

## **Sample Water Ordinance**

### **ORDINANCE NUMBER 30**

#### WATERWORKS

##### Section 1. Permits:

Before any person, firm, association or corporation shall be allowed to open any ditch on any public street, alley or avenue in said City of \_\_\_\_\_ for the purpose of placing therein sewer or water mains or pipes, a permit therefore shall first be obtained from the City of \_\_\_\_\_ Utilities Commission for a fee of \$15.00, and any person, firm, association or corporation so opening any ditch must keep the same guarded by a fence by day plus warning lights by night, together with additional warning for traffic as required by the Superintendent of the Waterworks, and any work performed by any such parties for the said City of \_\_\_\_\_ must be guaranteed for a period of one year after its installation.

##### Section 2. Specifications:

All material used in the construction of any sewer or water main, or any part thereof, including mains, hydrants, curb cock and curb boxes shall be as prescribed by the Utilities Commission of said City of \_\_\_\_\_ in conformity with the provisions of any Ordinance of the City of \_\_\_\_\_ and the rules and regulations of the State Board of Health and the placing of any of the same in position shall be as and in the manner directed by such Commission pursuant to the provisions of the before mentioned Ordinances and the rules and regulations of the State Board of Health respecting the same, and no ditch opened for the purpose of any such construction of any sewer or water main shall be closed before the same has been inspected by the person or persons appointed for that purpose by said City of \_\_\_\_\_ and all filling shall be done as prescribed by such inspector.

##### Section 3. Tapping:

Before any tapping to any water main shall be done, a permit therefore must first be obtained from the Utilities Commission of said City of \_\_\_\_\_ and upon the payment to the City of \_\_\_\_\_ of a tapping fee of \$250.00 which includes the cost of street repair, a 3/4 inch meter to be furnished and be installed as directed by the Superintendent of the Waterworks. Should a larger meter be required, the tapping charge shall be \$50.00, and the consumer shall also pay the actual expense incurred by the City in completing said tapping. All such tapings shall be done by the Superintendent of the Waterworks, or his agents, and no taps shall be made between the water main and the inside of the water meter and no ties, branches or other taps shall be made between the water main and the inside of the water meter and it shall be unlawful for any person except the Superintendent of the Waterworks, or his agents, or the fire department in case of fire, to turn on or off the water of the City owned system, at a curb or at any other place on City property. All meters shall remain the property of the Utilities Commission of the City of \_\_\_\_\_. It shall be unlawful to connect a private water source with the City of \_\_\_\_\_ Water System.

#### Section 4. Water Rates:

All taps used by any individual, firm, association or corporation for the supply of water from said City of \_\_\_\_\_ shall be provided with a water meter by the City of \_\_\_\_\_. Each apartment, dwelling, office or mobile home not furnished with a meter shall pay the City of \_\_\_\_\_ a minimum amount of \$4.50 per month for water so used in any month. In addition, each water user furnished with a water meter shall pay to the City of \_\_\_\_\_ the following monthly rates:

\$2.30 minimum charge; said minimum charge to include the first 750 gallons of water; and \$0.07 per 100 gallons for all additional gallons.

#### Section 5. Non-owners:

No tapping shall be made and no water shall be turned on for any person not the owner of the property where such water is desired until such person shall have paid to the City of \_\_\_\_\_, through the Utilities Commission, the sum of \$25.00 if an individual user and the sum of \$50.00 if a business or hotel user as a guarantee for the payment of the water bill for the time such person shall be so in possession of any such property, and in the event that such person or persons shall move away without paying the water bill or bills for such property, the amount then due shall be deducted from such deposit and the balance, if any, shall be paid to the person so making such deposit.

#### Section 6. Meter Reading:

Each water user shall read his own meter monthly as of the 20th of each month, and on forms provided by the Utilities Commission for such purposes, shall report such reading to said Commission by the last day of such month. Should the water user fail to report a reading as herein required, the Utilities Commission shall bill as if the use was the same as the previous month until otherwise ascertained. The Utilities Commission shall have its agent or employee read every meter in the City of \_\_\_\_\_ not less than twice a year for verification of user readings.

