

ORDINANCE NO. 10-01

Introduced by: Perry Stutman

AN ORDINANCE OF THE TOWN OF QUEENSTOWN ADOPTING WATER AND SEWER REGULATIONS CONCERNING CONNECTIONS TO AND THE USE AND PROTECTION OF PUBLIC SEWERS AND WATER SUPPLY

WHEREAS, the Town of Queenstown has the authority to own, operate and manage its water and wastewater system; and

WHEREAS, pursuant to Md. Code Ann. Environmental Article § 9-701, et. seq., the Town Commissioners have the authority to adopt rules and regulations to provide for the maintenance and operation of its system, including, but not limited to, installation and connections to its system, and fees, rates, charges and assessments for the system; and

WHEREAS, the Town Commissioners have determined that it is desirable and in the public interest to adopt rules, regulations and provisions concerning connections to and the use and protection of public sewers and public water supply, including conservation measures, and allocation of water and sewer capacity and connection fees and charges.

NOW THEREFORE, BE IT ORDAINED BY THE COMMISSIONERS OF QUEENSTOWN AS FOLLOWS:

Section 1. The ordinance attached hereto titled the “Queenstown Water and Sewer Ordinance”, which is attached hereto and incorporated herein, is hereby adopted.

Section 2. This Ordinance shall take effect on the **27th day of April, 2010.**

ORDAINED, APPROVED, AND PASSED by the Town Commissioners for the Town of Queenstown on this **27th day of April, 2010** by:

WITNESS:

TOWN COMMISSIONERS FOR THE
TOWN OF QUEENSTOWN:

Signatures on file

Signatures on file

Shirlee L. Callahan, Asst. Clerk

Perry A. Stutman, President

Shirlee L. Callahan, Asst. Clerk

Mitchell A. Keiler, Commissioner

Shirlee L. Callahan, Asst. Clerk

Thomas B. Peregoy, Commissioner

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WATER AND WASTEWATER

TITLE 1. IN GENERAL

101. Water and wastewater facilities.

(a) This Ordinance shall be referred to as the “Queenstown Water and Sewer Ordinance”.

(b) The Town of Queenstown shall exercise control of publicly owned water and wastewater facilities in the Town, as well as any publicly owned facilities that may be connected to the Town from areas beyond the Town boundary in accordance with this Ordinance.

(c) The Town Commissioners may adopt rules and regulations governing the use and conservation of publicly owned water and wastewater facilities in areas served by the Town systems, as well as connection, allocation, and user fees and charges in accordance with Maryland law.

(d) The Town of Queenstown may make periodic revisions of its forms, applications, or permits that are necessary for the efficient operation of its water and wastewater systems.

102. Definitions and word usage.

(a) Terms defined. Unless the context specifically indicates otherwise, the meanings of terms used in this chapter shall be as follows:

BACKFLOW- The flow of water or other liquids, mixtures or substances into distributing pipes of a potable supply of water from any source or sources other than its intended source.

BOD (denoting "biochemical oxygen demand") - The quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedure in five days at 68° F. (20° C.), expressed in milligrams per liter.

BUILDING – A structure built, erected and framed of component structural parts designed for the housing, shelter, or enclosure of persons or property of any kind.

BUILDING DRAIN - That part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste and other drainage pipes inside the walls of the building and conveys it to the building sewer; the building drain terminating five feet outside the inner face of the building wall.

BUILDING SEWER - The extension of pipe from the building drain to the public sewer or other place of disposal.

BUILDING WATER SERVICE PIPE or **BUILDING WATER SERVICE** – That pipe which extends from the termination of the public water service pipe to the water distributing system for the building served.

CROSS-CONNECTION – Any connection or arrangement between two otherwise separate piping systems, one of which contains potable water and the other either water of unknown questionable safety or steam, gas or chemical, whereby there may be a flow from one system to the other, the direction of flow depending on the pressure differential between the two systems.

DWELLING UNIT OR FAMILY UNIT – A building or part thereof arranged or designed to provide living and sanitary facilities for only one family.

DISCHARGE - The direct or indirect introduction of any substance into the Town system from any source, by any means.

GARBAGE - Solid wastes from the domestic and commercial preparation, cooking and dispensing of food and from the handling, storage and sale of produce.

INDUSTRIAL WASTES - The liquid wastes from industrial manufacturing processes, trade or business as distinct from sanitary sewage.

MULTIPLE DWELLING UNIT OR MULTI-FAMILY RESIDENCE – A building containing two or more dwellings or family units.

NATURAL OUTLET - Any outlet into a watercourse, pond, ditch, lake or other body or surface or ground water.

PERSON - Any individual, firm, company, association, partnership, society, corporation, governmental body or group.

pH - The negative logarithm (base 10) of the molecular concentration of dissolved hydrogen ions .

PLUMBING FIXTURES – The installed receptacles, devices or appliances which are supplied with water or which receive or discharge liquids or liquid-borne waste, with or without discharge into the drainage system with which they may be directly or indirectly connected.

POLLUTED WATER – Water in which there are microorganisms, chemicals or waste materials in a concentration which renders the water harmful or objectionable.

POTABLE WATER – Water which is satisfactory for drinking, culinary and domestic purposes and meets the requirements of the health authority having jurisdiction.

PRIVATE – Of, belonging to, or concerning a particular person and not open to or intended for the public.

PROPERLY SHREDED GARBAGE - The wastes from the preparation, cooking and dispensing of foods that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than 1/2 inch in any dimension.

PUBLIC SEWER - A sewer which is controlled by The Town.

PUBLIC WATER MAIN – Water supply pipe for public use controlled by the Town.

PUBLIC WATER SERVICE PIPE or **PUBLIC WATER SERVICE** – That part of the water service pipe to the building which is constructed by the Town from the public water main in the public way to the property line.

PUBLIC WATER SUPPLY SYSTEM or **WATERWORKS** – The works, structures, equipment and processes required to supply, treat and distribute water to people at large or to any considerable number of members of the public indiscriminately for domestic, commercial, industrial and fire uses, including reclaimed waters.

SANITARY SEWER - A sewer which carries sewage and to which storm-, surface and ground waters are not intentionally admitted.

SEWAGE or **SEWERAGE** or **WASTES**- A combination of the water-carried wastes from residences, business, buildings, institutions and industrial establishments, together with such ground-, surface and storm waters as may be unintentionally admitted.

SEWAGE TREATMENT PLANT - Any arrangement of devices and structures used for treating sewage.

