00 \$158.70	\$215.83	\$293.53	\$399.20	\$542.92	\$559.20
2	\$100.00 \$253.90	\$345.30	\$469.61	\$638.67	\$868.60	\$894.65
4	\$400.00 \$793.35	\$1,078.96	\$1,467.38	\$1,995.64	\$2,714.07	\$2,795.49
6	\$800.00 \$1,586.70	\$2,157.91	\$2,934.76	\$3,991.27	\$5,428.13	\$5,590.98
8	\$2,538.70	\$3,452.63	\$4,695.58	\$6,385.99	\$8,684.94	\$8,945.49
10	\$6,664.00	\$9,063.04	\$12,325.73	\$16,763.00	\$22,797.68	\$23,481.61

b. **BEGINNING ON JULY 1, 2028, THE MINIMUM READY TO SERVE CHARGE FOR ALL WATER CUSTOMERS FOR THE FIRST SIX THOUSAND (6,000) GALLONS USED WITHIN A QUARTER SHALL BE INCREASED ANNUALLY BY THREE PERCENT (3%) FROM THE PRECEDING YEAR'S RATE.**

C. When installation of a fire service meter is required to service a sprinkler system where otherwise a smaller line would be sufficient to service the facility, then an alternate minimum charge may be assessed as recommended by staff and approved by the mayor and **THE BOARD OF COMMISSIONERS.**

2. Overage Charge.

a. Usage over the six thousand (6,000) gallon minimum for all water customers shall be charged at the following rates:

	FY 2024	FY 2025	FY 2026	FY 2027	FY2028	FY2029
6,001— 10,000 gallons	\$2.40 \$3.26 per 1,000 gallons	\$4.44 PER 1,000 GALLONS	\$6.04 PER 1,000 GALLONS	\$8.21 PER 1,000 GALLONS	\$11.17 PER 1,000 GALLONS	\$11.50 PER 1,000 GALLONS
10,001— 20,000 gallons	4.50 \$7.34 per 1,000 gallons	\$9.98 PER 1,000 GALLONS	\$13.58 PER 1,000 GALLONS	\$18.46 PER 1,000 GALLONS	\$25.11 PER 1,000 GALLONS	\$25.86 PER 1,000 GALLONS

20,001— 100,000 gallons	7.50 \$11.41 per 1,000 gallons	\$15.52 PER 1,000 GALLONS	\$21.10 PER 1,000 GALLONS	\$28.70 PER 1,000 GALLONS	\$39.03 PER 1,000 GALLONS	\$40.20 PER 1,000 GALLONS
100,001— 1,000,000 gallons and up	10.50 \$15.49 per 1,000 gallons	\$21.07 PER 1,000 GALLONS	\$28.65 PER 1,000 GALLONS	\$38.96 PER 1,000 GALLONS	\$52.99 PER 1,000 GALLONS	\$54.58 PER 1,000 GALLONS
1,000,001— 2,000,000 gallons	13.80 \$19.56 per 1,000 gallons	\$26.60 PER 1,000 GALLONS	\$36.18 PER 1,000 GALLONS	\$49.20 PER 1,000 GALLONS	\$66.92 PER 1,000 GALLONS	\$68.92 PER 1,000 GALLONS
2,000,001 gallons and up	17.25 \$23.64 per 1,000 gallons	\$32.15 PER 1,000 GALLONS	\$43.72 PER 1,000 GALLONS	\$59.47 PER 1,000 GALLONS	\$80.87 PER 1,000 GALLONS	\$83.30 PER 1,000 GALLONS

B. BEGINNING ON JULY 1, 2028, THE RATE ALL WATER CUSTOMERS SHALL BE CHARGED FOR USAGE OVER THE SIX THOUSAND (6,000) GALLON MINIMUM SHALL BE INCREASED ANNUALLY BY THREE PERCENT (3%) FROM THE PRECEDING YEAR’S RATE.

3. All town water hauled by tank truck or other similar means shall be sold at the rate of five dollars (\$5.00) for each one thousand (1,000) gallons.

B. Miscellaneous Service Charges.

1. Five dollars (\$5.00) per equivalent dwelling unit per quarter maintenance fee.
2. Twenty-five dollars (\$25.00) mid-cycle reading—for the purpose of, but not limited to, property transfer and/or tenant change, etc.
3. Fifty dollars (\$50.00) for customer requested meter checks and/or readings (if meter is found to be functioning properly).

C. Unusually Excessive Water Use. In the event that a meter reading reflects an unusually high water usage, ~~whereas~~ **SUCH THAT** the bill is more than twenty-five (25) percent higher in that quarter **THAN THE AVERAGE WATER USAGE FOR THE PROPERTY FOR THE SAME QUARTER** for the last three years, ~~which is due to a broken pipe, leak or other malfunction in the plumbing system on the property,~~ then the town, **AT ITS DISCRETION**, may allow for a first and only occurrence during a three year period beginning with said request, a reduction in the amount of the water and sewer bill. In order to be granted the A reduction, **SUCH A REDUCTION WILL ONLY BE GRANTED ONCE IN A THREE YEAR PERIOD.** ~~†~~The property owner must submit a written request to the town manager for the reduction and state the nature of the cause of **REASON FOR** the high water usage and the action taken to correct and resolve the problem. The revised bill will be established as based upon the average of the water usage for the property for the same quarter during the three previous years.

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(Ord. 06-10 § 1; Ord. 05-10; Ord. 03-08 (part); Ord. 03-07 (part); Ord. 02-16 (part); Ord. 02-06 (part); Ord. 01-08 (part); Ord. 99-06 (part); Ord. 98-11; Ord. 96-05; Ord. 95-5 § 1; prior code Art. XII § 3 (part))

(Ord. No. 08-09, 12-1-08; Ord. No. 13-07, 5-6-13; Ord. No. 14-08, 9-15-2014; Ord. No. 17-07, § I, 9-5-17)

13.04.035 Collection of charges.

- A. ~~The billing and collection procedures in this section are policy procedures only and constitute guidelines which do not create any requirements or standards which, upon non-compliance, will give rise to any claim, cause of action or basis for non-payment for services rendered. The failure of the town to comply strictly with any of these policy procedures and guidelines is not a waiver or relinquishment of any of the rights of the town to seek payment for water services rendered nor does such failure create any defense to the obligation of the user to pay for water services rendered.~~
- B. ~~All charges for water service are the obligation of and shall be charged to and collected from the owner of the property served. All water service accounts will be established in the name of the property owner where service is rendered. Bills will be mailed in the name of the property owner to the property address. Upon written request made annually by the property owner, the town will mail bills, late notices, disconnection notices and any other notices and communications to the property owner to such other address as has been designated by the property owner or to the property owner in the care of a designated property management company at that company's address. No accounts will be established and no bills will be mailed in the name of tenants.~~
- C. ~~Charges for water service are payable in full upon receipt of the quarterly bill. Bills for water service charges will be mailed by the first of January, April, July and October. The final due date for the payment of bills is the 5th day of the following month, respectively, February, May, August and November. If the 5th day of the month is a holiday or weekend, the final due date shall be extended to the next business day. Any bill remaining unpaid after its due date shall accrue a late charge of five percent of the amount unpaid, and the town shall notify the owner of the property served that the bill is in arrears and that water service will be discontinued if payment is not received. The notice shall be mailed to the owner's last known address or a copy shall be left on the owner's property. If the amount due remains unpaid after the expiration of ten days from the giving of such notice, the town shall forthwith discontinue water service to the property. The services will remain disconnected until the delinquent amount and a reconnection charge is paid in full. The charge for the service disconnection and reconnection is one hundred dollars (\$100.00). Any bill and, if applicable, reconnection charge remaining unpaid after thirty (30) days from the date the late notice is sent is collectible from the property owner in the same manner and subject to the same interest as taxes are collectible in Frederick County. Such charges and bills shall be a first lien on the property. Any person who, without proper authority from the mayor and board of commissioners, reconnects water service to the property at which service has been disconnected pursuant to this section shall be guilty of a misdemeanor.~~
- D. ~~All bills may be paid at any of the following locations or in the following manner:~~

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1. ~~In person, by cash, check or credit card, at the Emmitsburg Town Office.~~
2. ~~By mailing the payment to the Emmitsburg Town Office.~~
3. ~~By online banking, if such payment procedure is available through the customer's bank or other financial institution and is compatible with the procedures and billing systems of the town.~~
4. ~~Online using the online bill pay function on the town's website located at www.emmitsburgmd.gov.~~
5. ~~By placing the payment in the drop box located in the front of the Old Town Office Building at 22 East Main Street.~~
6. ~~By placing the payment in the drop box located at the rear of the Town Office Building at 300A South Seton Avenue.~~

(Ord. No. 17-07, § II, 9-5-17; Ord. No. 20-04, 5-4-20)

13.04.040 **NEW W**water service and connection capacity charges.

- A. Each new service or connection applied for shall be charged a connection capacity fee of ~~eight thousand two hundred dollars (\$8,200.00) per residential unit, or pursuant to the town's "water and sewer service allocation chart" for all other uses,~~ payable at the time the zoning permit is applied for. All water service shall be metered and such meter shall be purchased by the applicant, and installation shall be performed by the applicant at the applicant's expense, ~~and will be maintained by the town.~~ Installation must be inspected and approved by the town.
- B. In the event such water connection is not completed within one year from the date of the obtainment of the permit, such permit to connect with the water system shall become null and void and purchase fee, in full, shall be refunded.
- C. A sewer and water connection fee payment plan is established for non-residential properties the terms and conditions of which will be determined from time to time by the mayor and board of commissioners and enacted by resolution.
- D. All funds collected as connection/capacity fees will be restricted/reserved and limited to be used to enhance, repair and maintain the town's water and wastewater treatment systems.

(Ord. 06-04 § 1: Ord. 04-07 (part): Ord. 02-09 (part): Ord. 01-15 (part): Ord. 01-02 (part): Ord. 00-06 (part): Ord. 99-06 (part): Ord. 98-03: Ord. 96-07: Ord. 88-2 § 1: prior code Art. XII § 3 (part)Ord. No. 08-09, 12-1-08; Ord. No. 11-14, 8-15-11; Ord. No. 12-03, 4-16-12)

(Ord. No. 14-16, 12-2-14; Ord. No. 20-01, 1-6-20)

Editor's note(s)—Ord. No. 14-16, adopted December 2, 2014, amended the title of § 13.04.040 to read as set out herein. Previously § 13.04.040 was titled water service and connection charges.

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13.04.041 Water fixture unit chart for equivalent units for commercial, industrial and institutional properties.

