



**Council of the Town of Leonardtown
Ordinance No. 212
Subject: Late Fees for Delinquent Utility Accounts**

Date Introduced on First Reading: _____, 2022
Council Public Hearing: _____, 2022
Date Passed on Second Reading: _____, 2022
Date Effective: _____, 2022

AN ORDINANCE concerning

CHAPTER 150 – WATER AND SEWERS OF THE CODE OF THE TOWN OF LEONARDTOWN

FOR the purpose of amending § 150-18 (Payments and Charges) of the Code of Leonardtown to provide for a late fee for delinquent utility accounts; providing that the title of this Ordinance shall be deemed a fair summary; and generally relating to water and sewer rates, charges, and fees in the Town of Leonardtown.

RECITALS

WHEREAS, pursuant to Md. Code Ann., Local Gov't § 5-205(d)(1), the Council of the Town of Leonardtown (the "Council") is authorized and empowered to establish and collect reasonable fees and charges for franchises, permits, or licenses granted by the Town of Leonardtown (the "Town") or associated with the exercise of a governmental or proprietary function exercised by the Town; and

WHEREAS, pursuant to Md. Code Ann., Environment § 9-721, et seq., the Council is authorized to establish reasonable rates, charges, and fees related to municipal water and sewer service, which authority is supplemental to other powers of the Council; and

WHEREAS, pursuant to Md. Code Ann., Environment § 9-727, before setting or modifying a rate, charge, or assessment for water or sewer service or sewer upkeep, the Council shall give prompt notice of the proposed rate, charge, or assessment in at least one newspaper of general circulation in the area of the subject water or sewerage system and conduct a hearing on the necessity or advisability of the proposed rate, charge, or assessment; and

WHEREAS, in accordance with Md. Code Ann., Environment § 9-727, the Council held a public hearing on _____, 2022, notice of which was published in _____ on _____, 2022, a newspaper of general circulation in the Town; and

WHEREAS, the Council, with the assistance of the Town Administrator and the Town Treasurer, has determined that the existing late fee of \$25 imposed upon delinquent utility accounts, which is set annually as part of the Council’s adoption of the upcoming fiscal year budget, is inadequate and desires to increase the fee to \$75 and codify the same in § 150-18 of the Town Code; and

WHEREAS, the Council finds that the amendments set forth herein would be in the best interest of the health, safety, and welfare of the citizens of the Town.

SECTION I. BE IT ORDAINED BY THE COUNCIL OF THE TOWN OF LEONARDTOWN that Chapter 150 – Water and Sewers of the Code of the Town of Leonardtown be and it is hereby amended as follows:

§ 150-18. Payment of charges.

The charge to be made for an installation and/or repair provided in accordance with § 150-15, 150-16 or 150-17 shall not be less than the actual cost the town incurs and shall be in addition to any applicable reconnection charges. Water service will be restored after payment of all outstanding service, installation, repair and reconnection charges, **including a late fee of \$75.**

SECTION II. AND BE IT FURTHER ORDAINED that the recitals to this Ordinance are incorporated herein and deemed a substantive part of this Ordinance.

SECTION III. AND BE IT FURTHER ORDAINED that, in this Ordinance, unless a section of the Code is expressly repealed in its entirety and reenacted, new or added language is underlined and in boldface type, and deleted text is crossed out and enclosed in brackets. Substantive language added after the date of introduction is in boldface, italicized type, and language deleted after the date of introduction is crossed out with a double strikethrough.

SECTION IV. AND BE IT FURTHER ORDAINED that, if any section, subsection, sentence, clause, phrase or portion of this Ordinance is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such portion shall be deemed a separate, distinct, and independent provision and such holding shall not affect the validity of the remaining portions of this Ordinance, it being the intent of the Council that this Ordinance shall stand, notwithstanding the invalidity of any section, subsection, sentence, clause, phrase, or portion hereof.

SECTION V. AND BE IT FURTHER ORDAINED that all ordinances or parts of ordinances inconsistent with the provisions of this Ordinance are hereby repealed to the extent of such inconsistency.

SECTION VI. AND BE IT FURTHER ORDAINED that the title of this Ordinance, or a condensed version thereof, shall be deemed to be, and is, a fair summary of this Ordinance for publication and all other purposes.

SECTION VII. AND BE IT FURTHER ORDAINED that this Ordinance shall become effective twenty (20) days following approval by the Mayor or passage by the affirmative vote of four-fifths of the Councilpersons after veto by the Mayor.

Attest:

Councilpersons of Leonardtown:

Laschelle E. McKay
Town Administrator

J. Maguire Mattingly, IV
Vice President

Seal:

Tyler Alt
Councilperson

Nick Colvin
Councilperson

Christy Hollander
Councilperson

Mary Maday Slade
Councilperson

This Ordinance was presented to the Mayor for his approval or disapproval pursuant to Section 210 of the Charter of the Town of Leonardtown this ___ day of _____, 2022.

Laschelle E. McKay, Town Administrator

In accordance with Section 210 of the Charter of the Town of Leonardtown, I hereby (Approve) or (Disapprove) _____ this Ordinance this ____ day of _____, 2022.

Daniel W. Burris, Mayor