SEWAGE TREATMENT WORKS - All facilities for collecting, pumping, treating and disposing of sewage.

SEWER - A pipe or conduit for carrying sewage.

SINGLE-FAMILY DWELLING or SINGLE-FAMILY RESIDENCE – A building arranged or designed to provide living and sanitary facilities for only one family.

SLUG - Any discharge of water, sewage or industrial waste which, in concentration of any given constituent or in quantity of flow, exceeds for any period of duration longer than 15 minutes more than five times the average twenty-four-hour concentration or flows during the normal operation.

STORM DRAIN or STORM SEWER - A sewer which carries storm- and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

SUSPENDED SOLIDS - Solids that either float on the surface of, or are in suspension in, water, sewage or other liquids, and which are removable by laboratory filtering or other wastewater treatment plant operations.

TOWN - The Commissioners of Queenstown or Town of Queenstown, a municipal corporation of the State of Maryland, and/or its duly authorized officers or agents.

USER - A person who contributes or causes or permits the contribution of wastewater into the Town sewer and sewerage system.

WASTEWATER - Any combination of domestic and nondomestic water-carried wastes from dwellings, business buildings, institutions, and commercial and industrial establishments, together with groundwater, surface water, and stormwater that may be present, that discharges into the Town sewer and sewerage system.

WATERCOURSE - A channel in which a flow of water occurs, either continuously or intermittently.

WATER MAIN or MAIN – The principal pipes of a water supply system to which water services may be connected.

WATER PLUMBING SYSTEM – The water supply and distribution pipes, plumbing, fixtures and traps and water-treating or water-using equipment, including their respective connections, devices and appurtenances, within the property lines of the premises.

(b) Word usage. "Shall" is mandatory "may" is permissive.

(c) Abbreviations.

In this Ordinance, the following abbreviations are used as indicated.

- (1) BOD - biochemical oxygen demand.
- (2) °C - degrees Celsius.
- (3) COD - chemical oxygen demand.
- (4) °F - degrees Fahrenheit.
- (5) mg/l - milligrams per liter.
- (6) NPDES - National Pollutant Discharge Elimination System.
- (7) POTW - publicly-owned treatment works.

TITLE 2. CONNECTIONS TO PUBLIC WATER AND WASTEWATER SERVICE

201. Connections to public service required.

(a) The Town shall maintain for each property abutting on a street or right-of-way in which a water main or wastewater main is laid, a water and/or wastewater service access connection. The access connection shall connect to the private service connection at the street or right-of-way limit and be maintained by the Town. The costs associated with the installation, maintenance, repair, or replacement of the access connection shall be paid to the Town by the owner of property. Bills for work related to the access connection shall be sent on completion of the work or with the normal invoice for service.

(b) Except as provided in subsection (c), all improved parcels of real property within the Town which abut a public way where water or sewer lines are available, shall be supplied with water and drained of domestic wastewater by connection to Queenstown water and sewer utilities provided that the Town has the capacity to provide such services as determined by the applicable permits and state regulations.

(c) Unless an exemption is granted by the Town Commissioners, within six (6) months of the effective date of this Ordinance, all houses, buildings or properties used for human occupancy, employment, recreation or other purposes within the Town's corporate limits which properties abut a public way where water or sewer lines are available, shall be required to connect to that public water or sewer line if not already so connected as of that effective date. Upon written application by the property owner, the Town Commissioners may grant an exemption from the provisions of this Section where the property owner has water and/or sewer services that have been approved by the Maryland Department of the Environment, the Queen

Anne's County Health Department, and any other appropriate regulatory authority and provided that such water and sewer facilities do not create any threat to the public health, safety or welfare.

(d) All connections must be made under Town permit and to Town specifications, as amended from time to time. The Town may require plans, specifications, surveys, maps and any necessary information or engineering opinions in its discretion for the purpose of evaluating the permit application.

(e) The applicant requesting the water and/or sewer extension shall furnish, without expense to the Town, satisfactory rights-of-way necessary for the construction, maintenance and operation the extension, or shall agree to reimburse the Town for all expenses incurred in the procurement of the necessary rights-of-way.

(f) All costs and expenses incidental to the installation and connection of the building water and sewer service shall be borne by the owner. The owner shall indemnify and hold the Town harmless from any loss or damage that may directly or indirectly be caused by the installation of utility service.

202. Permission required to make extensions.

(a) No unauthorized person shall uncover, make any connection with or opening into, use, alter, or disturb any public water main, water service, public sewer or sewer treatment works, or appurtenance thereof, without first obtaining a written permission from the Town Commissioners and/or their duly authorized agent.

(b) In each case where the property owner is seeking water or sewer service for any residential, commercial or industrial service, the owner or his agents shall make application to the Town for a permit. When requested, the permit application shall be supplemented by plans, specifications or other information considered pertinent in the judgment of the Town.

(c) When a property owner or private contractor has completed utility installations, all such installations must be inspected and approved by the Town's authorized representatives prior to any backfilling or covering of the fixtures, pipes, lines or other apparatus installed.

203. Use of wells prohibited for potable use; restrictions for outdoor use.

(a) No well or spring shall be drilled, used or maintained on any property located within the Town for potable water use or irrigation or consumption where the property is located within 100 feet of the public water main unless authorized by the Commissioners pursuant to Section 201(c).

(b) Unless authorized by the Commissioners pursuant to Section 201(c), no new wells shall be drilled for use by any residential dwelling unit (including any single-family, multi-family, or other multiple family dwelling unit), for any purpose, including outdoor irrigation, gardening, or other uses incidental to any residential use. For residential properties with an existing well located on the property as of the effective date of this Ordinance, or for any residential property annexed into the Town after the effective date of this Ordinance, the existing well may continue to be used for outside water supply purposes in accordance with the provisions of Section 205 herein. Prior to the continuation of an existing well that utilizes potable water for non-potable purposes, the property owner shall establish to the Town's satisfaction that such water cannot be obtained from a non-potable source. In addition, such existing well use for non-potable purposes shall be discontinued if reclaimed water is available for such uses at the property line, and such well shall be abandoned and capped and closed in a manner satisfactory to the Town and any other agency having jurisdiction.