A. Each new service **APPLIED FOR**, other than residential, ~~applied for~~ shall be charged an allocation fee based upon the following fixture unit chart for equivalent units:

Fixture Type	Trap Size	Fixture Unit Value
Apartment (per apartment) ²	—	10
Bathtub With or Without Integral Shower	1½ or 2	4
Combination Sink and Tray	1½	3
Combination Sink and Tray With Food Disposal Unit	½	
Separate	4	
Dental Unit or Cuspidor	1½	1
Dental Lavatory	1½	1
Drinking fountain—Single	1½	1
Drinking fountain—High/low or double	1½	2
Dishwasher (commercial)	1½	6
Dishwasher (domestic type)	1½	4
Eyewash	1½	1
Floor drain ³	2—3	4
Floor Drain	4	6
Floor Drain	6	8
Floor Drain (demonstration fume hood)	2	3
Floor Sink	3	6
Floor Sink	4	7
Fume Hood With Drain	2	2
Trench drains (every 3' min. 9')(per each trench drain)	—	1
Ice cream dipper well	—	3
Kitchen Sink (domestic type)	1½	4
Kitchen Sink (domestic type with food disposal unit)	1½	5
Lavatory	1½	2
Lavatory Tray (1 or 2 compartments)	1½	3
Print Washer	—	3
Processing Sink	—	3
Shower, 2 Heads	—	8
Shower, 3 Heads	—	12
Shower, 4 Heads	—	16
Shower Stall (domestic type)	2	4
Shower (group) per Head w/2 or More		4
Sinks:		
Bar With Disposer	1½	3
Bed Pan	—	6
Classroom	—	3
Mop, single bowl	2	3
Mop, double bowl	2	6

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Pedicure	—	2
Pot, Scullery, etc.	1½	4
Print	—	3
Service, single bowl	3	3
Surgeon's	1½	3
Three-Compartment	—	6
Urinal:		
Pedestal	3	10
Wall or Stall	2	5
Trough (for 18 inch length)		2
Waterless	—	2
Ventilator	2	3
Wash sink (circular or multiples each set of faucets—or 12")	1½	2
Washing Machine	1½	4
Water Closet	3	10
Water Cooler, Electric With Drain	1½	1
Motel room or dormitory room	—	2.5
Continuing Care Retirement Community Living Units and Beds Only:		
Comprehensive Care Bed	—	2.5
Assisted Living Unit	—	5
Independent Living Unit	—	7.5

2 Does not include apartments with assisted living/nursing home/rehabilitation/retirement centers.

3 Floor drains used to collect water from a series of fixtures will be charged by the fixture units of the fixtures or by the drain size, whichever is greater.

(Ord. 00-11)

(Ord. No. 20-01, 1-6-20)

13.04.060 Responsibility for installation, cost and maintenance of water meters.

- A. Installation of the Initial Water Meter. All sizes of water meters shall be specified by the town and provided by owner and installed at the owner's expense. Following inspection and approval by the town, the property owner will ensure that the meter remains in proper working order.
- B. All meters two inches or larger shall be compound or fire service.
- C. Replacement of Water Meters. All replacement meters shall be provided by and installed at the town's expense, at the town's discretion or when said meter fails. After installation of the

aforementioned meter, the property owner will ensure that the meter remains in proper working order. The property owner shall take all necessary steps to ensure meters do not freeze. If the meter fails due to neglect or other negligent or intentional fault on the part of the property owner or occupant or their guests or invitees, the meter shall be installed by the town at the owner's expense.

D. NOTICE OF DEFECTIVE METER ~~Violation of this section.~~

1. It is the responsibility of the property owner to notify the town of a defective meter and schedule an inspection with the town within ten calendar days.
2. **IF THE PROPERTY OWNER FAILS TO NOTIFY THE TOWN OF THE DEFECTIVE METER,** ~~Upon neglect or refusal to do so,~~ it shall be the duty of the maintenance superintendent to shut off the water from such premises. ~~and~~
3. ~~a~~Any person who shall turn on ~~such~~ water before the necessary repairs have been made shall be deemed guilty of a misdemeanor and shall be subject to the standard disconnect and reconnect charges.

E. Access ~~TO~~ ~~of~~ Meters. All meters of any size shall be accessible to the town's agents at all times. The denial of such access shall result in immediate disconnection of the water service without notice and will be subject to the standard disconnect and reconnect charges.

(Ord. 02-11: Ord. 95-4 § 1: prior code Art. XII §§ 5, 6; Ord. No. 12-04, 5-7-12; Ord. No. 17-05, 9-5-17)

13.04.070 Interfering, ~~etc.~~, with meters.

- A. Any person who shall interfere with the town, its agents or employees, while installing, connecting, reading, examining or removing any meter, or who shall tamper with, alter the reading of, deface, injure, destroy or disconnect any meter, or any connection thereto, or use water otherwise than through a meter when a meter is installed on the premises, shall, on conviction, be guilty of a misdemeanor, and the water supplied to any consumer who, by himself, or through an agent, shall have committed any of the unlawful acts set forth in this section, may be cut off without notice.
- B. The provisions of subsection (A) of this section shall not be construed to exempt any person who may have been fined for a violation thereof, or who may be charged with a violation thereof, from an action of damages on account of such injury brought by the town.

(Prior code Art. XII § 7)

13.04.080 Duties of town employees while installing meters.

Whenever meters are being installed, it shall be the duty of the employees of the town to either meter all pipes supplying water to the premises or disconnect and cut off from the water system all pipes on which meters are not installed.

(Prior code Art. XII § 8)

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13.04.090 Application for and use of water outside of corporate limits.

Any new connections to the town of Emmitsburg's water system will be limited to properties that lie within the corporate limits of Emmitsburg **UNLESS OTHERWISE REQUIRED BY LAW**. ~~This refers to all requests including hardship and state or federal mandates, services can be supplied only if the property in question can be and is annexed into the town of Emmitsburg.~~

(Ord. 03-04 (part): Ord. 01-05: prior code Art. XII § 9)

13.04.100 Application for water.

- A. Every person who may desire to contract for a supply of water shall make written application, upon forms prepared by the town, setting forth a description of the property and the improvements thereon to be supplied with water and the purpose for which the water is to be used. The applicant will abide by and observe all ordinances, resolutions and regulations. Every such applicant shall also state in the application that he is the owner of the premises to be supplied with water, and no water shall be furnished to any applicant other than the owner of the premises. No person or persons shall be permitted to connect to the town water system or use town water unless the property being served shall also be connected to and use the town sewer system to the exclusion of any other sewer, septic or other similar disposal system.
- B. No water permit shall be issued until **AN** application is presented and **APPROVED BY THE TOWN PLANNER, WHO SHALL CONSULT WITH THE SUPERVISOR AND DIRECTOR OF PUBLIC WORKS** ~~passed by the mayor and commissioners~~. All permits for water tappage shall be signed by the **TOWN PLANNER** ~~mayor and president of the board of commissioners~~.
- C. **THE TOWN SHALL LAY THE SERVICE PIPE FROM THE DISTRIBUTION MAIN IN A THE STREET OR PUBLIC WAY TO A POINT SIX INCHES INSIDE THE STREET OR PUBLIC WAY ABUTTING THE PROPERTY TO BE SERVICED AND TAP OR MAKE THE CONNECTION TO THE PROPERTY OWNER'S SERVICE PIPE AT THE PROPERTY OWNER'S EXPENSE. THE TOWN SHALL INSTALL A STOPCOCK SIX INCHES INSIDE THE STREET OR PUBLIC WAY AND SHALL CONNECT THE PROPERTY OWNER'S SERVICE PIPE TO THE TOWN'S SERVICE PIPE AT THE STOPCOCK. NO SERVICE PIPE SHALL HAVE A DIAMETER OF LESS THAN THREE-FOURTHS INCHES. IF THE CONNECTION AND SERVICE PIPES HAVE A GREATER DIAMETER THAN THREE-FOURTHS INCHES, THE PROPERTY OWNER SHALL BE REQUIRED TO PAY THE ADDITIONAL COSTS OF ANY MATERIALS USED BY THE TOWN, IN ADDITION TO THE TAPPAGE FEE. ANY PERSON OTHER THAN THE SUPERINDENDENT OR THEIR DULY DESIGNATED AGENT WHO MAKES SUCH A CONNECTION SHALL BE GUILTY OF A MISDEMEANOR.** ~~Tapping or making connection with any service main constructed by the town in any street or public way, not exceeding a diameter of three fourths of an inch and the laying of the service pipe from the distribution main in the street or public way to appoint six inches inside the street line abutting on the property to be serviced, shall be done by the town at the~~

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~~expense of the property owner in accordance with the tariffs provided. In the event the connection and service pipes are of larger diameter than three fourths of an inch, then the property owner shall be required to pay, in addition to the tappage fee, the actual costs of any materials used. The town shall install a stopcock six inches inside the curb and connect the service pipe to be laid by the property owner with the service main at the stopcock at the curb. In the event any person other than the superintendent of waterworks, or his duly designated agent, shall make such connection, he shall be guilty of a misdemeanor. No service main, whether laid by the town or by the property owner, shall have a diameter of less than three fourths of an inch.~~

- D. Any extension of a distribution main will be limited to fifty (50) feet for each tap or connection and any extension in excess of fifty (50) feet shall be at the sole expense of the property owner requesting the service; provided, however, that should the excess extension footage be subsequently utilized for additional taps or connections, then the cost of such excess footage, or applicable portion thereof, shall be refunded if utilized within five years from the date of installation.
- E. The above charges shall be paid upon application for such installation.
- F. No building or water permit shall be issued by the town authorities until all or any unpaid portion of the above charges and interest, if any, shall have been paid.
- G. In the event the purpose for which the water is to be used or the amount to be charged therefor, is not set out in this chapter, then the town **PLANNER** ~~clerk~~ shall present such application to the mayor and commissioners, and the mayor and commissioners shall determine whether the applicant shall be furnished with the water and the amount to be charged therefor. In the event the applicant be allowed the use of water, then the town **PLANNER** ~~clerk~~ shall issue the permit upon the terms and conditions hereinbefore provided. The town clerk shall make out and deliver to the mayor and commissioners a report of all moneys paid to him under the provisions of this section, to be accounted for at the end of each year in his annual statement. The application and the permit granted thereon shall constitute a contract between the applicant and the town. The minimum charge for the use of water shall begin as soon as the permit has been issued and shall continue until the completion of the premises, and thereafter such additional charges shall be made as may be provided by ordinance or resolution. All water charges shall be preferred liens on the real estate on which the water is used from the time such charges become due and payable.

(Ord. 03-04 (part): prior code Art. XII § 10)

13.04.110 ~~Payment of charges, dDiscontinuances, adjustments in RATESrents.~~

- A. ~~All charges for use of water shall be paid at the beginning of each term on the first day of January, April, July and October, respectively, in each year, and a~~All persons who shall have contracted for the use of water and who may desire to discontinue the same, shall give notice of their intentions to the **TOWN PLANNER** ~~water rent collector~~ in writing, who shall thereupon notify the superintendent ~~of waterworks.~~
- B. Where water is carried or conveyed from the property to another property having no service pipe connecting the water system, each property so supplied will be charged the prevailing water rates.