#### Section 7. Water Bills:

The Utilities Commission of the City of \_\_\_\_\_ shall on the 10th day of the month following the meter reading send to each water user a statement of the amount due for water used the past month, also including any past due balance, which amount shall be due and payable to the Utilities Commission on or before the last day of the month in which the statement is received and if not then paid, shall be in default. Billings in default shall be treated as a charge transaction as opposed to a cash transaction and shall be charged a 10% surcharge thereon. In the event any water user shall be in default in the payment of any water bill exceeding 60 days, such water service shall be turned off until such water bill is paid with a fee of \$2.50 to cover the cost of turning the water back on again. It shall be mandatory upon the Utilities Commission in case of a default in the payment of any water bill exceeding 60 days to cause the water to be turned off to that service line because of such delinquency.

#### Section 8. Water Service Required:

Subd. 1. Facilities. When property abuts upon any public street or alley along which water mains have been constructed, the owner of any dwelling or commercial establishment on the property shall install water service therein and connect with the City water main in accordance with the provisions of this Ordinance within 120 days after the date of mailing or delivering official notice to do so. The notice shall be given to the owner or occupant or his authorized agent in writing by the City Clerk on order of the \_\_\_\_\_ City Council.

Subd. 2. City action. Whenever any owner or occupant fails to comply with such written notice, the Council shall by resolution direct that a waterline connection and meter be installed and connection made with the water system and the cost of the installation be paid in the first instance out of the general fund and then assessed against the property benefited.

Subd. 3. Assessment. After the installation and connection have been complete pursuant to Council resolution, the Clerk shall serve written notice of the assessment upon the owner or his representative directing him to pay the assessment to the Treasurer within 10 days after the service of the notice. If the assessment is not paid within 10 days, the Clerk shall certify the amount to the County Auditor for collection in the same manner as other special assessments. The Council may by resolution spread the assessment over a three year period.

Section 9. Nonperformance:

The City of \_\_\_\_\_ will not perform the work necessary in the construction of any ditches for water or sewer mains from the main line of either thereof on any private property.

Section 10. Penalties:

Any person convicted of the violation of any of the provisions of this Ordinance shall be guilty of a misdemeanor.

Section 11. Effect:

This Ordinance is in effect from and after the date published.

PASSED BY THE CITY COUNCIL OF \_\_\_\_\_, MISSOURI, THIS 1<sup>ST</sup> DAY OF \_\_\_\_\_, YEAR \_\_\_\_\_.

**ORDINANCE NO. 30**

**AMENDMENT TO SECTION 8**

ORDINANCE NO. 30.2:

The Council of the City of \_\_\_\_\_ ordains:

Section 1. Section 8, Subd. 1, of Ordinance No. 30 is hereby amended by adding thereto, at the end of said subdivision, the following paragraphs:

"As to non-abutting property which, in the case of residential use is within 400 feet and in the case of business or commercial use is within 600 feet of any public street or alley along which water mains have been constructed, the owner shall, as to any new construction requiring water service, connect with the city water main in accordance with the provisions of this Ordinance, before any use or occupancy may be made of such premises.

"Any existing business or commercial use which abandons an existing private well or water source must substitute it with a connection to the \_\_\_\_\_ City water supply, as opposed to any private water supply."

PASSED This day of \_\_\_\_\_, year \_\_\_\_\_.

**ORDINANCE NO. 30.1**

An Amendment to Ordinance No. 30.

The Council of the City of \_\_\_\_\_ ordains:

Section 1. Section 4 of Ordinance No. 30 is hereby amended to read as follows:

"Section 4. Water Rates:

"All taps, except to mobile homes or for fire protection service, used by any individual, firm, association or corporation for the supply of water from said City of \_\_\_\_\_ shall be provided with a water meter by the City of \_\_\_\_\_.

"Each mobile home not furnished with a meter shall pay the City of \_\_\_\_\_ a minimum amount of \$4.50 per month for water so used in any month.