(c) For any property used for agricultural or recreational purposes (eg. ballparks, public parks, golf courses, etc), the Town may permit a well to be drilled for outdoor uses or irrigation purposes in accordance with Section 205 herein, only if reclaimed water is not available at the property line for such use. In the event that reclaimed water is not available to satisfy the usage requirements, the Town shall only permit a well to be drilled into a potable water supply for non-potable purposes if the property owner can establish that there is no other non-potable source that provides water of acceptable quality to satisfy the non-potable usage requirements.

(d) Notwithstanding anything to the contrary herein, geothermal wells drilled, used or maintained for heating and cooling shall be not be prohibited.

204. Abandoned wells to be capped and closed.

Except as hereinafter provided or otherwise approved pursuant to an exemption by the Commissioners pursuant to Section 201(c), immediately subsequent to the commencement of public water supply service to a property previously served by a well, the well shall be abandoned and capped or closed in a manner satisfactory to the Town, the Maryland Department of the Environment or other agency having jurisdiction.

205. Procedures for the use of wells.

Where an existing well is permitted for any use under this Ordinance or approved pursuant to an exemption by the Commissioners pursuant to Section 201(c), the well shall be examined and the well water tested by the Queen Anne's County Health Department or the Town or its designee to determine whether the well is polluted or will be a menace to health, safety or welfare. If the well will not create a threat to the public health, safety or welfare, it may be used for water supply purposes, provided that it has been approved by any other state or

governmental agency having jurisdiction over the same.. Should such a well be found to be polluted or a menace to health, it shall be abandoned and capped or closed in a manner satisfactory to the Town as specified in Section 204.

206. Separate and independent building water and sewer.

Unless exempted in writing by the Town Commissioners upon written application of the property owner prior to construction of separate or additional building(s), a separate and independent building water service and building sewer service shall be provided for every building..

207. Connections with existing building sewer or building water services.

Existing building sewer services or existing building water services may be used in connection with new buildings only when they are found, examined and tested to the satisfaction of the Town, to meet all of the requirements of this Ordinance and any other regulations adopted by the Town Commissioners from time to time.

208. Inspections; supervision of connections.

The applicant for a building water service permit and/or a building sewer permit shall notify the Town when the service is ready for inspection and connection to the public water and/or sewer service. The connection shall be made under the supervision of the Town or its representatives. The applicant shall obtain the Town's approval before backfilling or covering the service pipe(s).

209. Inspections upon transfer of property.

Prior to the transfer or sale of any property that receives Town water and/or sewer services, the property owner shall have at his or her cost and expense, a closed circuit television inspection of the building sewer, as well as a static and dynamic pressure test of the water service pipe by a professional approved or certified by the Town as being qualified to make such an inspection. The individual undertaking the inspection shall advise the Town of the results of the inspection(s). Any problems detected by said inspections shall be corrected by a licensed plumber, which shall be inspected and approved by the Town's agent prior to the transfer or sale.

210. Capital allocation charges and connection fees; rates, other fees.

(a) The Commissioners may establish three classes of building water and/or sewer service permits: residential service, commercial service and industrial service. A connection fee will be charged for each new individual unit connection to the public water and/or sewer system, which may be based upon meter size. The amount of the fee for water and sewer connections

will be uniform within each class or type of unit (residential, commercial and industrial). In addition to the connection fee, in the event that the Town makes the connection, the property owner will also be responsible for the time and materials, as determined by the Town, for all expenses that are not covered by the connection fee. The Town reserves the right to require an additional payment in the event that the property is reclassified or used for a new or different use which requires greater services (for example, a property is reclassified from a residential use to a commercial or industrial use) and the Town has adopted greater connection fees for such use). In addition to the basic connection fee, where no town water or sewer extensions exist to a property, the property shall be responsible for all costs of extension, including construction costs, engineering costs, legal fees and other professional costs.

(b) In accordance with state law, to provide funds for the payment of principal and interest on indebtedness that is incurred to finance any water or sewer system, the Town Commissioners shall establish reasonable capital allocation charges that are not less than the actual cost, for each connection to the system. The Town Commissioners may also set annual assessments payable to the Town, on any property, improved or unimproved, that abuts a street, road, lane, alley or right-of-way in which there is a water or sewer main in accordance with state law.

(c) The Town Commissioners shall establish reasonable rates for water and sewer service, and reasonable charges for maintenance, repair, and operation of any water or sewerage system, and the payment of all or part of the principal and interest on any indebtedness that is incurred to finance any water or sewerage system.

(d) All fees, costs, and charges associated with an individual unit or property connection must be paid prior to service connection and the start of service unless otherwise deferred by the Town Commissioners.

(e) No occupancy permit for new construction will be issued until all fees and costs associated with the property's connections have been paid, and satisfactory evidence of such payment shall be presented to the Town representative responsible for issuing the permit.

(f) The fees, costs and charges incurred during the connection of a unit or property shall include, without limitation, the connection fee for each system, time and materials associated with the installation or extension of the public system, and all permit application and other fees payable to the Town.

211. Maintenance of system and connections.

(a) The Town will maintain all water and sewer services from the street main to the property line or the public right of way, where applicable. The Town's responsibility for

maintenance, repair, or replacement of any water or sewer fixture, connection or other apparatus shall be limited to those which are part of the public system or are located within the boundaries of a public way.

(b) All pipes and appurtenances related to building water or sewer service on private property shall be maintained by, and at the expense of, the property owner. Likewise, the cost of any work outside of the property line made necessary by the neglect or through action of a property owner or tenant may be charged to the property owner.

(c) In the event of a complaint regarding a leak of water service, the Town will determine if the leak is in the public way, in which case the leak will be repaired by the Town. If the Town determines that the leak is not in the public way and is not the Town's responsibility, the owner will be notified, and it shall be his responsibility to have the leak repaired at once by a master plumber at the owner's expense. If the property owner fails to make such repairs, in order to conserve water and protect the public health, the Town Commissioners or its designated agent may turn off the water and it will not be turned on until all proper and necessary repairs are made to the inspection and approval of the Town, and until all expenses incurred in shutting off and turning on the water are paid in full.

212. Unlawful connection.

(a) A person may not make connection to a Town water or wastewater line without permission from the Town and without having complied with connection permit and other connection application requirements of this ordinance.

(b) A person may not turn on a water valve or restore water service that has been disconnected or turned off without permission from the Town.

(c) No person shall make connection of roof downspouts, basement or crawl space sump pumps, exterior foundation drains, areaway drains or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

(d) On discovery of an unlawful connection, the Town shall issue a notice requiring the property owner to make appropriate applications and pay appropriate charges, including connection and past service charges, within 30 days after issuance of the notice. The charges shall be determined as of the date of the permit application. If the property owner fails to submit proper applications and pay appropriate charges, the Town may disconnect the premises until proper applications are submitted. The property shall be subject to all other connection requirements and procedures of this ordinance.