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- C. No deductions will be allowed from the prevailing rates on account of any fixtures not in use, unless such fixtures are disconnected by the consumer, in a manner satisfactory to the mayor and commissioners. The superintendent of waterworks shall make an investigation to determine whether such fixtures have been properly disconnected and report his finding to the **TOWN ACCOUNTANT** ~~collector of water rents~~, and the **TOWN ACCOUNTANT** ~~collector~~ shall make such adjustments in the account of any such consumer as may be necessary to conform with the provisions of this chapter. No vacancy shall be allowed for a period of less than three months.
- D. **THE TOWN SHALL INCREASE THE PREVAILING RATES CHARGED TO A PROPERTY IN THE EVENT THERE IS AN INCREASE TO THE NUMBER OF FIXTURES. APPLICANTS SHALL INCLUDE THE NUMBER OF EXISTING AND PROPOSED ADDITIONAL FIXTURES AS PART OF THE ZONING CERTIFICATE APPLICATION.**

(Ord. 01-08 (part): prior code Art. XII § 11)

13.04.120 Use of stopcocks with branch pipes.

Any person who may be supplied with water by means of a branch connected with a private pipe shall have a sufficient stopcock affixed to such branch as near as possible to the private pipe so as to stop the flow of water through the branch when necessary, without interrupting the supply to the other persons having a right to use the pipe with which such connection may be formed. Every person who may be supplied with water from a private pipe having a branch connected therewith shall in like manner have a sufficient stopcock affixed to the private pipe, above such branch for the purpose aforesaid, and in case of neglect or refusal to comply with any requirement of this section, every person so offending shall be guilty of a misdemeanor.

(Prior code Art. XII § 12)

13.04.130 Inspections and repairs to prevent waste of water.

The superintendent of waterworks, or his duly authorized agent, is authorized and empowered to enter and inspect the premises of any consumer of water for the purpose of ascertaining the number and character of all service connections on such premises and the condition of the same, and for the purpose of investigating whether there is any unnecessary waste of water. In case of any unnecessary waste of water found to result from want of repair in the pipes or other fixtures, the owner or occupier of such premises shall be notified to have the necessary repairs made forthwith, and upon his neglect or refusal to do so, it shall be the duty of the superintendent to shut off the water from such premises and any person who shall turn on such water before the necessary repairs have been made shall be deemed guilty of a misdemeanor.

(Prior code Art. XII § 13)

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13.04.140 Use of private common pipes.

In all cases where several consumers receive a supply of water from branch pipes, hydrants or fixtures uniting with a private common pipe inside the curb, each consumer shall keep such common pipe in repair, and in case of waste therefrom, shall be severally liable to all fines and penalties. Whenever a private pipe inside the curb which supplied water to several separate consumers through branch pipes or fixtures shall become defective so that it cannot be repaired, then the owners of any such premises shall not be permitted or allowed to relay a new joint of common pipe to supply any such consumers, but each of the owners of the premises so supplied with water shall be required to make application for and laying a new service pipe leading from the stopcock at the curb to each premises so supplied with water. Only one property will be supplied with water through one service pipe.

(Prior code Art. XII § 14)

13.04.150 Laying of private pipes.

All private pipes conveying water shall be laid at the same depth as the depth of the service main at the stopcock situated on the pavement or sidewalk. Every person laying such private pipe shall be liable for the expense which may be incurred in laying such private pipe at the necessary depth. All private pipes will be laid or installed under the direct supervision of the superintendent of water of the town.

(Prior code Art. XII § 15)

13.04.160 Curtailment of use of water.

- A. The mayor, after consultation with the commissioners and the director of public works, shall have the authority, whenever in his/her judgment he/she shall think it necessary, for the preservation of the public health and safety to suspend, curtail, regulate and prohibit the use of water from the municipal water system of the town, giving notice of such suspension, curtailment, regulation and prohibition by publication in some newspaper published in the town to all consumers of water of such suspension, curtailment, regulation and prohibition. Such suspension, curtailment, regulation and prohibition shall be ordered in accordance with the provisions set forth in subsection (B) and (C) below:
- B. Phase 1. Voluntary conservation restraints by all users of water from the municipal water system of the town.
- C. ~~Phase 2.~~ Mandatory restriction of any or all of the following uses:
 - a1. Filling or replenishing of swimming pools;
 - b2. Outside consumption of water, including but not limited to, washing of motor vehicles, houses, sidewalks or any public ways, or watering lawns, gardens or shrubs;

- e3. The providing of drinking water by operators of restaurants and taverns, unless requested by patrons.
- 24. Large volume users:
 - a. "Large volume user" is defined as any user of town water or of the town water system which uses more than ten thousand (10,000) gallons per day of town water as determined by the average amount of water used by that user during the last two billing periods which covered the same months or periods of time as the months or period of time when the determination is made;
 - b. During Phase 2 restrictions, the mayor, after consultation with the commissioners and the director of public works, shall issue a target rate of water usage for large volume users. In addition to the restrictions set forth in **THIS** subsection (C)(4) above, a large volume user shall not use town water in excess of the target rate. The mayor shall notify a large volume user in writing of the target rate which has been established for that user.
- D. Violation of any of the restricted uses set forth in Phase 2 shall be a municipal infraction, for which any law enforcement officer may issue a citation. The fines and penalties for any violation shall be as set forth below:
 - 1. For users other than large volume users:
 - a. Warning shall be given for the first violation;
 - b. A continuing or second violation shall be punishable by a fifty dollar (\$50.00) fine;
 - c. Any subsequent violation(s) shall be punishable by a seventy-five dollar (\$75.00) fine.
 - 2. For large volume users:
 - a. For a first violation, a warning shall be given that the use of water is in excess of the target rate;
 - b. For a second, continuing or subsequent occurrence of daily water use in excess of the target rate, a large volume user shall be fined an amount equal to two times the amount of the cost of the water, as determined by the then controlling water rate for that user, for all amounts of water used in excess of the target rate, said fine not to exceed one thousand dollars (\$1,000.00) for each day of the violation. Each day that the water usage exceeds the target rate shall constitute a separate violation.

(Ord. 02-15: Ord. 88-4A § 1: prior code Art. XII § 16)

13.04.170 Prohibited acts generally.

- A. If any person shall injure the drains, pipes of conduit, any water house, reservoir, the reservoir grounds or the fencing upon such grounds, or shall willfully do, or cause to be done, any act whereby any pipe, plug, wall, cock, engine, machine, or any other fixture, apparatus or device connected with or appertaining to the waterworks shall be stopped,

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impaired, disarranged or injured or shall open any pipe, box or other appliance so as to occasion a wanton and willful waste of water, or shall permit the water to flow unnecessarily from his dwelling or enclosure, or use the same in any other manner than is specified in the application or contract for the use of water, he shall be guilty of a misdemeanor.

- B. If any person shall, without proper authority, introduce a ferrule and/or connection into any public or private pipe, or from any connection or communication whatsoever with any public or private pipe, or break ground for that or any other similar purpose in any of the public streets of the town, or shall introduce or use a ferrule and/or connection of larger diameter than is specified in his or her permit, he or she shall be guilty of a misdemeanor.
- C. The watering of lawns, shrubs, flowers, gardens, etc., via the public water system is prohibited on all days and at all times between the hours of 9:00 a.m. and 6:00 p.m. Anyone violating this section of the code shall be guilty of a misdemeanor and may be subject to a fine of up to two hundred fifty dollars (\$250.00) or both.
- D. Any person(s) detected connecting to a town fire hydrant for any nonemergency purpose will be subject to a one thousand dollar (\$1,000.00) fine for each offense.

(Prior code Art. XII § 17)

(Ord. No. 11-07, 3-7-11; Ord. No. 20-02, 1-6-20)

Chapter 13.08 SEWER SYSTEM

13.08.010 Purpose.

It is determined and declared to be necessary to the protection of the public health, safety and welfare and convenience ~~of~~ **FOR** the town, ~~Frederick County, Maryland,~~ to regulate sewage disposal and to levy and collect charges for the use of the Emmitsburg sewerage system.

(Prior code Art. IX § 1)

13.08.020 Cesspools, privies and privy vaults.

A. There shall be no use of cesspools, privies or privy vaults in the town of ~~Emmitsburg, Maryland~~ **EXCEPT AS OTHERWISE PROVIDED HEREIN.**

(Prior code Art. IX § 2)

B. Cesspools and wells may be used for the disposal of rainwater, provided they are so constructed that they carry off the water discharged therein properly and do not overflow. In the event that they do not carry off such water properly or overflow, their use shall be discontinued upon receipt of notice from the mayor.

(Prior code Art. IX § 3)

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13.08.030 **RESERVED** ~~Disposal of rain water.~~

~~Cesspools and wells may be used for the disposal of rain water, provided they are so constructed that they carry off the water discharged therein properly and do not overflow. In the event that they do not carry off such water properly or overflow, their use shall be discontinued upon receipt of notice from the mayor.~~

~~(Prior code Art. IX § 3)~~

13.08.040 Deposit of sewage within corporate limits.

It is unlawful for any person to deposit any sewage at any place within the town limits except with written permission to do so from the mayor and commissioners.

(Prior code Art. IX § 4)

13.08.050 Control and management of sewers.

All public sewers and all private sewers connected with or emptying into any public sewer, and all sewers, public or private, laid in or along any public street or alley or right of way, shall be under the control and management of the mayor and commissioners **WHO SHALL APPOINT A SUPERINTENDENT TO HAVE GENERAL SUPERVISION OVER THE SEWER SYSTEM.**

(Prior code Art. IX § 5)

13.08.060 Supervision of connections.

All connections with any public sewer or any private sewer emptying into a public sewer, shall be made only after securing a permit signed by the **TOWN PLANNER** ~~mayor~~ and all such connections shall be made under the direction and supervision of the **SUPERINTENDENT** ~~mayor or a person appointed by the mayor for this purpose.~~

(Prior code Art. IX § 6)

13.08.070 Permits generally.

- A. Permits shall be issued and one copy shall be delivered to the applicant. The conditions in such permits must be strictly complied with and the work shall be done by a licensed plumber and certified by the town inspector.
- A. Permits shall be issued and one copy shall be delivered to the applicant. The conditions in such permits must be strictly complied with and the work shall be done by a licensed plumber and certified by the town inspector.

(Ord. 03-04 (part): prior code Art. IX § 7)

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13.08.080 Obstructing, ~~etc.,~~ sewers.

It is unlawful for any person to obstruct, injure, destroy or in any manner interfere with the use of any sewer or part thereof, which is constructed under any of the streets or on any private property in the town, or with any public or private sewer or sewer pipe connected therewith.

