

Sample Water Ordinance

WATER ORDINANCE GENERAL PROVISIONS

01.01 USE OF WATER SERVICE; TURNING WATER ON AND OFF.

No person other than a city employee shall uncover, or make, or use any water service installation connected to the city water system except in the manner provided by this ordinance. No person shall make or use any installation contrary to the regulatory provisions of this chapter. No person, except as authorized by the Public Works Director, shall turn on or off any water supply at the curb stop box.

01.02 DAMAGE TO THE WATER SYSTEM

No unauthorized person shall remove or damage any structure, appurtenance, or part of the water system or fill or partially fill any excavation or move any gate valve used in the water system.

01.03 CONNECTION TO SYSTEM REQUIRED; USE OF PRIVATE WELLS

(A) Except where municipal water is not available, it shall be unlawful to construct, reconstruct, or repair any private water system which is designed or intended to provide water for human consumption. Private wells, to provide water for other than human consumption, may be constructed, maintained and continued in use after connection is made to the water system: provided, there is no means of cross-connection between the private well and municipal water supply at any time. Hose bibs that will enable the cross-connection of the two systems are prohibited on internal piping of the well system supply. Where both private and city systems are in use, outside hose bibs shall not be installed on both systems.

(B) All new homes or buildings shall connect to the municipal water system if water is available to the property. At the time as municipal water becomes available to existing homes or buildings, a direct connection shall be made to the public system within a period of time as determined by the City Council. If the connection is not made pursuant to this ordinance, a charge shall be made in an amount established by Council.

(C) Where new homes or building do not have water available to the property, the city shall determine whether and under what conditions the municipal water system will be extended to serve the property.

(D) If the well is not to be used after the time a municipal water connection is made:

(1) The well pump and tank shall be disconnected from all internal piping:

(2) Within 30 days after the municipal water connection is made, the owner or occupant must advise the City Public Works Director that the well has been sealed.

(3) Notwithstanding the foregoing, all well abandonment shall be done in accordance with M.S. § 1031.301 to 1031.345 and Minn. Rules Ch. 4725, Wells and Borings, as it may be amended from time to time.

01.04 USE OF WATER FROM FIRE HYDRANTS; TEMPORARY CONNECTIONS.

Use of fire hydrants. Except for extinguishing of fires, no person, unless authorized by the Public Works Director, shall operate fire hydrants or interfere in any way with the water system without first obtaining permission to do so from the city.

(1) The user shall relinquish the use of the hydrant to authorized city employees in emergency situations.

(2) The user shall pay a charge as established by Council.

01.05 WATER DEFICIENCY, SHUT OFF AND USE RESTRICTIONS.

The city shall not be liable for any deficiency or failure in the supply of water to consumers, whether occasioned by shutting the water off for the purpose of making repairs or connections or from any other cause whatsoever. In case of fire, or alarm of fire, or in making repairs of construction of new works, water may be shut off without notice at any time and kept off as long as necessary. In addition, the City Council shall have the right to impose reasonable restrictions on the use of the city water system in emergency situations. Water service may be discontinued for non-payment of charges according to the procedures established in sec. 01.19.

WATER REGULATIONS

01.06 SUPPLY FROM ONE SERVICE

No more than one consumer shall be supplied from one service connection except by permission of City Council. Each unit served shall have a separate water meter, except by permission of City Council.

01.07 TAPPING OF MAINS RESTRICTED

No person, except persons authorized by the City Council, shall tap any distributing main or pipe of the water supply system or insert stopcocks or ferrules therein.

01.08 REPAIR

(A) Determination of need for repairs. Based on the information supplied by the property owner or available to the city, the city will make a determination whether a problem exists in that portion of the service which is the city's responsibility. If the problem appears to exist in the areas for which the city has no responsibility, the private owners will be responsible for correction of the problem

(B) Excavation or repair of water service.

(1) The city will arrange for the investigative digging up and repair of any water service where the problem apparently exists within that area for which the city has responsibility.

(2) Unless it is clearly evident, however, that the problem is the responsibility of the city, excavation and repair will not be made until the property owner requests the city to excavate or repair the service and agrees to pay the cost.

(3) The owner further agrees to waive public hearing and be special assessed the cost of the excavation and repair if the problem is found to be other than the city's responsibility. The city will make the determination for responsibility of the cost of investigation or repair.

(4) The matter of whether the dig up is done by city forces or contracted would depend on the urgency or need of repair and the availability of city forces to do the work. Recovery by the city for faulty construction will depend upon the circumstances and the decision of the City Attorney on the likelihood of recovery.