(e) In addition to any other penalties applicable under this article, the owner of any property served by an unlawful connection shall pay the past water and wastewater service charges for use of public water or wastewater since the actual connection. If the time of connection cannot be determined or if the property has been transferred since the connection, the period of violation subject to past service charges shall end at the time of disconnection and shall begin:

- (1) one year after the water and/or wastewater system was placed into service; or
- (2) on the date legal title was conveyed to the owner.

(f) In calculating past service charges, the average periodic service charge for properties similarly used shall be applied for the period of violation.

213. Extra-Territorial extensions.

(a) Except as set forth herein, the Town shall not provide water and/or sewer service to properties located outside of the corporate limits of the Town. The Town may, but shall not be obligated, to extend its service only in the following circumstances:

(1) Where the outlying property has a failing water and/or septic system, thereby creating a health risk. The extension of water and/or sewer service in such a situation shall be limited and remedial in nature. Prior to the extension by the Town, the property owner must execute an irrevocable consent or covenant to annexation in the future if the Town initiates such annexation. Such extension shall be limited only to existing uses and shall not be used to provide service to undeveloped properties or additional hookups other than those necessary to address a health or safety concern; or

- (2) The property is subject to an annexation agreement.

(b) Where an extension is made pursuant to this section, the property owner shall be responsible for all fees, costs and expenses related to the extension.

TITLE 3. USE OF PUBLIC SEWERS

301. Certain water discharges restricted.

No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water or unpolluted industrial process waters to any sanitary sewer.

302. Discharge to storm sewers or natural outlets restricted.

Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as storm sewers or to a natural outlet approved by the Town. Industrial cooling water or unpolluted process waters may be discharged, on approval of the Town, to a storm sewer or natural outlet.

303. Restricted water or waste discharges enumerated.

No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

(a) Any gasoline, benzene, naphtha, fuel oil or other flammable or explosive liquid, solid or gas;

(b) Any waters, wastes or substances containing harmful, toxic or poisonous solids, liquids or gases in sufficient quantity, either singly or by interaction with other wastes, to injure or interfere with any sewer treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant;

(c) Any waters or wastes having a pH lower than 6.0 or having any other corrosive property capable of causing damage or hazard to structures, equipment and personnel of the sewerage works.

(d) Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers or other interference with the proper operation of the sewage treatment works, such as by way of example, but not limited to: ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, manure, hair and fleshings, seafood waste, entrails and paper dishes, cups, milk containers, either whole or ground by garbage disposal units.

304. Discharges which are harmful to sewers or facilities.

No person shall discharge or cause to be discharged the following described substances, materials, waters or wastes if it appears likely in the opinion of the Town that such wastes can harm either the sewers, sewerage treatment plant, or process or equipment, have an adverse effect on the receiving stream or can otherwise endanger life, limb, public or private property or constitute a nuisance. In forming its opinion as to the acceptability of these wastes, the Town will give consideration to such factors as the quantities of subject waste in relation to the flows and velocities in the sewers, materials of construction of the sewers, nature of the sewerage

treatment process, capacity of the sewerage treatment plant, degree of treatability of wastes in the sewerage treatment plant and other pertinent factors. The substances prohibited are:

- (a) Any liquid or vapor having a temperature higher than 140° F. (60° C.)
- (b) Any water or waste containing fats, wax, grease or oils, whether emulsified or not, in excess of 100 milligrams per liter or containing substances which may solidify or become viscous at temperatures between 32° and 140° F. (0° and 60° C.).
- (c) Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of 1½ horsepower or greater shall be subject to review and approval by the Town.
- (d) Any waters or wastes containing strong acid from pickling wastes or concentrated plating solutions, whether neutralized or not.
- (e) Any waters or waters containing iron, chromium, copper, zinc and other similar objectionable or toxic substances or wastes exerting an excessive chlorine or other disinfectant requirement, to such degree that any material received in the composite sewerage at the sewerage treatment plant exceeds the limits established by the State or Town for such materials.
- (f) Any waters or wastes containing phenols or other taste or odor producing substances in such concentrations exceeding limits which may be established by the State or Town, as necessary, after treatment of the composite sewerage, to meet the requirements of the state, federal, or other public agencies having jurisdiction for such discharge into the receiving waters.
- (g) Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Town in compliance with applicable state or federal regulations.
- (h) Any water or wastes having a pH lower than 6.0 or higher than 10.0, or having any other corrosive property that may be hazardous to the Town system.
- (i) Materials which exert or cause:
 - (1) Unusual concentration of inert suspended solids (such as, but not limited to, Fuller's earth, lime slurries and lime residues) or of dissolved solids (such as, but not limited to, sodium chloride, and sodium sulfate).
 - (2) Excessive discoloration (such as, but not limited to, dye wastes and vegetable tanning solutions).

(3) Unusual BOD, chemical oxygen demand or chlorine or other disinfectant requirements in such quantities as to constitute a significant load on the sewerage treatment works.

(4) Unusual volume of flow or concentration of wastes constituting “slugs” as defined herein.

(j) Prescription medications or other pharmaceutical products.

(k) Waters or wastes containing substances which are not amenable to treatment or reduction by the sewerage treatment processes employed, or are amenable to treatment only to such degree that the sewerage treatment plant effluent cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

305. Action by Town upon certain discharges.

(a) If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which waters contain the substances or possess the characteristics enumerated in Section 304 of this Ordinance, and which, in the judgment of the Town, may have a deleterious effect upon the sewage treatment works, processes, equipment or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Town may:

(1) Reject the wastes;

(2) Require pretreatment to an acceptable condition for discharge to the public sewers;

(3) Require control over the quantities and rates of discharge; and/or

(4) Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

(b) If the Town permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Town and subject to the requirements of all applicable codes, ordinances and laws.

306. Grease, oil and sand interceptors.

Grease, oil and sand interceptors shall be provided when, in the opinion of the Town, they are necessary for the proper handling of liquid wastes containing grease or oil in excessive amounts or any flammable wastes and/or other harmful ingredients, except that such interceptors shall not be required but are recommended for private living quarters or dwelling units. All

interceptors shall be of a type and capacity approved by the Town and shall be located as to be readily and easily accessible for cleaning and inspection.

