
By: **Delegate Weir**

Introduced and read first time: February 14, 2002

Assigned to: Rules and Executive Nominations

A BILL ENTITLED

1 AN ACT concerning

2 **Sewage and Water Fees - Swimming Pools**

3 FOR the purpose of requiring a certain credit against the sewer use charge for
4 property owners with private swimming pools under certain circumstances;
5 providing that the credit applies only during certain months; prescribing a
6 formula for determining the amount of the credit; and generally relating to a
7 credit against sewer use charges for property owners with private swimming
8 pools.

9 BY repealing and reenacting, with amendments,
10 Article 29 - Washington Suburban Sanitary District
11 Section 6-104(b)
12 Annotated Code of Maryland
13 (1997 Replacement Volume and 2001 Supplement)

14 BY repealing and reenacting, with amendments,
15 Article - Environment
16 Section 9-726
17 Annotated Code of Maryland
18 (1996 Replacement Volume and 2001 Supplement)

19 BY adding to
20 Article - Public Utility Companies
21 Section 4-307
22 Annotated Code of Maryland
23 (1998 Volume and 2001 Supplement)

24 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
25 MARYLAND, That the Laws of Maryland read as follows:

1 **Article 29 - Washington Suburban Sanitary District**

2 6-104.

3 (b) (1) (i) Except as provided in this section, the rate for service shall
4 consist of a minimum or a ready to serve charge and a charge for water used.

5 (ii) The ready to serve charge is based on the size of the meter on
6 the water connection leading to the property.

7 (iii) The charge for water used is based on the amount of water
8 passing the meter during the period between the last 2 readings.

9 (iv) The meter shall be placed on each water connection by and at
10 the sole expense of the WSSC.

11 (2) The WSSC may provide that the minimum or ready to serve charge
12 includes a specified minimum number of gallons of water without additional service
13 charges for the water, and the minimum figure may vary with the size of the meter
14 involved.

15 (3) The WSSC:

16 (i) May provide for the billing and collection of the water and sewer
17 usage charges on an estimated basis for periods of 6 months or less, based on the
18 historical daily average consumption calculated from actual previous usage;

19 (ii) SHALL PROVIDE A CREDIT AGAINST THE SEWER USAGE
20 CHARGE OF A PROPERTY OWNER WITH A PRIVATE SWIMMING POOL THAT:

21 1. APPLIES TO ANY CHARGE FOR THE PERIOD FROM APRIL 1
22 TO SEPTEMBER 30, BOTH INCLUSIVE; AND

23 2. IS EQUAL TO HALF THE DIFFERENCE BETWEEN THE
24 CHARGE BASED ON DAILY AVERAGE CONSUMPTION CALCULATED DURING THE
25 PERIOD FROM OCTOBER 1 TO MARCH 31, BOTH INCLUSIVE, AND THE CHARGE FOR
26 THE APPLICABLE PERIOD;

27 (III) Shall read the meter at least every 6 months; and

28 [(iii)] (IV) 1. Shall base the final bill for the 6-month period on
29 the actual consumption adjusted by previous estimates, if the meter had not been
30 read because it was inaccessible;

31 2. Shall base the final bill for the 6-month period on the
32 historical daily average consumption, calculated from actual previous usage, if a final
33 reading cannot be made because:

34 A. The meter malfunctioned;

1 B. The meter had been taken out of service for repairs or
2 maintenance, or for water system relining purposes; or

3 C. There was theft of service;

4 3. May modify the historical daily average consumption
5 calculation based upon any appropriate evidence submitted by the owner; and

6 4. May not base a final bill on estimated usage for 2
7 consecutive 6-month periods.

8 (4) (i) A bill for the amount of these charges shall be sent monthly, 4
9 times a year, or twice a year, as the WSSC determines, to each property served, and
10 on receipt each bill is payable at the office of the WSSC.

11 (ii) An additional late payment charge of 5 percent of the unpaid
12 charges shall be added and collected as part of the bill if:

13 1. The WSSC sends out a bill for water and sewer usage
14 charges in the regular course of business;

15 2. For a service period of 3 months or more, the bill is not
16 paid 30 days from the date of sending; or

17 3. For a service period of less than 3 months, the bill is not
18 paid 20 days from the date of sending.

19 (iii) The additional charge is in addition to and not in substitution
20 for or derogation of any other right or remedy granted to the WSSC by any other law.

21 (iv) If any bill is not paid for 60 days after being sent out by the
22 WSSC, the bill shall be collected against the owner of the property served in the same
23 manner as other debts are collected in Montgomery and Prince George's counties.

24 (v) 1. If any bill is not paid after 30 days from the date of
25 sending, the WSSC, after written notice left on the premises or mailed to the last
26 known address of the owner, shall turn off the water from the property in question.

27 2. The water may not be turned on again until the bill, any
28 late payment penalty charges as authorized by law, and the cost incurred in shutting
29 off and restoring the water supply are paid.

30 **Article - Environment**

31 9-726.

32 (a) The political subdivision shall:

33 (1) Select a reasonable basis for imposing the sewer service charge IN
34 ACCORDANCE WITH SUBSECTION (B) OF THIS SECTION; and

1 (2) Collect the sewer service charge once, twice, or four times a year.

2 (b) (1) IF THE SEWER SERVICE CHARGE IS BASED ON THE WATER
3 CONSUMPTION RATE, THE OWNER OF PROPERTY WITH A PRIVATE SWIMMING POOL
4 SHALL RECEIVE A CREDIT AGAINST THE SEWER SERVICE CHARGE FOR ANY PERIOD
5 FROM APRIL 1 TO SEPTEMBER 30, BOTH INCLUSIVE.

6 (2) THE CREDIT SHALL BE EQUAL TO HALF THE DIFFERENCE BETWEEN
7 THE AVERAGE CHARGE FOR THE PROPERTY DURING THE PERIODS FROM OCTOBER 1
8 TO MARCH 31, BOTH INCLUSIVE, AND THE CHARGE FOR THE APPLICABLE PERIOD.

9 (C) If any bill for sewer service remains unpaid after 60 days from the date the
10 bill was sent:

11 (1) The bill shall be collectible from the owner of the property served in
12 the same manner and subject to the same interest as taxes are collectible in the
13 county in which the water or sewerage system lies; and

14 (2) The sewer service charges shall be a first lien on the property.

15 **Article - Public Utility Companies**

16 4-307.

17 (A) IF RATES FOR SEWAGE DISPOSAL SERVICE ARE BASED ON THE WATER
18 CONSUMPTION RATE, THE OWNER OF PROPERTY WITH A PRIVATE SWIMMING POOL
19 SHALL RECEIVE A CREDIT DURING ANY BILLING CYCLE FROM APRIL 1 TO
20 SEPTEMBER 30, BOTH INCLUSIVE.

21 (B) THE CREDIT IN SUBSECTION (A) OF THIS SECTION IS EQUAL TO HALF THE
22 DIFFERENCE BETWEEN THE AVERAGE SEWER CHARGE FOR THE PROPERTY FROM
23 OCTOBER 1 TO MARCH 31, BOTH INCLUSIVE, AND THE CHARGE FOR THAT BILLING
24 CYCLE.

25 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
26 October 1, 2002.