(Prior code Art. IX § 8)

13.08.090 Sewer service and connection capacity charges.

- A. The fee for making connection with any sanitary sewer main and/or sewer system maintained by the town shall be ~~eight thousand dollars (\$8,000.00) per residential unit or~~ **DETERMINED** pursuant to the town's "water and sewer service allocation chart" ~~for all other uses payable~~ at the time the zoning permit is applied for. In addition thereto, the property owner shall pay all costs involved in said connection.
- B. In the event said sewer connection is not completed within one year from the date of the obtaining of the permit, said permit to connect with the sewer system shall become null and void and purchase fee, in full, shall be refunded.
- C. A sewer and water connection fee payment plan is established for non-residential properties the terms and conditions of which will be determined from time to time by the mayor and board of commissioners and enacted by resolution.
- D. All funds collected as connection/capacity fees will be restricted/reserved and limited to be used to enhance, repair and maintain the town's water and wastewater treatment systems.

(Ord. 08-04: Ord. 04-10: Ord. 04-07 (part): Ord. 04-04; Ord. 02-09 (part): Ord. 01-15 (part): Ord. 01-02 (part): Ord. 00-06 (part): Ord. 98-02: Ord. 96-06: Ord. 90-6 § 1: prior code Art. IX § 9)

(Ord. No. 08-10, 12-1-08; Ord. No. 11-15, 8-15-11; Ord. No. 14-17, 12-2-14; Ord. No. 20-01, 1-6-20)

Editor's note(s)—Ord. No. 14-17, adopted December 2, 2014, amended the title of § 13.08.090 to read as set out herein. Previously § 13.08.090 was titled sewer service and connection charges.

13.08.100 Inspection of sewers and pipes.

The **SUPERINTENDENT** ~~mayor or a person appointed by him/her for this purpose~~ shall have the right, at all time, to inspect all public or private sewers or sewer pipes connected in any way with any public sewer.

(Prior code Art. IX § 10)

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13.08.110 Sewer rates.

A. Minimum Charge.

- From the period April 1, 2012, through June 30, 2014, the minimum charge for all sewer customers for the first six thousand (6,000) gallons used within a quarter shall be:

¾-inch meter	\$ 89.00
1-inch meter	96.00
2-inch meter	137.50
4-inch meter	550.00
6-inch meter	1,100.00

Beginning July ~~JULY 1, 2023~~ 2014, the minimum charge for all sewer customers for the first six thousand (6,000) gallons used within a quarter shall be:

¾-inch meter	\$ 113.00 \$116.39
1-inch meter	122.00 \$194.00
1 ½-INCH METER	\$388.00
2-inch meter	175.00 \$620.80
4-inch meter	700.00 \$1,940.00
6-inch meter	1,400.00 \$3,880.00
8-INCH METER	\$6,208.00
10-INCH METER	\$16,296.00

- BEGINNING ON JULY 1, 2024, THE MINIMUM CHARGE FOR ALL SEWER CUSTOMERS FOR THE FIRST SIX THOUSAND (6,000) GALLONS USED WITHIN A QUARTER SHALL BE INCREASED ANNUALLY BY THREE PERCENT (3%) FROM THE PRECEDING YEAR'S RATE.**
- Unmetered users of the sewer will be billed a minimum of twelve thousand (12,000) gallons per quarter.
- When installation of a fire service meter is required to service a sprinkler system where otherwise a smaller line would be sufficient to service the facility, then an alternate minimum charge may be assessed as recommended by staff and approved by the mayor and council.

B. Overage Charge.

- From the period April 1, 2012, through June 30, 2014, all sewer customers shall be billed quarterly for the excess usage over six thousand (6,000) gallons of water based on the following rates:

6,001—10,000 gallons	\$ 2.40	per 1,000 gallons
10,001—20,000 gallons	4.50	per 1,000 gallons
20,001—100,000 gallons	7.50	per 1,000 gallons

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100,001—1,000,000 gallons	10.50	per 1,000 gallons
1,000,001—2,000,000 gallons	13.88	per 1,000 gallons
2,000,000 gallons and up	17.25	per 1,000 gallons

Beginning July ~~JANUARY 1, 2023~~2014, all sewer customers shall be billed quarterly for the excess usage over six thousand (6,000) gallons of water based on the following rates:

6,001—10,000 gallons	\$ 2.40 \$2.47	per 1,000 gallons
10,001—20,000 gallons	6.00 \$5.56	per 1,000 gallons
20,001—100,000 gallons	10.00 \$8.65	per 1,000 gallons
100,001—1,000,000 gallons	14.00 \$11.73	per 1,000 gallons
1,000,001—2,000,000 gallons	18.50 \$14.82	per 1,000 gallons
2,000,000 gallons and up	23.00 \$17.91	per 1,000 gallons

2. **BEGINNING ON JULY 1, 2024, THE RATE ALL SEWER CUSTOMERS SHALL BE BILLED QUARTERLY FOR USAGE OVER THE SIX THOUSAND (6,000) GALLONS OF WATER SHALL BE INCREASED ANNUALLY BY THREE PERCENT (3%) FROM THE PRECEDING YEAR’S RATE.**

3. Sewer rates shall be reviewed **PERIODICALLY** annually by the **BOARD OF COMMISSIONERS** and revised as necessary to reflect actual costs for the operation, maintenance and replacement of the sewerage system. The cost for treating extraneous flows (infiltration and inflow) shall be distributed among users in the same manner as the cost for operations, maintenance and replacement of the sewerage system. Each user will be notified annually in conjunction with their regular bill of the rate and that portion of the user charge which is attributed to wastewater treatment services.

~~3— Upon request, the may approve the installation of a well (with health department approval) to supply cooling waters, so long as a meter meeting the town’s specifications is installed at the applicant’s cost. Said meter will be read by the town of Emmitsburg quarterly to assure that said well waters are only used for cooling, as agreed to in the original approval. The water is not to be discharged into the town sewer system.~~

~~C. Collection of Charges. All sewer charges shall be charged to and collected from the owner of the property served. Charges are payable in full upon receipt of the quarterly bill. These bills are mailed by the first of January, April, July and October. The bills are due on the 5th of the following month, respectively, February, May, August and November. If the 5th falls on a holiday or weekend, the bills are due on the next business day. If any bill remains unpaid after forty five (45) days from the date the bill is sent, the town shall give the owner of the property served written notice of such delinquency and the town may discontinue water service to the property at any time thereafter. The notice shall be mailed to the last known address of the property owner or posted on the property served. If water service has been disconnected for failure to pay the sewer charges, then prior to reconnecting the water service, the entire sewer bill due and owing and a reconnection charge of one hundred~~

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~~dollars (\$100.00) must be paid in full. A sewer bill remaining unpaid after sixty (60) days from the date the bill was originally mailed may be collected from the owner of the property in the same manner and at the same interest rate as taxes are collected in Frederick County, and the sewer and service charges shall then be a first lien on the property served. Nothing contained in this section shall preclude the town from the use of any other procedure available to collect unpaid sewer charges.~~

(Ord. 06-11 § 1; Ord. 05-11; Ord. 03-08 (part); Ord. 02-16 (part); Ord. 02-06 (part); Ord. 01-09; Ord. 99-09; Ord. 98-10; Ord. 98-09; Ord. 97-05; Ord. 95-7 § 1; prior code Art. IX § 11; Ord. No. 08-10, 12-1-08; Ord. No. 12-01, 2-20-12; Ord. No. 13-03, 1-7-13; Ord. No. 17-06, 9-5-17)

13.08.111 Sewer fixture unit chart for equivalent units for commercial, industrial and institutional properties.

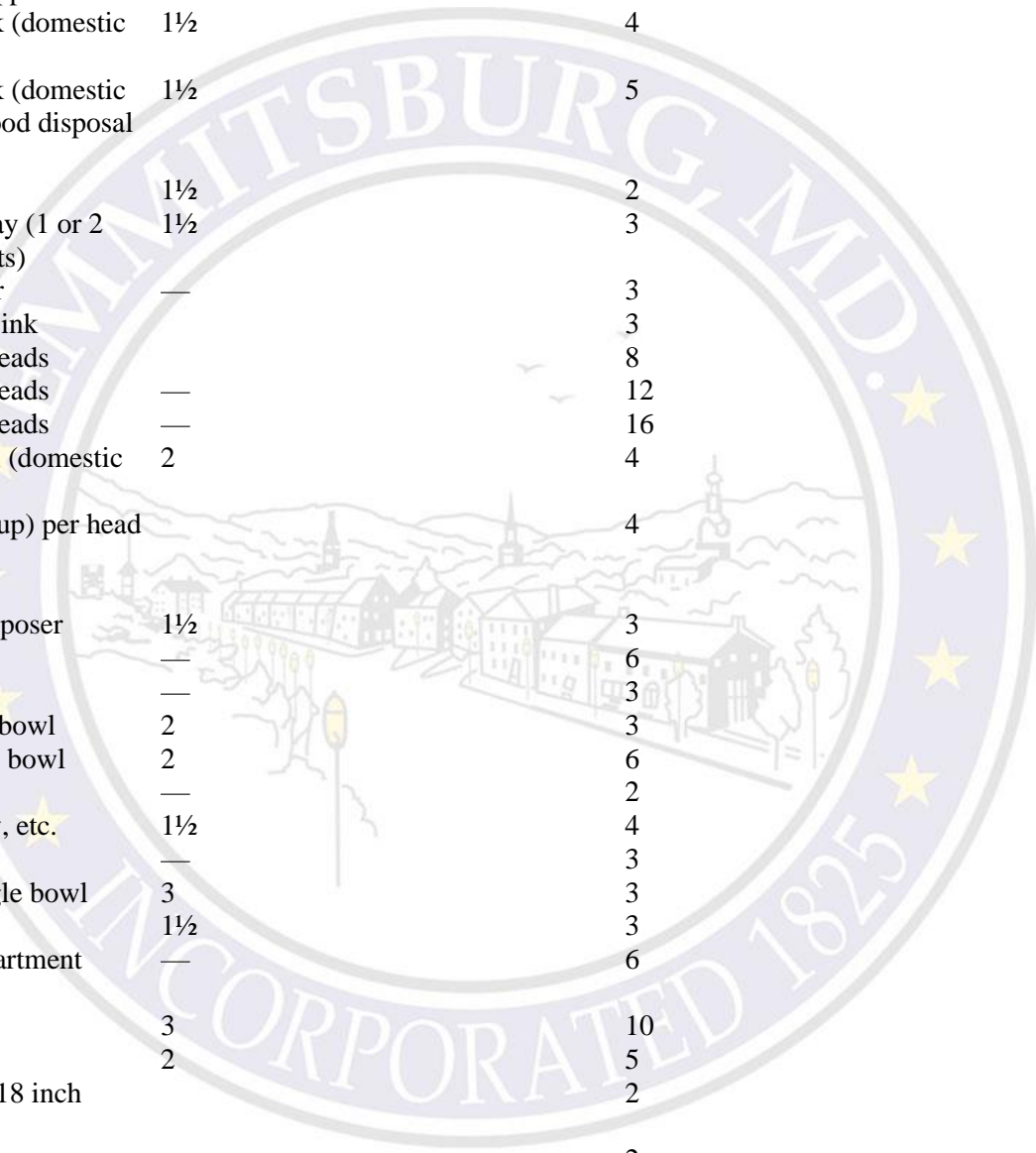
A. Each new service, other than residential, applied for shall be charged an allocation fee based upon the following fixture unit chart for equivalent units:

Fixture Type	Trap Size	Fixture Unit Value
Apartment (per apartment) ²	—	10
Bathtub With or Without Integral Shower	1½ or 2	4
Combination Sink and Tray	1½	3
Combination Sink and Tray With Food Disposal Unit	½ separate	4
Dental Unit or Cuspidor	1½	1
Dental Lavatory	1½	1
Drinking fountain—Single	1½	1
Drinking fountain—High/low or double	1½	2
Dishwasher (commercial type)	1½	6
Dishwasher (domestic type)	1½	4
Eyewash	1½	1
Floor drain ³	2—3	4
Floor Drain	4	6
Floor Drain	6	8
Floor Drain (demonstration fume hood)	2	3
Floor Sink	3	6
Floor Sink	4	7

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Fume Hood With Drain	2	2
Trench drains (every 3' min. 9')(per each trench drain)	—	1
Ice cream dipper well	—	3
Kitchen Sink (domestic type)	1½	4
Kitchen Sink (domestic type) with food disposal unit)	1½	5
Lavatory	1½	2
Lavatory Tray (1 or 2 compartments)	1½	3
Print Washer	—	3
Processing Sink	—	3
Shower, 2 Heads	—	8
Shower, 3 Heads	—	12
Shower, 4 Heads	—	16
Shower Stall (domestic type)	2	4
Shower (group) per head w/2 or more	—	4
Sinks:		
Bar with Disposer	1½	3
Bed Pan	—	6
Classroom	—	3
Mop, single bowl	2	3
Mop, double bowl	2	6
Pedicure	—	2
Pot, Scullery, etc.	1½	4
Print	—	3
Service, single bowl	3	3
Surgeon's	1½	3
Three-compartment	—	6
Urinal:		
Pedestal	3	10
Wall or Stall	2	5
Trough (for 18 inch length)	—	2
Waterless	—	2
Ventilator	2	3
Wash sink (circular or multiples each set of faucets—or 12")	1½	2
Washing Machine	1½	4
Water Closet	3	10



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Water Cooler, Electric with Drain	1½	1
Motel room or dormitory room		2.5
Continuing Care Retirement Community Living Units and Beds Only		
Comprehensive Care Bed —		2.5
Assisted Living Unit —		5
Independent Living Unit —		7.5

2 Does not include apartments with assisted living/nursing home/rehabilitation/retirement centers.

3 Floor drains used to collect water from a series of fixtures will be charged by the fixture units of the fixtures or by the drain size, whichever is greater.

Fixtures and other connections which are not included in this list will need to be rated by staff upon request. Fifteen (15) fixture unit values or any fraction thereof would equate to one residential house or dwelling.

(Ord. 00-12)

(Ord. No. 20-01, 1-6-20)

13.08.120 Sewer service—Outside town limits.

Any new connections to the town of Emmitsburg's wastewater system will be limited to properties that lie within the corporate limits of Emmitsburg **UNLESS OTHERWISE PROVIDED BY LAW**. ~~This refers to all requests including hardship and state or federal mandate cases. In the case of hardships, state or federal mandates, services can be supplied only if the property in question can be and is annexed into the town of Emmitsburg.~~

(Ord. 03-04 (part): Ord. 01-06: Ord. 85-1B § 1: prior code Art. IX § 12)

13.08.130 Permits for tapping sewers, entering manholes, etc.

No person shall open, tap, repair or close any sewer without a proper permit to do so from the mayor. No person shall enter any manhole or any sewer or tamper with or disturb any sewer or appurtenance thereto without a permit from the mayor.

(Prior code Art. IX § 13)

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13.08.140 Capping and plugging nuisances and unused connections.

- A. If any drainage, plumbing or sewerage system or connection becomes inadequate and a nuisance is created, the mayor shall order such fixtures as are connected to the system to be removed and pipes capped until all defects in the system have been corrected. If, after failure to comply with such orders and after five days' written notice has been given, the work has not been started, the **SUPERINTENDENT** ~~mayor~~ shall have the right to enter the premises and remove or cause such fixtures to be removed and the expenses incident to such order and removal or by reason of other work necessary to the abatement of such nuisance shall become a lien against such property, collectible as other public liens are collectible.
- B. When any property, land or premises which has more than one connection to the sanitary sewerage system is altered in such manner as to make more than one connection unnecessary, then upon notice from the mayor, the owner thereof shall remove the pipe and properly plug the connections. Upon refusal or failure to comply with such notice, the mayor is empowered to do the work or cause it to be done and collect the costs thereof from the owner of the property involved.
- C. It shall be the duty of any plumber in connection with his work in or about any building, land or premises, to see that all abandoned or unused connections are properly plugged in keeping with the above provisions.

(Prior code Art. IX § 14)

13.08.150 Prohibited connections and discharges.

- A. No rain pipes or drains, no steam exhaust, boiler blow-off, drip pipe or nonpolluted drainage of any character shall be connected with or discharged into the sanitary sewerage system without a special permit from the mayor and commissioners and the payment of special fees to be set for each such permit. No steam or water shall be discharged into any sewer at a temperature exceeding one hundred forty (140) degrees Fahrenheit. No gasoline, kerosene or other inflammable oil of any nature shall be discharged into any sanitary sewer and if such are present in waste water, arrangements must be made, satisfactory to the mayor, for their removal before such waste water shall be discharged into any sewer. No solid materials nor liquids carrying solid material in suspension nor liquids of such nature that they may cause the precipitation of such material shall be discharged into any sewer. No germicide or antiseptic liquid or any other liquid waste of such strength or in sufficient quantities to interfere with bacterial action in the disposal plant shall be discharged into any sewer or drain. No liquid which will cause corrosion of the sewers shall be discharged thereinto. No obstruction of any kind shall be deposited in any sewer.
- B. All such wastes as above enumerated, shall be first treated by methods approved by the mayor, which will bring them to satisfactory condition for discharge into the sewerage system and no connections for such waste shall be made to the sewerage system except as approved and directed by the mayor.

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(Prior code Art. IX § 15)

13.08.160 Scavengers and collectors of excreta.

Scavengers or collectors of excreta shall not be allowed the privilege of emptying the contents of their tanks into the sanitary sewerage system of the town.

(Prior code Art. IX § 16)

13.08.170 Washing machines **AND OTHER APPLICANCES.**

~~Foul~~**Water** from washing machines, tubs, sinks and other home appliances and equipment shall be emptied into the sanitary sewerage system in the same manner as lavatories, urinals, latrines, commodes and other sanitary facilities.

(Prior code Art. IX § 17)

13.08.180 Violation—Penalties.

Whenever in this chapter, any act is prohibited or is made or declared to be unlawful or an offense, or whenever the doing of any act is required or the failure to do any act is declared to be unlawful, the violation of any such provision of this chapter shall be punished by a fine not exceeding one hundred dollars (\$100.00) or by imprisonment in the county jail for not more than ninety (90) days. Each day any violation of any provision of this chapter shall continue, shall constitute a separate offense.

(Ord. 74-4B § 1: prior code Art. IX § 18)

CHAPTER 13.09 WATER AND SEWER SYSTEM COLLECTION

13.09.010 COLLECTION OF CHARGES.

- A. THE BILLING AND COLLECTION PROCEDURES IN THIS SECTION ARE POLICY PROCEDURES ONLY AND CONSTITUTE GUIDELINES WHICH DO NOT CREATE ANY REQUIREMENTS OR STANDARDS WHICH, UPON NON-COMPLIANCE, WILL GIVE RISE TO ANY CLAIM, CAUSE OF ACTION OR BASIS FOR NON-PAYMENT FOR SERVICES RENDERED. THE FAILURE OF THE TOWN TO COMPLY STRICTLY WITH ANY OF THESE POLICY PROCEDURES AND GUIDELINES IS NOT A WAIVER OR RELINQUISHMENT OF ANY OF THE RIGHTS OF THE TOWN TO SEEK PAYMENT FOR WATER SERVICES RENDERED NOR DOES SUCH FAILURE CREATE ANY DEFENSE TO THE OBLIGATION OF THE USER TO PAY FOR WATER SERVICES RENDERED.**
- B. ALL CHARGES FOR WATER AND SEWER SERVICE ARE THE OBLIGATION OF AND SHALL BE CHARGED TO AND COLLECTED FROM THE OWNER OF THE PROPERTY SERVED. ALL WATER AND SEWER SERVICE ACCOUNTS WILL BE ESTABLISHED IN THE NAME OF THE PROPERTY OWNER WHERE SERVICE IS RENDERED. BILLS WILL BE MAILED IN THE NAME OF THE**

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PROPERTY OWNER TO THE PROPERTY ADDRESS. UPON WRITTEN REQUEST MADE ANNUALLY BY THE PROPERTY OWNER, THE TOWN WILL MAIL BILLS, LATE NOTICES, DISCONNECTION NOTICES AND ANY OTHER NOTICES AND COMMUNICATIONS TO THE PROPERTY OWNER TO SUCH OTHER ADDRESS AS HAS BEEN DESIGNATED BY THE PROPERTY OWNER OR TO THE PROPERTY OWNER IN THE CARE OF A DESIGNATED PROPERTY MANAGEMENT COMPANY AT THAT COMPANY'S ADDRESS. NO ACCOUNTS WILL BE ESTABLISHED AND NO BILLS WILL BE MAILED IN THE NAME OF TENANTS.

C. CHARGES FOR WATER AND SEWER SERVICE ARE PAYABLE IN FULL UPON RECEIPT OF THE QUARTERLY BILL. BILLS FOR WATER AND SERVICE CHARGES WILL BE MAILED BY THE FIRST OF JANUARY, APRIL, JULY AND OCTOBER. THE FINAL DUE DATE FOR THE PAYMENT OF BILLS IS THE 5TH DAY OF THE FOLLOWING MONTH, RESPECTIVELY, FEBRUARY, MAY, AUGUST AND NOVEMBER. IF THE 5TH DAY OF THE MONTH IS A HOLIDAY OR WEEKEND, THE FINAL DUE DATE SHALL BE EXTENDED TO THE NEXT BUSINESS DAY.