307. Preliminary treatment or flow equalizing facilities.

Where preliminary treatment or flow equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his or her expense, and accessible for inspection after twenty four (24) hours advanced notice by the Town or its designee.

308. Commercial and Industrial users.

The following provisions apply to industrial or commercial properties within the Town:

(a) When required by the Town, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control structure, together with such necessary meters and other appurtenances, in the building sewer or control structure to facilitate observation, sampling and measurement of the wastes. Such structure, when required, shall be accessibly and safely located and shall be constructed in accordance with plans approved by the Town. The structure shall be installed by the owner at his or her expense and shall be maintained by him or her so as to be safe and accessible at all times.

(b) All measurements, tests and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of "Standard Methods for the Examination of Water and Wastewater, " published by the American Public Health Association, and shall be determined at the control structure provided or upon suitable samples taken at said control structure. In the event that no special structure has been required, the control structure shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage treatment works and to determine the existence of hazards to life, limb and property.

(c) The Town and other duly authorized employees, or representative of the Town bearing proper credentials and identification, shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this Section. While performing the necessary work on private industrial or commercial properties referred to in this Section, the Town or its employees or representatives of the Town shall observe all safety rules applicable to the premises established by the company, and the company shall be held harmless for injury or death to the Town employees or representatives, and the Town shall indemnify the company against loss or damage to its property by Town employees or representatives and against liability claims and demands for personal injury or property damage asserted against the company and growing out of its gauging

and sampling operation, except as may be caused by negligence or failure of the company to maintain safe conditions as required by Section 308(a).

(d) No statement contained in this Ordinance shall be construed preventing any special agreement or arrangement between the Town and any industrial user whereby an industrial waste of unusual strength or character may be accepted by the Town for treatment, subject to payment therefor, by the industrial concern.

309. Use of reclaimed waters.

The Town recognizes that the federal and state agencies encourage recycling and reuse of treated wastewater, and that various governmental agencies are in the process of establishing guidelines to regulate water reuse projects. The Town will encourage and support any efforts by commercial or industrial users to use reclaimed water instead of potable water for all non-potable water applications that are permitted by state and federal law and regulations.

310. Damaging, destroying or tampering with works; penalties.

No unauthorized person shall maliciously, willfully or negligently break, damage, destroy, uncover, deface or tamper with any structure, appurtenance or equipment which is a part of the sewage treatment works. Any person violating this provision shall be subject to immediate arrest under charge of disorderly conduct or for violation of any of the laws of the State of Maryland.

311. Entry onto property.

(a) The Town and other duly authorized employees or representatives of the Town bearing proper credential and identification shall be permitted to enter all private properties through which the Town holds a duly negotiated easement for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of the sewage treatment works lying within said easement. All entry and subsequent work, if any, on said easement shall be done in full accordance with the terms of the duly negotiated easement pertaining to the private property involved.

(b) As a condition to the extension of water and/or sewer service, the Town shall have free access to and right-of-way for the piping, meters, and appurtenances on private property used for the service. The property owner shall consent to the entry onto property for the purpose of inspecting, reading meters, and keeping in repair or removing any or all of its apparatus using in the supply of water or sewer.

TITLE 4. USE AND PROTECTION OF PUBLIC WATER SUPPLY

401. Use of Town's water system; right to impose restrictions.

Water from the Town's system may be used for residential, business, industrial and public purposes. The Town reserves the right to impose at any time such restrictions on the use of water as, in its judgment, may appear necessary.

402. Use of fire hydrants.

(a) No person, other than an authorized employee of the Town or a member of a Fire Department acting under orders of his proper superior in the performance of his duties, may operate a public fire hydrant unless in possession of a permit from the Town to do so.

(b) Public or private fire hydrants may not be used for flushing or for any other purpose except by special written permission of the Town, for the time and at the location specified. If such permission is granted, the water used shall be paid for by the user, who shall be charged for the water at the prevailing water rates.

403. Approved water supply, plumbing fixtures and piping; inspection of systems.

All buildings which are served with public water from the Town's system shall have approved water supply and plumbing fixtures and piping; where the same do not exist or are not of proper character, in the judgment of the Town, or are in a state of disrepair, they shall be provided, altered or repaired, as the case may be, in such manner as shall be required and within the time named, by notice served by the Town upon the property owner or occupant. No such building shall be hereafter erected in a location accessible to a public water main or sewer without being provided with adequate water supply and plumbing arrangements as required in this Ordinance.

404. Potable water supply systems; cross-connections.

(a) Potable water supply systems shall be designed, installed and maintained in such manner as to prevent non-potable liquids, solids or gases from being introduced into the potable water supply through cross-connections or any other piping connections to the system.

(b) Piping conveying potable water shall be constructed of nontoxic material and shall bear the National Sanitation Foundation ("NSF") certification. No chemicals or other substances that could produce either toxic conditions, taste, odor or discoloration in a potable water system shall be introduced into or used in such systems. The interior surface of a potable water tank shall not be lined, painted or repaired with any material not approved by NSF which

will affect either the taste, odor, color or potability of the water supply when the tank is placed in or returned to service.

(c) No physical connection or cross-connection shall be permitted between the public water supply and an industrial, fire or other auxiliary or emergency water supply source. This prohibition applies to all piping systems, whether inside or outside of any building or buildings.

(d) Backflow or back-siphonage.

(1) No plumbing fixture or device shall be installed which will provide a cross-connection between the Town's water supply and a drainage or sewerage system so as to permit or make possible the backflow of sewage or waste into the Town's water supply system; nor shall any such plumbing fixture or device be installed which will provide a possible cross-connection between the Town's water supply system and any well, spring, cistern, river or other private source of water supply. No toilet bowl shall be supplied directly from a domestic water supply system through a flush valve unless such valve is set above the toilet bowl in a manner so as to prevent any possibility of polluting the water supply and the valve is protected by an approved air-break or backflow preventer.

(2) In order to prevent back-siphonage, all heating plants connected to the water system shall have a Town-approved check valve installed on the waterline supplying the plant, and the check valve shall be installed ahead of the plant's automatic water feeder or ahead of the boiler shutoff valve.

(3) All humidifiers or similar devices having the water inlet below the overflow level shall be equipped with a Town-approved non-siphon ball cock.

(4) Water which has been used for cooling or heating purposes shall not be reused for domestic purposes.

