

ORDINANCE 4-2025

Introduced by: _____

AN ORDINANCE OF THE TOWN OF TRAPPE TO AMEND SECTION 14 OF THE TRAPPE TOWN CODE TITLED “WATER AND SEWER”, TO INCREASE THE AMOUNT OF THE PENALTY FOR VIOLATING SECTION 14 OF THE CODE AND TO INCLUDE A NEW SECTION TO PROHIBIT THE UNLAWFUL TURN-ON OR CONNECTION OF THE TOWN’S WATER OR SEWER SERVICE

WHEREAS, Md. Code Ann. Environmental Article § 9-705 and the Trappe Town Charter § 707 authorize the Town to construct, operate, modify and maintain a water and sewerage system; and

WHEREAS, Md. Code Ann. Environmental Article § 9-723 through 9-726 and the Trappe Town Charter § 718 authorize the Town to establish rates, fees and charges for municipal water and sewer services; and

WHEREAS, Md. Code Ann. Environmental Article § 9-811 requires a municipality that issues bonds in connection with its water and sewer infrastructure to charge sufficient rates to cover the debts associated with the system, as well as an amount to cover all expenses associated with the operation and maintenance of the system; and

WHEREAS, the Town of Trappe extends and connects the Town water and sewer system to private properties, or approves the connection thereof; and

WHEREAS, the Town of Trappe seeks to prevent unlawful and unauthorized connections to the Town’s water and sewer systems as such connections can cause severe damage, poses health risks, and can result in costly repairs; and

WHEREAS, the Council of Trappe has determined that it is necessary and in the public interest to amend Chapter 14 to prohibit illegal and unauthorized connections and turn on of the Town’s water or sewer systems, and to increase the penalty for such action up to the maximum amount permitted by the Maryland Code Local Government Article to sufficiently protect the Town’s water and sewer systems.

NOW THEREFORE, the Council of the Town of Trappe hereby ordains as follows:

Section 1. Chapter 14, Article VII of the Trappe Town Code titled “Supplemental Water and Sewer Regulations”, is amended to include a new Section 14.44, as follows.

Section 14.44. Illegal turn-on or connection.

Any person turning water service on to any premises after it has been shut off by the town, or making an unauthorized connection to the town water or sewer service shall be deemed in violation of this chapter, and shall be charged a fine as set forth herein. In such case the utility will be shut off, locked and will not be turned on again until all charges, including penalties, have been paid

Section 2. Chapter 14, Article VIII of the Trappe Town Code titled “Penalties”, Section 14.44 is amended as follows.

Section 14.44. 14.45. Penalties.

A. Any persons in violation of Section 14 of this Code shall be guilty of a municipal infraction, and the fine for the first offense shall be ~~One Hundred~~ *up to Five Thousand* Dollars (~~\$5,000.00~~), and shall be *up to Five Thousand* ~~Two Hundred~~ Dollars (~~\$5,000.00~~) for each additional offense within a 12-month period. Each and every day such violation occurs shall be considered a separate offense, and subject to separate penalties and fines.

B. If the Town is subjected to fines or penalties for a wastewater spill caused a property owner or his designated agent or tenant damaging or failing to maintain sewer pipes, including but not limited to keeping cleanout caps in place, the property owner shall reimburse the Town in full for any fines, penalties or other costs or expenses arising from such a spill.

Section 3. Chapter 14, Article VII of the Trappe Town Code titled “Supplemental Water and Sewer Regulations” Section 14.41 is amended as follows.

Section 14.41. Adding or removing units in multi-unit structures.

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C. Failure to notify the Town when additional units or uses are added to a structure shall constitute a violation of this ordinance subject to the penalties set forth in Section ~~14.44~~ *14.45*.

...

Section 4. If any section, subsection, sentence, clause or phrase of this Ordinance is, for any reason, held to be unconstitutional, such decision shall not affect the validity of the remaining portions of this Ordinance. The Commissioners of Trappe hereby declare that they would have passed this Ordinance, and each section, subsection,

clause or phrase thereof, irrespective of the fact that any one or more sections, subsections, sentences, clauses and phrases be declared unconstitutional.

Section 5: This Ordinance shall become effective on the _____ day of _____, 2025.

Jeremy Newnam

Walter Chase

Rose Potter

Brian Schmidt

Michael Sullivan

I hereby certify that the foregoing Ordinance Number 4-2025 of the Town of Trappe was duly read and enacted in accordance with the applicable provisions of the Charter of the Town of Trappe.

Attest: _____
Erin Braband, Town Administrator

Deleted text reflected as ~~stricken~~
New language reflected in ***italicized and bold text***