(C) Failure to repair. In the case of failure upon the part of any consumer or owner to repair any leak occurring in his or her service pipe within 24 hours after verbal or written notice thereof, the water may be turned off by the city and shall not be turned on until the leak has been repaired and a fee pursuant to section 01.14 has been paid to the city.

01.09 DISCONNECTION

Permission must be obtained from the Public Works Director to disconnect from the existing water service leads at the curb stop box. A fee, as set forth by council, shall be charged to disconnect.

01.10 EXCAVATION

(A) No excavation shall be made until permission for the connection has been granted by the city.

(B) In case the installation is on a surfaced street, the following shall apply: All backfill materials shall be mechanically compacted in 12-inch layers to the density of the adjacent material in the roadway area and to the existing street grades in accordance with the Missouri Department of Transportation Standards. Complete surface restoration shall be made.

01.11 WATER CONNECTIONS; APPLICATIONS AND CHARGES

(A) Connection applications

(1) All applications for service installations and for water service shall be made to the City Clerk. All applications for service installations and water service shall be made by the owner or agent of the property to be served and shall state the size and location of service connection required. The applicant shall, at the time of making the application, pay to the city the deposit required for the installation of the service connection as hereinafter provided.

(2) The size of the water service connections and meter shall be subject to approval of the City Public Works Director.

(3) Water billing shall start at the time of installation of the water meter, or in the event the meter is not installed, seven days after completion of outside piping, and shall be calculated upon the minimum monthly rate.

(B) Connection charges.

(1) Permission must be obtained to connect to the existing water service leads at the curb stop box. The city shall install or have installed all service connections from the water main to the curb box including the stop box. Payment for service connections must be made before the work is started.

(2) Additional charges shall be paid at the time of making application for tapping and making connections with the water main to where a curb stop box and service lead were not previously installed. The charge shall include the tapping of the water main, corporation cocks, the installation of a curb stop box.

01.12 LOCATION OF CURB STOP BOX

Curb stop boxes will be installed on the right-of-way line or easement limits at a location as determined by the Public Works Director to be best suitable to the property and shall be left in a vertical position when backfilling is completed. Curb stop boxes will be installed at an approximate depth of seven feet below the finished ground elevation and the top of the curb stop box shall be adjusted to be flush with the finished ground elevation. Curb stop boxes must be firmly supported by a masonry block. No person shall erect any fence or plant any tree or other landscaping that would obstruct the use of the curb stop box, or cause damage to the same. The Public Works Department will, without charge, locate boxes and adjust them to any change in grade.

01.13 WATER METERS

(A) Generally. Except for extinguishments of fires, no person, unless otherwise authorized by the City Council or Public Works Department, shall use water from the water system or permit water to be drawn from it unless the same be metered by passing through a meter supplied or approved by the city. No person not authorized by the City Council or Public Works Director shall connect, disconnect, take apart, or in any manner change or cause to be changed or interfere with any meter or the action thereof, or break any meter or valve seal.

(1) Where a consumer has need for a larger line in addition to his or her domestic line, as in the case of a commercial consumer who needs a one-inch line for normal use and a six-inch or larger line for a fire sprinkler system, he or she will be permitted to run one line into the premises and "Y" off into two lines at the building. When this is done, the meter will be attached to the small or domestic line and a check valve as well as one-inch detection meter shall be put on the large line.

(2) The city shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. When replacement, repair, or adjustment of any meter is rendered by the act, neglect (including damage from freezing or hot water backup) or carelessness of the owner or occupant of the premises. any expense caused the city thereby shall be charged against and collected from the water consumer.

(3) All water meters and remote readers shall be and remain the property of the city.

(5) Authorized city employees shall have free access at reasonable hours of the day to all parts of every building and premises connected with the water system for reading and repair of meters, for the purpose of connecting and disconnection and for inspections.

(6) It shall be the responsibility of the consumer to notify the city to request a final reading at the time of the customer's billing change.

(B) Water meter setting. All water meters hereafter installed shall be in accordance with the requirements established by resolution of the City Council.

RATES AND CHARGES

01.14 RATES, FEES AND CHARGES GENERALLY.

The City Council shall establish a schedule of all water rates, deposits, fees, penalties and charges for services. This schedule shall be adopted by resolution and may be amended from time to time by the council.

01.15 WATER SERVICE BILLING; CHANGE OF ADDRESS.

All bills and notices shall be mailed or delivered to the address where service is provided. If nonresident owners or agents desire personal notice sent to a different address, they shall so note on the water service application. Any change or error in address shall be promptly reported to the City Clerk

01.16 WATER RATES.

(A) In case a meter is found to have stopped, or operating in a faulty manner, the amount of water used will be estimated in accordance with the amount used previously in comparable periods of the year.