(e) Soda, bar, laboratory, dental, medical, surgical and other appliances requiring either a waste or water supply connection are identified plumbing fixtures, and no such fixture may be connected to either a waste or water supply unless the said fixture is approved as free of any possibility of cross-connection or back-siphonage. Dental, surgical or other aspirators shall not be of the type operated by water pressure, unless equipped with a Town-approved vacuum-break device.

405. Unlawful discharge water into the streets.

A person may not empty, discharge, or cause or allow to be emptied or discharged from premises occupied by the person, directly or indirectly, to or on any of the public streets of the Town of Queenstown, a liquid other than rainwater flowing in its natural course.

Notwithstanding anything to the contrary herein, car washing, and routine washing of sidewalks, buildings, patios, driveways or similar surfaces or structures shall be permitted, nor shall this section be construed to prevent the discharge of water in the case of flooding or excess water accumulation.

406. Swimming pool connections.

(a) No direct connection shall be made from a swimming pool to the water supply piping of any building.

(b) There shall be no direct connection between any domestic water supply line and any circulating pump, filter, water softener or other apparatus or device that comes in contact with water in or from a swimming pool. The potable water supply inlet to the make-up tank or pool shall be located above the extreme overflow level in such a manner as to prevent water from the tank or pool from entering the potable water supply line.

407. Conservation of water during shortage; natural disasters, public health emergencies.

(a) In this section, "public water shortage" means a situation in which the Town of Queenstown is unable to provide public water of sufficient pressure and quality to residents of the Town or a part of the Town to accommodate normal domestic inside uses of public water exclusive of outside uses, such as sprinkling of lawns, washing of cars, and filling of swimming pools.

(b) If the Town Commissioners determine that a public water shortage exists or is anticipated in the Town or in an extension of the water system beyond the Town Limits, the Town Commissioners may declare a state of public water shortage and may adopt rules and regulations designed to conserve the public water supply in the Town or parts of the County affected by the water shortage by restricting the use of the public water supply in the area affected.

(c) The Town or its duly authorized agent may turn off the water service to a user of public water violating any of the provisions of the rules and regulations restricting the use of public water during a declared state of public water shortage if the Town or its duly authorized agent has advised the user of the violation and has requested the user to cease the activity constituting the violation and the user does not cease the activity within a period of time reasonable under the circumstances. If water service to a non-complying user is turned off in accordance with the provisions of this subsection, the Town may charge the user a turn-off and turn-on charge to be levied and assessed against the non-complying user in a like manner as other charges and assessments for utility services.

(d) As part of their exercise of their police powers, the Town Commissioners may discontinue water use in any or all areas within the Town where there exists a bona fide danger to the health, safety or welfare of the citizens of the Town.

408. Water conservation requirements.

(a) For the purpose of this section the following words have the meaning indicated:

APPROVED KITCHEN SINK FAUCET FOR PRIVATE USE - Any faucet using no more than 2.5 gallons per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED LAVATORY SINK FAUCET FOR PRIVATE USE - Any faucet using no more than 2.0 gallons per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED SHOWER HEAD - Any automatic flow shower head using no more than 2.5 gallons of water per minute, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED SINK FAUCET FOR A PUBLIC FACILITY - Any faucet with spring-loaded valves or other devices that stop the flow of water upon release of the handle or that stop the flow of water after not more than 1.0 gallon of water has flowed through the fixture.

APPROVED TOILET - Any toilet using not more than 1.6 gallons of water per flush, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

APPROVED URINALS - Any single flush-type urinal using not more than 1.5 gallons of water per flush, with the rate based on a pressure at the fixture of not more than 60 pounds per square inch under no-flow conditions.

BUILDING - Includes any building or structure the initial construction of which commenced on or after the effective date of this section.

CONSTRUCTION - the building, inspection and supervision of new structures and the installation of equipment required in connection with the new structures.

LOCAL PLUMBING INSPECTION - Inspection by the appropriate agencies or units of the Town which inspect the installation of plumbing fixtures and devices and water, drainage, and sewage systems.

REMODELED - The complete restoration, relocation or addition of a whole plumbing system to another part of a building.

(b) Required water-conserving fixtures and devices. Except as provided under Subsection (d), the following fixtures or devices shall be installed, as necessary, in buildings constructed or remodeled after the effective date of this Ordinance:

- (1) Approved toilets in every building.
- (2) Approved showerheads in every building.
- (3) Approved sink faucets for private residences and in buildings with restrooms not intended for public use.
- (4) Approved sink faucets for a public facility in buildings with restrooms intended for public use.
- (5) Approved urinals for buildings intended for public use.

(c) Excessive pressure. When street main pressure exceeds 60 pounds per square inch, an approved pressure-reducing valve and an approved relief device shall be installed in the water service pipe near its entrance to the building to reduce the water pressure to 60 pounds per square inch or lower. Pressure at any fixture shall be limited to no more than 60 pounds per square inch under no-flow conditions.

(d) Enforcement suspended. Enforcement of this section may be suspended by the Town's consulting engineer for a specified period of time if it is determined by the local plumbing inspectors that:

- (1) There is an inadequate supply of approved toilets, approved sink faucets or approved showerheads, or water-conserving devices intended for attachment to toilets, sink faucets or showerheads to allow the fixtures to qualify as approved fixtures, under Subsection (a); or
- (2) The configuration of a drainage system for a building requires a greater quantity of water to adequately flush the system than is delivered by approved fixtures; or
- (3) There would be an adverse effect upon an historic restoration.

(e) Water meters. Water meters shall be installed:

- (1) Upon any new connection to the Town's water and/or sewerage system;

(2) Upon a sale, transfer or conveyance of an existing buildable lot of record to a third party; or

(3) When an existing structure that receives Town water and/or sewerage is razed and replaced by a new structure, or is expanded or enlarged by fifty percent (50%) of its gross square footage, or is renovated to such extent that the renovations exceed fifty percent (50%) of the assessed value at the time of building permit application.

Any meters installed pursuant to this section shall be of a type, size and specifications approved by the Town, or its agents, and shall be installed and inspected by the Town's agent or representative, unless the property owner obtains prior written permission from the Town Commissioners and/or their duly authorized agent.

TITLE 5. ALLOCATION OF WATER AND WASTEWATER CAPACITY

501. Definitions.

(a) In this subtitle the following words have the meanings indicated.

ALLOCATION - Water or wastewater capacity reserved at a utility facility for use at a particular property.