D. ALL BILLS MAY BE PAID AT ANY OF THE FOLLOWING LOCATIONS OR IN THE FOLLOWING MANNER:

- 1. IN PERSON, BY CASH, CHECK OR CREDIT CARD, AT THE EMMITSBURG TOWN OFFICE.**
- 2. BY MAILING THE PAYMENT TO THE EMMITSBURG TOWN OFFICE.**
- 3. BY ONLINE BANKING, IF SUCH PAYMENT PROCEDURE IS AVAILABLE THROUGH THE CUSTOMER'S BANK OR OTHER FINANCIAL INSTITUTION AND IS COMPATIBLE WITH THE PROCEDURES AND BILLING SYSTEMS OF THE TOWN.**
- 4. ONLINE USING THE ONLINE BILL PAY FUNCTION ON THE TOWN'S WEBSITE LOCATED AT WWW.EMMITSBURGMD.GOV.**
- 5. BY PLACING THE PAYMENT IN THE DROP-BOX LOCATED IN THE FRONT OF THE OLD TOWN OFFICE BUILDING AT 22 EAST MAIN STREET.**
- 6. BY PLACING THE PAYMENT IN THE DROP-BOX LOCATED AT THE REAR OF THE TOWN OFFICE BUILDING AT 300A SOUTH SETON AVENUE.**

E. ANY BILL REMAINING UNPAID AFTER ITS DUE DATE SHALL ACCRUE A LATE CHARGE OF FIVE PERCENT OF THE AMOUNT UNPAID, AND THE TOWN SHALL NOTIFY THE OWNER OF THE PROPERTY SERVED THAT THE BILL IS IN ARREARS AND THAT WATER SERVICE WILL BE DISCONTINUED IF PAYMENT IS NOT RECEIVED WITHIN TEN DAYS FROM THE DATE OF THE NOTICE. THE NOTICE SHALL BE MAILED TO THE OWNER'S LAST KNOWN ADDRESS OR A COPY SHALL BE LEFT ON THE OWNER'S PROPERTY. IF THE AMOUNT DUE REMAINS UNPAID AFTER THE EXPIRATION OF TEN DAYS FROM THE GIVING OF SUCH NOTICE, THE

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TOWN ~~SHALL FORTHWITH~~ MAY DISCONTINUE WATER SERVICE TO THE PROPERTY AT ANY TIME THEREAFTER. THE SERVICES WILL REMAIN DISCONNECTED UNTIL THE DELINQUENT AMOUNT AND A RECONNECTION CHARGE IS PAID IN FULL. THE CHARGE FOR THE SERVICE DISCONNECTION AND RECONNECTION IS ONE HUNDRED DOLLARS (\$100.00). ANY BILL AND, IF APPLICABLE, RECONNECTION CHARGE REMAINING UNPAID AFTER THIRTY (30) DAYS FROM THE DATE THE LATE NOTICE IS SENT IS COLLECTIBLE FROM THE PROPERTY OWNER IN THE SAME MANNER AND SUBJECT TO THE SAME INTEREST AS TAXES ARE COLLECTIBLE IN FREDERICK COUNTY. SUCH CHARGES AND BILLS SHALL BE A FIRST LIEN ON THE PROPERTY.

F. ANY PERSON WHO, WITHOUT PROPER AUTHORITY FROM THE MAYOR AND BOARD OF COMMISSIONERS, RECONNECTS WATER SERVICE TO THE PROPERTY AT WHICH SERVICE HAS BEEN DISCONNECTED PURSUANT TO THIS SECTION SHALL BE GUILTY OF A MISDEMEANOR.

G. NOTHING CONTAINED IN THIS SECTION SHALL PRECLUDE THE TOWN FROM THE USE OF ANY OTHER PROCEDURE AVAILABLE TO COLLECT UNPAID WATER AND SEWER CHARGES.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of April 2023

by a vote of _____ for, _____ against, _____ absent, and _____ abstain.

ATTEST:

BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

Timothy O'Donnell, President

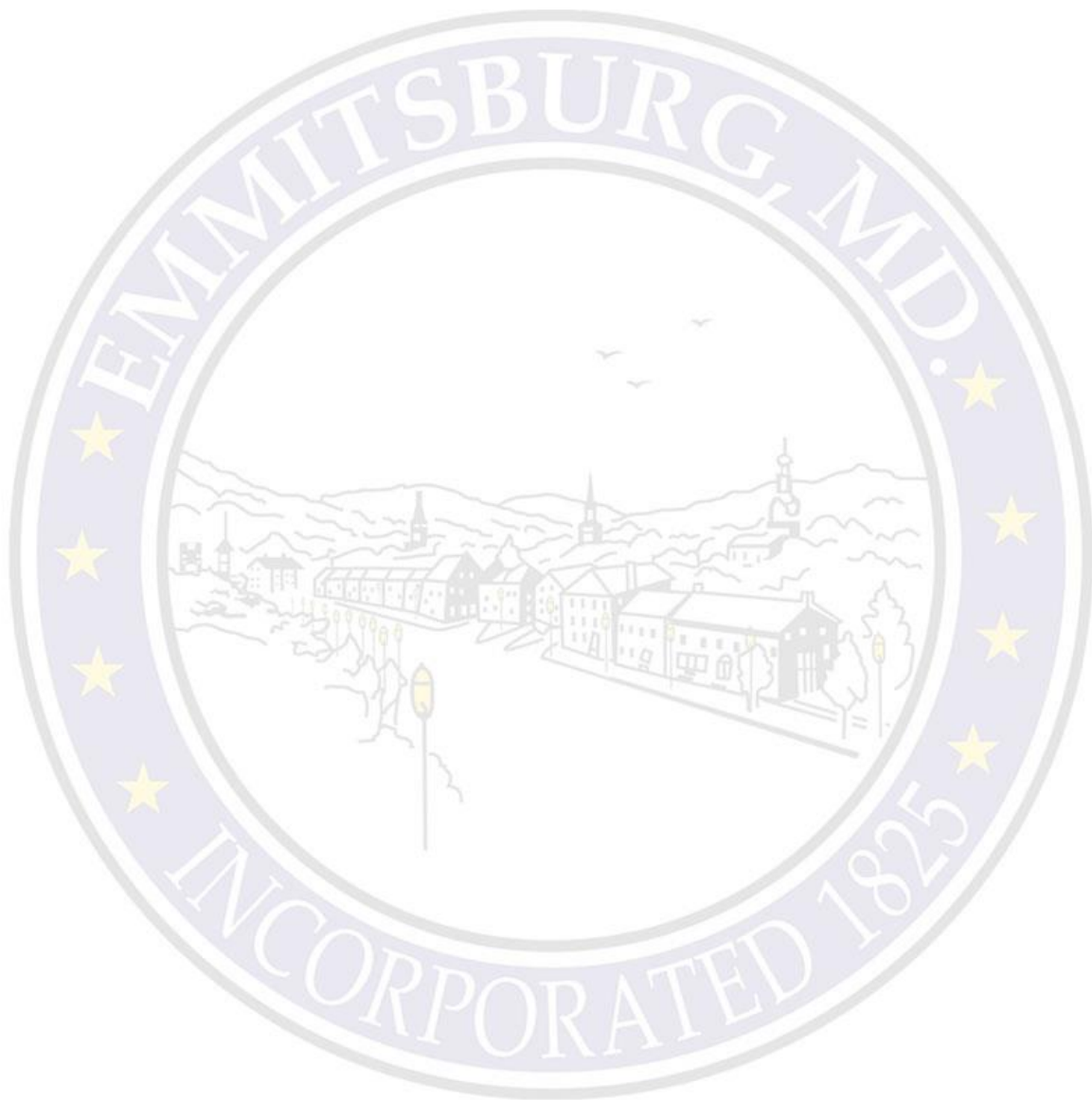
MAYOR

_____ APPROVED _____ VETOED

this ___ day of April, 2023

Donald. N. Briggs, Mayor

AGENDA ITEM #2: Hold a public hearing then consideration of ordinance 2023-04 which would add allowable projection of fences over a 4 – feet high on corner lots for consideration.



AN ORDINANCE TO AMEND
TITLE 17
OF THE CODE OF EMMITSBURG
ENTITLED
ZONING

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 17, Zoning, of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~brackets and strike out~~.

17.40.060 Allowable projections of fences into yards.

A. GENERAL: Fences may be constructed in or project into yards, providing, that: (a) no fence or planting more than three (3) feet high shall be located within thirty (30) feet of a street intersection; (b) no fence more than four feet high may be located closer to the front of the lot than the principal building; (c) no privacy fence of a townhouse or duplex dwelling more than ten (10) feet tall by eight (8) feet wide overall; and (d) no fence more than six (6) feet high shall be allowed on any other part of the lot.

B. FENCES OVER 4-FEET HIGH ON CORNER LOTS: FOR ESTABLISHING THE ALLOWABLE LOCATION OF FENCES OVER FOUR (4) FEET HIGH ON CORNER LOTS, THE FRONT OF THE LOT SHALL BE ESTABLISHED CONSISTENT WITH THE DEFINITION OF THE TERM “LOT, FRONT OF” IN SECTION 17.04.020 OF THIS ORDINANCE AND NO SUCH FENCE SHALL BE PERMITTED THERE. SUCH FENCE MAY BE PERMITTED ALONG THE SIDE NOT QUALIFYING AS THE FRONT, PROVIDED THE FENCE SHALL NOT EXTEND CLOSER TO THE ESTABLISHED FRONT OF THE LOT THAN THE NEAREST FRONT CORNER OF THE PRINCIPAL BUILDING. FIGURE 1 ILLUSTRATES THE APPLICATION OF THIS STANDARD TO TWO EXAMPLE CORNER LOTS.