"Each water user furnished with a water meter shall pay to the City of \_\_\_\_\_ the following monthly rates:

\$2.30 minimum charge; said minimum charge to include the first 750 gallons of water; and \$0.07 per 100 gallons for all additional gallons.

"Each water user with a fire protection line to private property shall pay to the City of \_\_\_\_\_ the following monthly rates for such fire protection service:

\$25.00 per month — 6 inch connection;  
\$37.50 per month — 8 inch connection.

"There shall be no additional charge for water used for fire protection purposes".

Section 2. EFFECTIVE DATE. This ordinance shall become effective upon its passage and publication.

Passed by the City Council of the City of \_\_\_\_\_ this day of \_\_\_\_\_.

#### **ORDINANCE NO. 30.4**

AN AMENDMENT TO ORDINANCE NO. 30.1 REGARDING WATER RATES.

The City Council of the City of \_\_\_\_\_ ordains:

SECTION 1. Section 1 of Ordinance No. 30.1, and thereby Section 4 of Ordinance No. 30 is hereby amended to read as follows:

"Section 4. Water Rates:

Each water user shall pay to the City of \_\_\_\_\_ such monthly rates as are established by the \_\_\_\_\_ Public Utilities Commission. The setting of such water rates shall, however, be subject to a requirement of thirty days' written notice by the commission to each water user affected thereby prior to any change being made and shall also be subject to prior approval after such notice has been given by the City Council."

SECTION 2. Effective Date. This ordinance shall become effective upon its passage and publication.

## **ORDINANCE NO. 30.5**

AN AMENDMENT TO ORDINANCE NO. 30.

The City Council of the City of \_\_\_\_\_, Missouri, does ordain:

Section 1. Section 8 of Ordinance No. 30 is hereby amended to add thereto the following:

"Subdivision 4. Non-user Water Rates. As to each curb stop (place allowed for connection to the city water line). any property owner who has not connected to the City water line shall pay a fee set by the City Council for each such curb stop. However, this non-user fee shall not be due and payable in those instances where the property owner served by such curb stop has such property homesteaded and owns also an immediately adjacent homesteaded property which is hooked up to and served by the City water system. The fact, however, that such nonuser water rate is being charged by the City of \_\_\_\_\_ or is being waived hereunder in no way waives or diminishes the right of the City to require any property owner to connect to said water system in accordance with the terms and provisions above".

Section 2. Effective Date.

This ordinance shall become effective upon its passage and publication.

## **ORDINANCE NO. 30.6**

AN ORDINANCE AMENDING ORDINANCE NO. 30 RELATING TO \_\_\_\_\_ WATER WORKS

The City Council of the City of \_\_\_\_\_, Missouri, hereby ordains:

SECTION 1. This ordinance is an ordinance amending Ordinance No. 30 as follows:

SECTION 2. For the purpose of providing funds to meet the costs of operating the City's wells, water treatment, water storage and water distribution systems, and the plant and facilities connected therewith, and the payment of capital charges represented by bonds, certificates of indebtedness or otherwise, which may be used to finance the costs of additions or expansions to said facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof, there is hereby levied and assessed upon each lot, parcel of land, building or premises having any connection with the City's public water system a water connection charge as hereinafter provided.

SECTION 3. The connection charge as hereinabove authorized shall be levied in addition to the user charges for water service and shall be determined and administered as follows:

a) Before connecting to the City's water system, a City water connection charge as hereinafter provided for shall be paid. If, after the initial connection charge is paid, an additional building permit(s) issue(s), or new water connections are made, the connection charge shall be recalculated and any additional charges shall be paid. Any change in the City water connection charge as hereinafter set forth shall be by Council resolution in the manner provided for with respect to water rates under Ordinance No. 30, as amended. The city connection charges shall be paid to the City before a building permit or water connection permit is issued unless other arrangements for payment are made and approved by the City. The City Council may approve by way of an

assessment agreement charges on new or enlarged multiple residential, commercial or industrial buildings when the number of equivalent residential connection units (ERC's) is ten (10) or more. The rate of interest shall be set by the City Council.