CAPITAL ALLOCATION CHARGE - A fee or charge equal to the costs associated with the planning, permitting, design, construction and financing of the Town's water and wastewater system based upon the number of EDUs allocated.. The apportionment of these costs among commercial, industrial, residential and properties located within and without the Town corporate limits shall be the prerogative of the Town Commissioners.

ALLOTMENT - The apportionment of available capacity of water or wastewater by the Town Commissioners among the uses set forth in 503 of this subtitle.

APPROVED LOT - A legally existing lot, tract, or parcel of record, created as a separate lot, tract, or parcel.

AVAILABLE CAPACITY OF WASTEWATER - The positive difference between the capacity of the most limited single or group of components of the wastewater system and the computed flow through the system, plus allocations granted and outstanding.

AVAILABLE CAPACITY OF WATER - The positive difference between the yield or system capacity of the components of the water system or the permitted groundwater

appropriation whichever is smaller and the computed flow through the system, plus allotments and allocations granted and outstanding.

BUILDABLE APPROVED LOT - An approved lot that can reasonably be expected to receive the Federal, State, County and Town approvals necessary for the issuance of a building permit.

COMMERCIAL DEVELOPMENT – A subdivision or use that in whole or in part involves the sale of merchandise, materials, food, and services including non residential uses that in the opinion of the Queenstown Planning Commission are commercial. Home occupations as defined by the Queenstown Zoning Ordinance are excepted.

EQUIVALENT UNIT or EQUIVALENT DWELLING UNIT - The projected wastewater flow from one single-family residential housing or apartment unit plus an amount for infiltration/inflow, which is estimated at 250 gallons per day per single family dwelling. For all other non-residential uses, it shall be determined by the Water Use Standards (set forth in Appendix 1 to the Ordinance 10-02) divided by 250 gallons per day.

FINAL APPROVAL - The signing and dating of a final record plat and/or site plan by the Queenstown Planning Commission.

OVERALL DEVELOPMENT SITE PLAN - A site plan consisting of a drawing reflecting the proposed and required improvements, changes to existing improvements and topographic features, and necessary information and details to show compliance with the zoning and subdivision ordinances.

SITE PLAN APPROVAL - The final approval of a development plan by the Town Planning Commission.

SUBDIVISION - Has the meaning set forth in Section 105 of the Queenstown Zoning Ordinance.

502. Findings; legislative intent.

(a) The Town Commissioners find that temporary shortages of available capacity in water and wastewater facilities may occur as a result of health, environmental, or financial considerations. The Town Commissioners further find that in order to adhere strictly to the requirements of Title 26, Subtitle 3 of COMAR and to provide public knowledge regarding available capacity in water and wastewater facilities, it is necessary to establish a method by which available capacity is calculated, priority of water and wastewater services is determined, and available capacity is allotted.

(b) It is the intent of the Town Commissioners that the provisions of this subtitle shall accomplish this objective, the cost of construction and expansion of water and wastewater facilities be generally borne by those who will directly benefit. It is also the intent of the Town Commissioners that there be established fair and equitable methods of allotting water and wastewater capacity, and that procedures be established by which new users of the system pay the costs of planning, designing, permitting and construction of expanded facilities and the modifications to the existing systems necessary to accommodate the expansion.

503. Application for sewer allocation.

Any individual with a proprietary or financial interest in property located within the Town may file an application for sewer allocation within the provisions of this Ordinance. Such individual shall complete a sewer allocation application prepared and approved by the Town Commissioners and shall provide any and all documents required by the Town Commissioners showing evidence of the financial or proprietary interest in the subject property.

504. Allotment of water and wastewater capacity.

(a) The Town Commissioners may establish allotments of available water supply and wastewater capacity for the following uses:

- (1) public health needs;
- (2) public service needs, including County or Town capital projects;
- (3) assisted housing;
- (4) buildable approved lots for single-family dwellings,;
- (5) other buildable approved lots,
- (6) subdivisions or planned unit developments;
- (7) commercial or industrial subdivisions or site plans; and
- (8) reserve capacity.

(b) The Town Commissioners may at any time:

- (1) reorder the priority of uses;

(2) redistribute allotments that have not been placed into use or service and for which the applicable Capital Allocation Charges have not been paid in order to reflect changes in actual and projected demands, development activity or inactivity, the needs of the community and the Town; and

(3) establish sub-uses to the uses listed in subsection (a) of this section.

505. Allotment of water and wastewater capacity at time of subdivision or site plan approval.

(a) Final approval of residential, commercial or industrial subdivisions or site plans shall be contingent upon the allocation and allotment of water and wastewater capacity. The Town Commissioners shall make an allocation in accordance with this Ordinance.

(b) The Town Commissioners shall notify the subdivider, owner or applicant in writing of the allotment.

(c) The Town may require that each subdivision plat contain a note that reflects the water and wastewater capacity allotted, the conditions of allotment, and the requirements and limitations set forth in this Section. Allocation of allotted capacity among the parcels and lots created by subdivision may be required to be shown on the subdivision plat.

506. Allocation of capacity upon issuance of building permits.

Except in accordance with an exemption approved by the Commissioners pursuant to Section 201(c) hereof, prior to the issuance of any building permit for a buildable approved lot, the Town Commissioners shall allot water and wastewater for the structure. Thereafter, the Town Commissioners shall notify the applicant in writing of the allocation, at which time the building permit shall be issued provided that the applicant has received all other applicable approvals, and all fees required by this Ordinance have been paid.

507. Capital Allocation and Connection charges.

(a) Each structure and use to be connected to the Town's public water or wastewater systems shall pay a capital allocation charge and connection charge for each utility, which shall be established by the Town Commissioners by ordinance.

(b) The applicant for a building permit for an approved buildable lot shall pay the entire amount of the capital allocation and connection charges prior to or at the time that the building permit is issued.

(c) The capital allocation and connection charges for a subdivision or property subject to site plan approval shall be paid at the time final plat approval or site plan approval is received, unless otherwise expressly authorized by a public works agreement that sets forth a payment schedule in the sole discretion of the Town Commissioners.

(d) Notwithstanding anything to the contrary herein, the Town Commissioners shall have the authority to provide a credit against capital allocation and/or connection fees where the property owner or other private individual or entity constructs additional capacity and/or pays for the required connections.

508. Forfeiture of allocation.

(a) An allocation awarded to a subdivider or owner of property subject to a site plan or shall lapse and be invalid if:

(i) A Public works agreement or development agreement is not executed as otherwise required by this Ordinance; and

(ii) The fees required under Section 507 are not paid in accordance with that section.