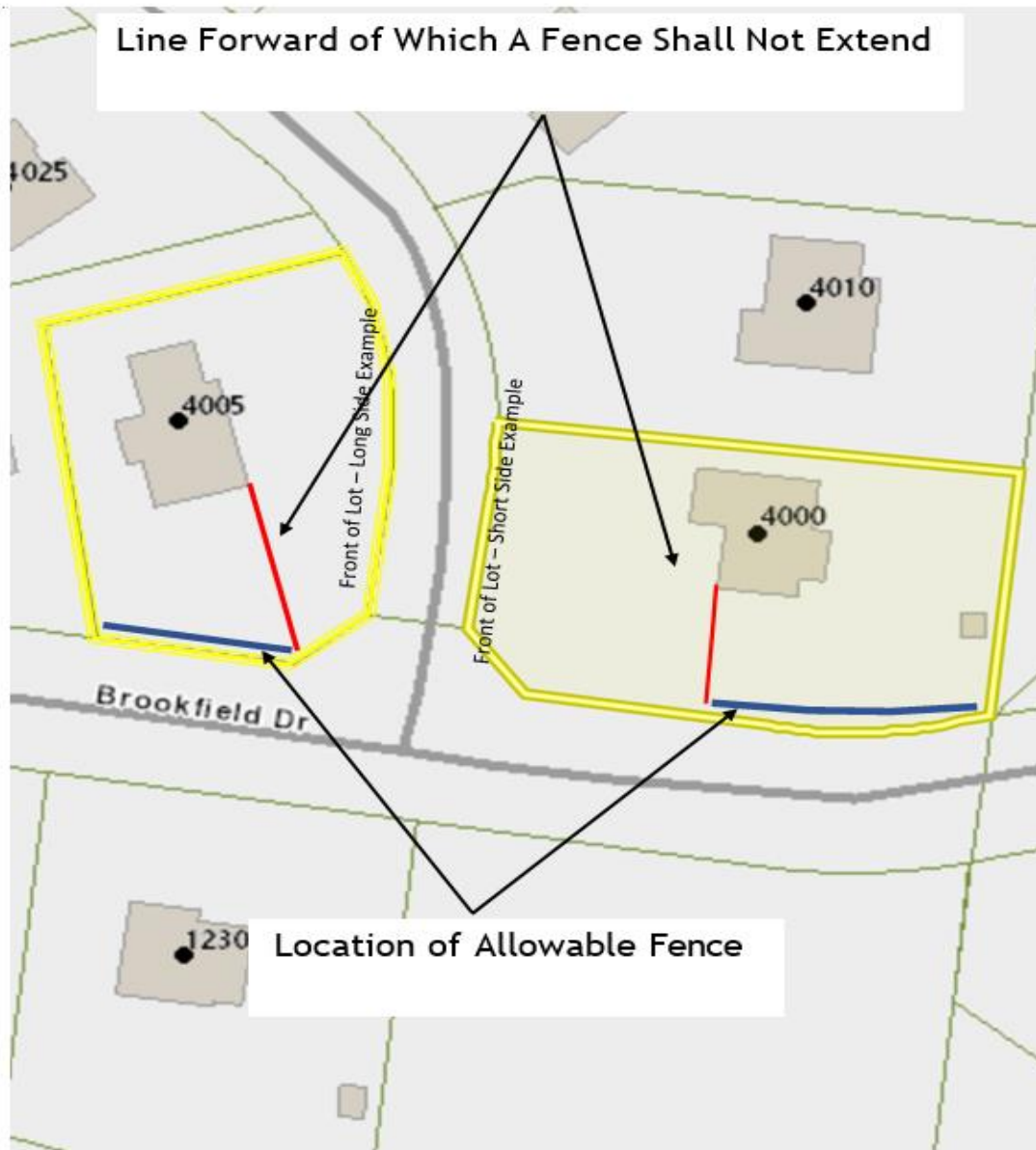


Figure 1, Acceptable Placement of Fences (over 4-foot high) on Two Examples of Corner Lots.

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17.04.020 – Definitions

“Lot, front of” means the side or sides of an interior or through lot which abut a street, ~~and~~ a corner lot shall be deemed ~~normally~~ to front upon the street on which it has the least dimension **EXCEPT THAT, IN THE APPLICATION OF SECTION 17.40.060B, THE ZONING ADMINISTRATOR MAY ESTABLISH A DIFFERENT FRONT OF LOT UPON FINDING THAT THE PRINCIPAL BUILDING ON THE LOT FACES THE SIDE WITH THE GREATEST DIMENSION**

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ____ day of _____, 2023 by a vote of

Commissioners:	For	Against	Absent	Abstain
O'Donnell				
Ritz III				
Sweeney				
Davis				
Boehman-Pollitt				
TOTAL:				

ATTEST:

BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

Timothy J. O'Donnell, President

MAYOR

APPROVED

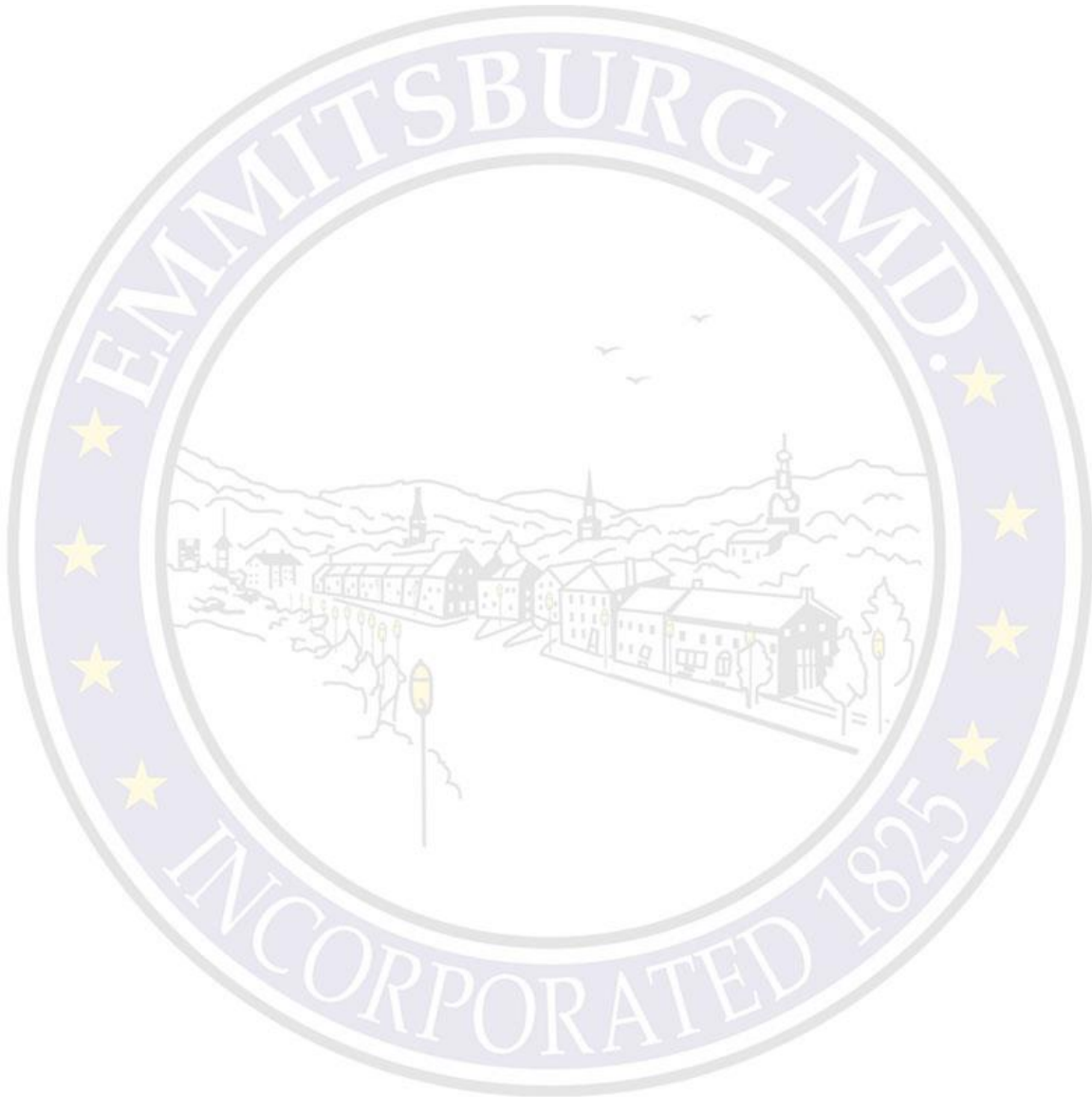
VETOED

this _____ day of _____, 2023.

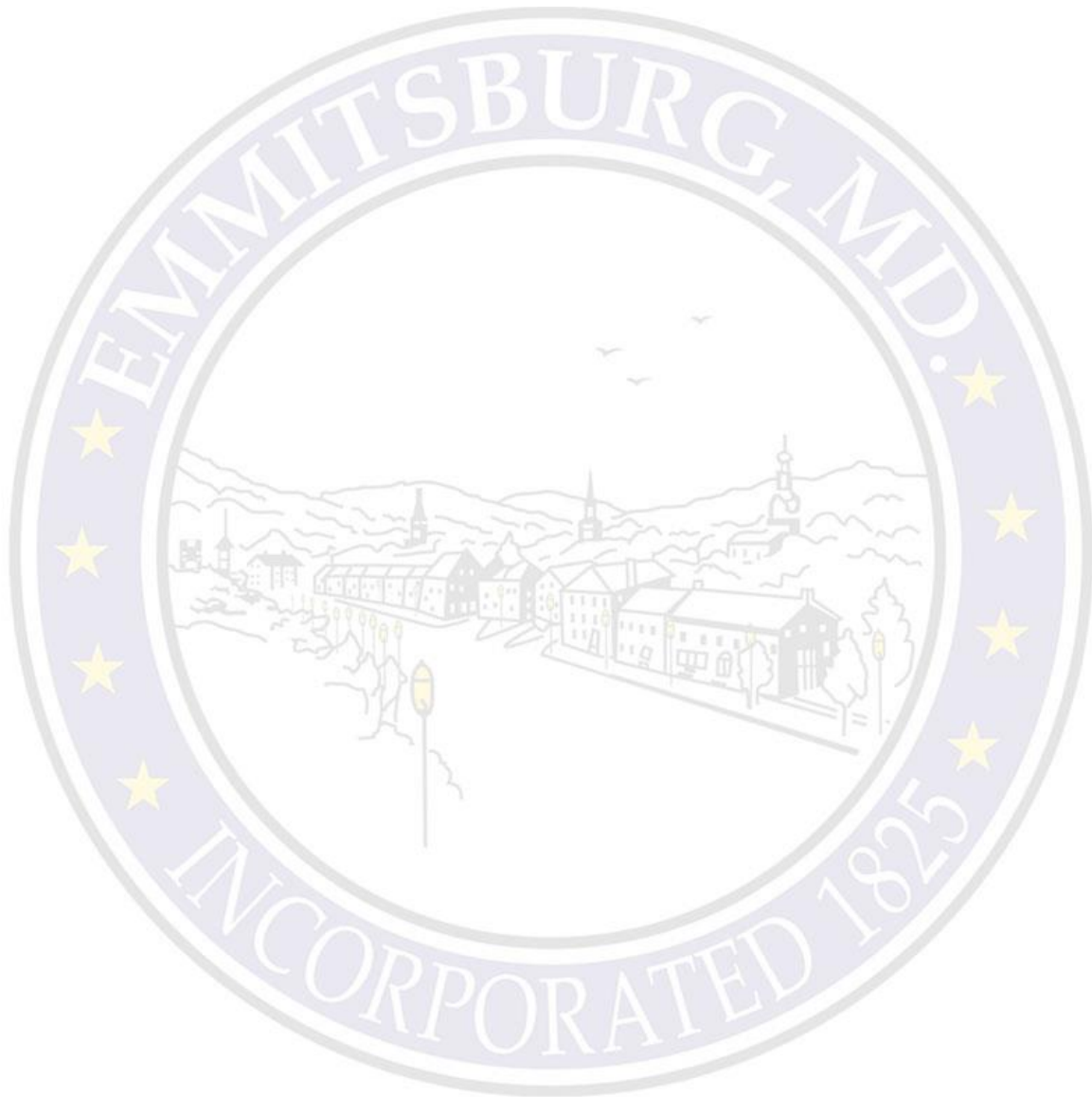
Donald N. Briggs, Mayor

AGENDA ITEM #3: For consideration, approval of Frederick County Sheriff's Office contract FY24.