b) The amount of the connection charge shall be determined by the City by first determining the number of ERC's applicable to the particular property. This shall be done in accordance with the tables set forth in the Reserve Capacity Charge Manual of the Metropolitan Waste Control Commission, revised 1990 edition, which is incorporated herein by reference as if fully set forth. Once the appropriate number of ERC's are determined in this manner, the connection charge shall be as follows:

Property Zoned R-1 or R-3	\$100.00 per ERC
Property Zoned R-2 or Multi-Family	\$250.00 per ERC
Property Zoned Commercial, Business or Industrial	\$750.00 per ERC

c) The City Clerk and the utilities superintendent shall determine the number of ERC's per connection. Appeals from their decisions shall be made to the Utilities Commission.

d) Once established, the number of ERC's shall remain the same on the property unless an addition to the property is made. Only the involuntary removal or destruction of a non-conforming structure will be grounds for the City Council to cancel or reduce the number of ERC's on the property. This reduction shall apply to the user charge only. With the permission of the Council, an ERC can be transferred on the property from a structure being removed to a structure being constructed.

e) Any use not represented in the tables of the Manual referred to in Paragraph (b) above shall be subject to a determination of the appropriate number of ERC's by the City Clerk and the utilities superintendent based on estimated flows, subject to the appeal provision set forth above.

SECTION 4. That in all other respects, Ordinance No. 30 shall remain in full force and effect as originally drafted.

SECTION 5. This ordinance shall become effective upon its passage and publication according to law.

Passed by the City Council of the City of \_\_\_\_\_, Missouri, this \_\_\_\_\_ day, \_\_\_\_\_, year.

#### **ORDINANCE NO. 30.7**

AN ORDINANCE AMENDING ORDINANCE NO. 30 RELATING TO \_\_\_\_\_ WATERWORKS

The City Council of the City of \_\_\_\_\_, Missouri, hereby ordains:

SECTION 1. That Ordinance No. 30 is hereby amended by labeling the existing Section 7 thereof as "Subdivision 1 -- Billings", and by adding to Section 7 as follows:

"Subdivision 2. Procedure.

Water shall not be shut off under Subdivision 1 until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The notice shall be personally served and

shall state that if payment is not made before a date stated in the notice, but no less than ten days after the date on which notice is given, the water supply to the premises will be shut off. The notice shall clearly inform the customer of the available opportunities to present to the City objections to the bill, and shall identify the telephone number, address, and officer or employee who has the authority to review the facts and files and to correct any errors in the billing. The notice shall also state that the occupant may before such a date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing is held. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the Utilities Commission at least one week after the date on which the request is made. If as a result of the hearing, the Utilities Commission finds that the amount claimed to be owing is actually due and unpaid, and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this ordinance, the City may shut off the supply.

#### Subdivision 3. Applications for Service Procedure.

Application for a water service installation and for water service shall be made to the City Clerk on forms prescribed by the Utilities Commission and furnished by the City. By his signature the applicant shall agree to conform to this ordinance and to rules and regulations that may be established by the City as conditions for the use of water.

#### Subdivision 4. Accounts in Name of Owner.

All accounts shall be carried in the name of the owner who personally, or by his authorized agent, shall apply for such service. The owner shall be liable for water supplied to his property, whether he is occupying the property or not, and any charges unpaid shall be a lien upon the property.

#### Subdivision 5. Collection with Taxes.

Delinquent accounts shall be certified to the City Clerk, who shall prepare an assessment roll each year providing for assessment of the delinquent amount against the respective property served. The assessment roll shall be delivered to the City Council for adoption on or before October 1 of each year.

SECTION II. Subdivision 3 of Section 8 of Ordinance No. 30 is hereby repealed in its entirety.

SECTION III. EFFECTIVE DATE. This ordinance shall take effect upon its passage and publication.

Passed by the City Council of \_\_\_\_\_, Missouri, this \_\_\_\_\_ day of \_\_\_\_\_, \_\_\_\_\_ year.

CITY OF \_\_\_\_\_, MISSOURI