(b) An allocation awarded to an applicant for a building permit for a buildable approved lot shall be invalid unless the applicant has paid all capital allocation and connection charges and fees, , and any other expenses and charges required by this Ordinance.

(c) When the allotment lapses under this Section:

(i) All charges and fees that have been paid shall be forfeited; and

(ii) All paid charges and fees shall be forfeited, future fees that are pledged in the public works agreement shall be due and any unpaid allocation reservation charges shall become due.

509. Assignability; transferability.

(a) Except for those situations outlined herein, an allocation may not be assigned or transferred.

(b) An allotted allocation to a subdivision may be assigned or transferred for use within the subdivision for which the allocation was originally granted, provided that the transfer or assignment shall be:

(1) To lots or units requiring an amount of allocation equal to or less than the original allocation or portion thereof being transferred; and

(2) Subject to the conditions, time limitations or other restrictions that are applicable to the unused allocation as of the date of transfer and to such additional requirements that may be established by the Town Commissioners.

(c) In the event that assignment or transference is contemplated in accordance with subsection (b), the subdivider shall make a written request to the Town Commissioners for a transfer of allocation. The request shall specify those areas of the subdivision from which and to which the allocation will be transferred or assigned.

(d) Town Commissioners' approval of a transfer shall be contingent upon the receipt of certification that there has been recorded in the land records of Queen Anne's County a plat or instrument in a form acceptable to the Commissioners indicating the conditions of approval established by the Commissioners and:

(1) indicating the specific areas of the subdivision from which and to which the allocation is assigned or transferred;

(2) deleting the lot(s) from which the entire allocation was transferred;

(3) indicating the conditions, time limitations, and restrictions applicable to the areas subject to the assignment or transfer; and

(4) that has the approval and signature of the Chairman of the Queenstown Planning Commission.

(e) On transfer or assignment of an allocation, that portion of the subdivision from which the allocation was transferred or assigned shall be considered a proposed subdivision awaiting allocation of water and wastewater capacity.

510. Effect of zoning action.

The grant of a reclassification of property, special exception, or other zoning action does not entitle a person to an allotment or allocation of water or wastewater capacity for that property.

511. Private financing for additional capacity.

(a) A person or firm may, with the consent of the Town, pay all or a portion of the costs to plan, permit, design, and construct additions to water and wastewater facilities and/or new

facilities, systems or improvements in return for a guaranteed allotment of a portion of the capacity of the new, expanded or modified facilities. The Commissioners may waive capital allocation and/or connection charges based upon a person or firm's payment of the costs to plan, permit, design, and construct additions to water and wastewater facilities.

(b) An allotment or allocation granted under this section and any waiver of capital allocation and/or connection charges shall be incorporated as part of a written public works agreement or development rights and responsibilities agreement between the subdivider or developer and the Town and that sets forth specific terms and conditions under which the allotment or allocation is granted.

(c) The Town Commissioners may negotiate and prescribe terms and conditions of each agreement in order to carry out the intent of this section and protect the interests of the Town.

512. Conditions of allocation.

The award of an allocation under this section is subject to the following conditions:

(a) Future water and wastewater capacity is contingent on the availability of federal, state, county, town or private funds to finance water and wastewater capital projects.

(b) The Town of Queenstown is not responsible for providing water or wastewater service and is not liable for direct and/or consequential damages resulting from the failure to provide water and/or wastewater service if the Town is unable to acquire suitable rights-of-way or permits necessary for the construction and maintenance of water or wastewater capital projects.

(c) The Town of Queenstown is not responsible for any federal or state action, including operational moratoria that suspend, delay, or otherwise affect an allocation.

(d) The Town of Queenstown is not responsible for direct, and/or consequential damages or the costs of delayed occupancy or use if a contractor defaults on a Town water or wastewater project in the service area in which an allocation has been made.

(e) The Town is not responsible for any other contingency that affects the timing or ability to connect which is beyond the control of the Town.

TITLE 6. SUPPLEMENTAL PROVISIONS

601. Unpaid charges to become lien upon property.

All rates, charges, fees and/or fines referred to in this Ordinance shall constitute a lien on the real property served and shall be levied, collected, and enforced in the same manner as are Town real property taxes, and shall have the same priority rights, bear the same interest and penalties, constitute a lien on the real property so assessed, and be treated as Town real property taxes.

602. Violation and penalties.

Any person found to be violating any provision of this Ordinance shall be deemed to have committed a municipal infraction, the fine for which shall be \$200.00 for the first offense, and \$500.00 for each subsequent offense. Each day that a violation continues shall be considered a separate offense. In addition to said fine, the Town may request during the adjudication of an infraction that the owner(s) abate the violation, or in the alternative, permit the Town to abate the violation, and that all costs incident to the abatement shall be charged against the property owner, and shall constitute a lien on the property.

603. Liability for damages.

Any person found violating any provision of this Ordinance shall become liable to the Town of Queenstown for any expense, loss or damage occasioned by the Town by reason of such violation.

604. Executive regulations.

The Town Commissioners may adopt such supplemental ordinances and regulations as are permitted by State law, necessary for the safe and efficient operation of its water and sewer system from time to time.

605. Public works agreements.

The Town Commissioners shall have the right to require that any person or property owner that has requested its water and/or sewer services execute public works agreement and/or development rights and responsibilities agreement to address the conditions of extensions of services, including, but not limited to: financing, timing of work, scope of work, plans and specifications for infrastructure or facilities, warranties, allocations, performance and/or payment bonds or other security obligations, and such other terms and conditions that the Town Commissioners determine, in its discretion, are necessary or required for the use or extension of its facilities.

606. Miscellaneous.

(a) All ordinances or portions of ordinances in conflict with the provisions of this Ordinance are hereby repealed to the extent of such conflict.

(b) It is hereby declared to be the intention of the Commissioners that the sections, paragraphs, sentences, clauses, and words of this Ordinance are severable, and if any word, clause, sentence, paragraph or section of this Ordinance shall be declared unconstitutional or otherwise invalid by the valid judgment of decree of any court of competent jurisdiction, that unconstitutionality or invalidity shall not affect any of the other remaining words, clauses, sentences, paragraphs, or sections of this Ordinance, since the same would have been enacted by the Commissioners without the incorporation in this Code of any unconstitutional or invalid word, clause, sentence, paragraph or section.