Presentation at the meeting by Town Staff.

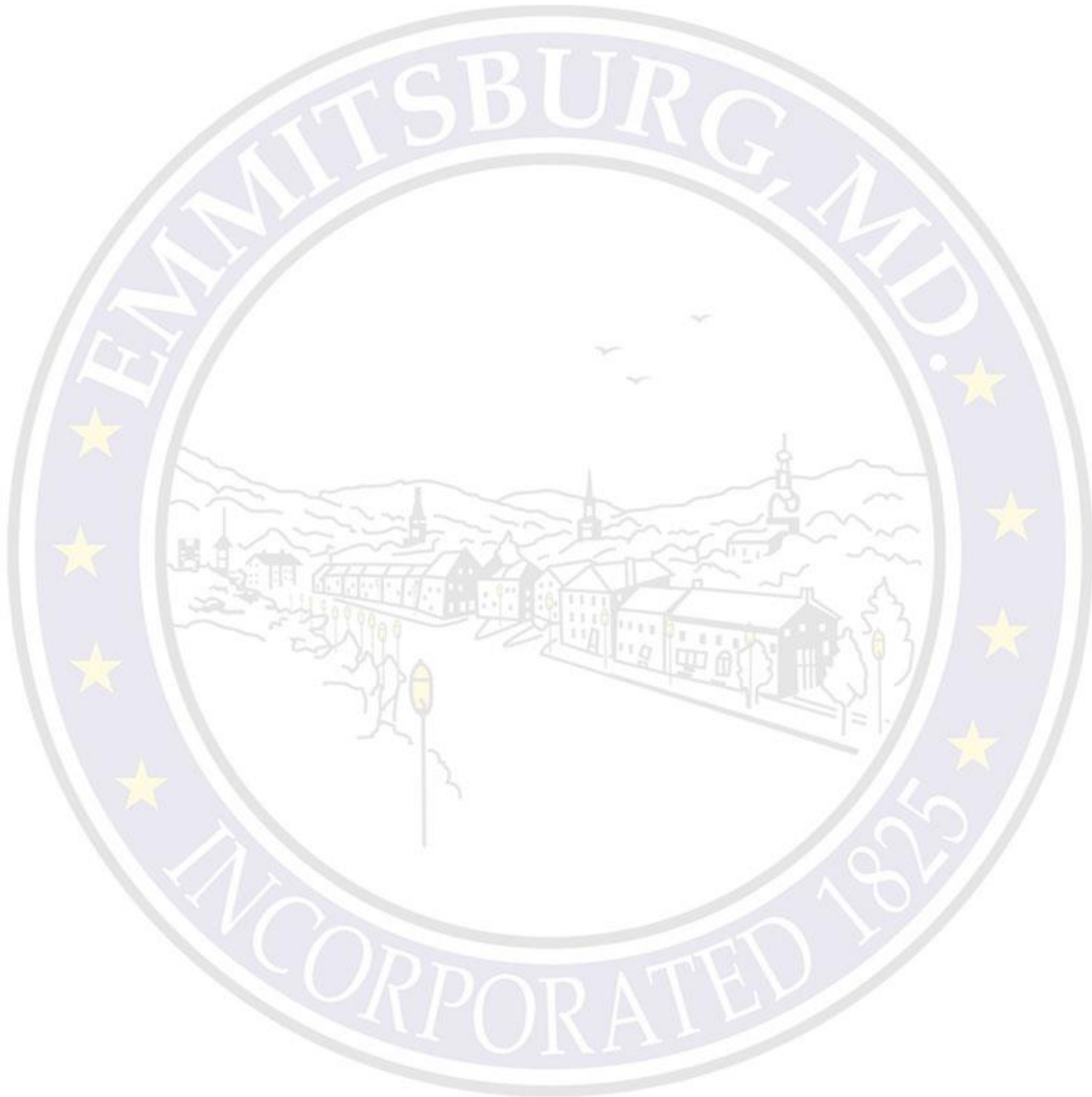


~~AGENDA ITEM #4: FY2022 budget transfers to the capital projects fund for consideration.~~
POSTPONED UNTIL THE MAY 1ST TOWN MEETING.



AGENDA ITEM #5: For consideration, ordinance 2023-06 which would allow a business owner within the Town limits to be a member of the Citizens Advisory Committee.

Presentation at the meeting by Commissioner Boehman-Pollitt.



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ORD. NO: 23 - 06

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AN ORDINANCE TO AMEND
TITLE 2
OF THE CODE OF EMMITSBURG
ENTITLED
ADMINSTRATION AND PERSONNEL

BE IT RESOLVED, ENACTED AND ORDAINED by the Mayor and Board of Commissioners of the Town of Emmitsburg, Maryland, pursuant to the authority granted to them by the laws of Maryland and the Charter of the Town of Emmitsburg, that Title 2, Administration and Personnel of the Emmitsburg Municipal Code, be amended as follows:

New language is indicated by being in **BOLD, CAPITAL LETTERS**, and deleted language is designated by being in ~~{brackets and strike out}~~.

2.80.020 – Composition, duties, meetings.

The citizen advisory committee shall not exceed ten members and one board of commissioners' representative who shall serve as the chairperson but not be a voting member. ~~One member may reside outside of the town~~ **THE MEMBERS MUST RESIDE WITHIN TOWN LIMITS; HOWEVER, ONE MEMBER MAY RESIDE OUTSIDE OF THE TOWN LIMITS. ONE MEMBER MAY BE A BUSINESS OWNER WITHIN THE TOWN LIMITS.** Members of the committee shall be appointed by the mayor or chairperson with the consent of the board of commissioners. Members of the committee shall appointed for a period of two years, and shall serve without compensation.

BE IT FURTHER RESOLVED, ENACTED AND ORDAINED that this Ordinance shall take effect on the date on which the Mayor approves the Ordinance after passing by the Board of Commissioners or on the date on which the Board of Commissioners passes the Ordinance over the veto of the Mayor.

PASSED this ___ day of _____, 2023 by a vote of

Commissioners:	For	Against	Absent	Abstain
O'Donnell				
Sweeney				
Ritz III				
Davis				
Boehman-Pollitt				
TOTAL:				

draft

ATTEST:

BOARD OF COMMISSIONERS:

Sabrina King, Town Clerk

Timothy J. O'Donnell, President

MAYOR

APPROVED

VETOED

Sabrina King, Town Clerk

Timothy J. O'Donnell, President

MAYOR

APPROVED

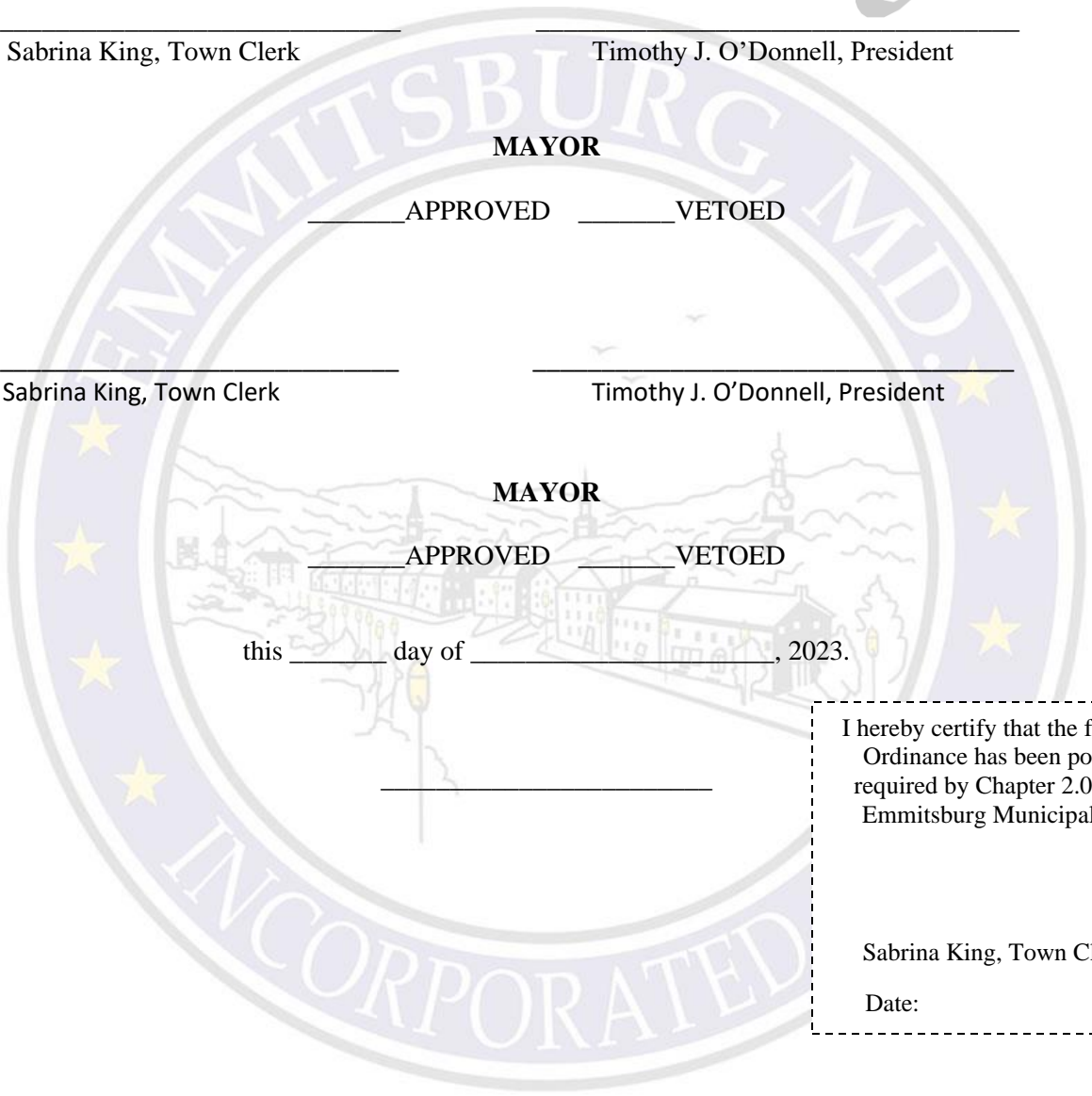
VETOED

this _____ day of _____, 2023.

I hereby certify that the foregoing Ordinance has been posted as required by Chapter 2.04 of the Emmitsburg Municipal Code.

Sabrina King, Town Clerk

Date:



M. SET AGENDA FOR NEXT MEEING: MAY 1, 2023

- 1.
- 2.
- 3.
- 4.
- 5.

Administrative Business:

- A.
- B.
- C.