(B) The minimum rates established by council shall begin to accrue after connection of the service pipe with the curb stop box.

(C) A meter shall be installed on the water valve in the house and a remote register outside regardless of whether inside piping is connected.

(D) In the event a water customer elects to discontinue the use of the municipal water, the regular or minimum charge shall continue until the date as service is disconnected at the curb box.

01.17 PAYMENT OF DEPOSITS, CHARGES; LATE PAYMENT; COLLECTION.

(A) A deposit shall be required from all customers, responsible for payment of the utilities bill, who reside in rental units or mobile homes. The amount of the deposit shall be determined by the City Council and may be changed from time to time.

(B) For rental units, payment for services and charges provided for municipal utilities shall be the primary responsibility of the owner of the premises served and shall be billed to him until such time as authorized by the owner and his tenant, and upon the receipt of the above mentioned deposit. At that time the responsibility for payment shall shift to the tenant.

(C) Any prepayment or overpayment of charges may be retained by the city and applied on subsequent monthly charges.

(D) If a monthly utilities charge is not paid when due, then a penalty of 1.5% shall be added thereto. The penalty shall be computed at 1.5% of the amount due and shall be increased the same 1.5% for every month the bill is outstanding.

(E) In the event a user fails to pay his or her utilities bill within a reasonable time following discontinuance of service (a time period not to exceed 90 days), the fee shall be certified by the City Clerk and assessed against the property on which the charges have incurred, and forwarded to the County Auditor for collection.

ADMINISTRATION AND ENFORCEMENT

01.18 SUPERVISION BY PUBLIC WORKS DIRECTOR

All piping connections from the curb stop box to house supply piping shall be made under the supervision of a licensed plumber subject to inspection by the Public Works Director. The piping connection made to the curb stop box on the house side shall be inspected by the Public Works Director. The water meter installation shall be inspected.

DISCONTINUANCE OF SERVICE

01.19 (A) *Generally.* Water service may be shut off at any connection whenever:

(1) The owner or occupant of the premises served or any person working on any pipes or equipment thereon which are connected with the water system has violated, or threatens to violate, any of the provisions of this ordinance.

(2) Any charge for water, service, meter, or any other financial obligations imposed on the present or former owner or occupant served is unpaid after due notice and opportunity for hearing as set forth in section 01.21 (B) of this ordinance.

(3) Fraud or misrepresentation by the owner or occupant of the premises serviced in connection with an application for service

(B) Disconnection for late payment.

(1) It is the policy of the city to discontinue utility service to customers by reason of nonpayment of bills only after notice and a meaningful opportunity to be heard on disputed bills. The city's form for application for utility service and all over due notices shall contain in addition to the address and telephone number of the City Clerk who is in charge of billing, clearly visible and easily readable provisions to the effect:

(a) That all bills are due and payable on or before the date set forth on the bill;

(b) That if any bill is not paid by or before that date, the following bill will be mailed and contain a cutoff notice stating that if the total amount owed is not paid within ten days of the mailing of the second bill, service will be disconnected for nonpayment; and

(c) That any customer disputing the correctness of his or her bill shall have a right to a hearing at which time he or she may be represented in person and by counsel or any other person of his or her choosing and may present orally or in writing his or her complaint and contentious to the City Clerk in charge of utility billing. The Clerk shall be authorized to order that the customer's service not be discontinued and shall have the authority to make a final determination of the customer's complaint.

(2) Requests for delays or waiver of payment will be considered on a case by case basis. In the absence of payment of the bill rendered or resort to the hearing procedure provided herein, service will be discontinued at the time specified, but in no event until the charges have been due and unpaid for a least 30 days.

(3) When it becomes necessary for the city to discontinue utility service to a customer for nonpayment of bills, service will be reinstated only after all bills for service then due have been paid, along with fees for disconnection and re-connection as established by City Council resolution.

(D) Cold weather rule. Pursuant to M.S. § 216B.097, as it may be amended from time to time, no service of a residential customer shall be disconnected if the disconnection affects the primary heat source for the residential unit when the disconnection would occur during the period between October 15 and April 15, the customer has declared inability to pay on forms provided by the state, the household income of the customer is less than 185% of the federal poverty level as documented by the customer to the city, and the customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule and is reasonably current with payments under the schedule.

01.20 PENALTIES

Any person violating any provisions of this ordinance shall be guilty of a petty misdemeanor and shall become liable to the city for any expense, loss or damage occasioned by the city by reason of the violation.

01.21 REPEAL

All ordinances of this City or any provisions thereof in conflict with this ordinance are hereby repealed.

01.22 EFFECTIVE DATE

This ordinance shall be effective upon its passage and the publication summary of its contents according to law.

Adopted by the City Council.