

ORDINANCE NO 150

AN AMENDMENT TO ORDINANCE NO. 1, NEW SERIES
ARTICLE XXIX

The City Council of Lambertton ordains that Article XXIX shall be amended to read as follows:

AN ORDINANCE REGULATING THE LAMBERTON WATER UTILITY

Section 1. Public Utility. The City of Lambertton Municipal Water System (hereinafter called the water system) shall be operated as a public utility and convenience from which revenue will be derived, subject to the provisions of the Ordinance.

Section 2. Construction in Accordance with Ordinance. No person, firm or corporation, shall make, construct, or install any water service installation, or make use of any water service, which is connected to the water system except in the manner provided in this Ordinance.

Section 3. Applications.

- A. All applications for service installations and for water service shall be made at the Office of the City Clerk.
- B. All applications for service installations shall be made by the Owner of the property to be served, or his duly authorized agent and shall state the size and location of the service connection required, and the applicant shall at the time of making application pay to the city the amount of fees or deposits required for the installation of the service connection as hereinafter provided. The allocation shall also contain the name of the owner and an exact description of the property, lot, block and addition, name of the street upon which the property fronts, the uses to which the water is to be put, and the signature of the applicant, or his agent, agreeing to conform to the rules and regulations that may be established by the City as conditions for the use of water.
- C. All applications for water service shall include the name of the applicant, service address, date service is needed, mailing address and the signature of the applicant. The application may also ask for additional information deemed to be needed by the Clerk. The applicant shall at the time of making application pay to the city the amount of fees or deposits required for the water service as hereinafter provided. All applications for service installations and for water service shall be made at the Office of the City Clerk.

Section 4. Charges for Service Connection

- A. Permit and Fees—No connection shall be made to the city water system without a permit received from the city clerk. The fee for each water main connection shall be set by resolution of the City Council.
- B. Connection Fees—When a connection requires installation of a service line from the main to the property line, the applicant for a permit shall pay to the city an amount not less than the cost of making the necessary connections, taps, and installation of pipe and appurtenances to provide service to the property and the necessary street repairs. Where city employee, agents or engineers inspect the connection, taps, installation of pipes and appurtenances, the applicant shall pay to the city an amount not less than the cost of making the necessary repairs.
- C. Certification—No permit shall be issued to connect with any water main unless the city treasurer certifies to one of the following statements.
1. That the lot or tract to be served has been assessed for the cost of construction of the water main or that proceedings for levying such assessment have been or will be commencing in due course: or
 2. That the cost of construction of the main has been paid by the developer or builder platting the lot or tract; or
 3. That, if neither of the forgoing is true, a sum equal to the portion of the cost of constructing the main which would be assessable against the lot or parcel has been paid to the city.
- D. Additional Connection Fee --If no such certificate can be issued, the applicant shall pay an additional connection fee equal to the portion of the cost of construction of the main upon the same basis as any assessment previously levied against other property for the main. The determination shall be made by the city engineer. If no such assessment has been levied, the assessable cost shall be determined upon the basis of the uniform charge which may have been or will be charged for similar connection with the main. The uniform charge shall be based on the number of equivalent residential units of water service the benefited premises will accommodate.

Section 5. Connection Requirements.

There shall be a curb stop which shall be installed in a service box which shall be placed as near as possible to the curb, if on a street, or within one foot of the alley line if the main is located in the alley. There shall be one or more stop and waste cocks attached to every supply pipe, at some point between the curb stops and the meter, so that the water can be shut off and the meter and the house plumbing entirely

drained.

Check valves are hereby required on all connections to steam boilers or on any other connection deemed by the superintendent of the water system to require one. Safety and relief valves shall be placed on all boilers or other steam apparatus connected with the water system where the steam pressure may be raised in excess of forty pounds per square inch.

Section 6. Water Service Rates.

A. The rate due and payable to the city by each water user for water taken from a water system shall be that rate established by the City Council by resolution.

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

C. Where service is for less than a quarterly period, the quarterly charge will be pro-rated on a monthly basis.

D. Water bills shall be mailed to the customers quarterly and shall specify the water consumed and charged in accordance with foregoing rates.

E. Where a connection is made to an automatic sprinkler system for standby service only, a charge as set by the City Council by resolution, shall be made on an annual basis.

F. Exemptions - Residential homes and businesses shall be exempt from metering if the City deems it impossible or improbable for said meter to be installed. Those establishments not being metered shall then pay the appropriate fee as determined by the City Council resolution for water service.

Section 7. Statements and Collections

A. Accounts—All accounts shall require that a water service application be completed before the water is turned on for that service address. The applicant shall make a \$ 150.00 deposit when the application for water service is made to guarantee payment for water used and to cover breakage and damage to the meter. This deposit shall be refunded once the users has completed four billing cycles with payments being made in full and in a timely manner. Any delinquency shall result in the cycle starting over. Interest shall be paid in the manner set by state regulation.

B. Bills for service-- Water, sewer and refuse service charges shall be billed together on one bill as applicable to each account. Bills shall be mailed to the customers on or before the tenth day of January, April, July and October of each year and shall specify the water consumed and the water, sewer and refuse charges in accordance with the current rate schedule set by resolution of the City Council.

C. Delinquent accounts-- All charges for water, sewer and refuse service shall be due upon receipt and shall be considered delinquent on the tenth (10) day of the month following. A late payment penalty of 10% shall be assessed on all accounts with a past due balance. The city shall endeavor to collect delinquent accounts promptly. In any case, where satisfactory arrangements for payment have not been made, the utilities superintendent may, after the procedural requirements hereinafter described have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, service shall not be restored except upon the payment of all delinquent bills and a fee set by resolution of the City Council.

D. Cold Weather Rule For Certain Residential Customers. Between August 15th and October 15th of each year the City shall notify all residential customers of the provisions of this rule. Water shall not be shut-off to a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met:

- i) The disconnection would occur during the period between October 15th and April 15th;
- ii) The customer has declared inability to pay on forms provided by the utility;
- iii) The household income of the customer is at or below 50% of the state median income as documented by the customer to the utility; and
- iv) The customer has entered into a payment schedule that is considers the financial resources of the household and is reasonably current with payments under the schedule.
- v) The customer receives referrals to energy assistance, weatherization, conservation, or other programs likely to reduce the customer's energy bills.

Before disconnecting service to a residential customer during the period between October 15th and April 15th, the City must provide the following information to a customer:

- i) A notice of the proposed disconnection;
- ii) A statement explaining the customer's rights and responsibilities;
- iii) A list of local energy assistance providers;
- iv) Forms on which to declare inability to pay;
- v) A statement explaining available time payment plans, and
- vi) Other opportunities to secure continued utility service.

If a residential customer must be involuntarily disconnected between October 15th and April 15th for failure to comply with the provisions of this subdivision, the disconnection must not occur on a Friday, on a weekend, holiday or on the day before a holiday, or when the office of the City Clerk is closed, and the disconnection must not occur until at least twenty days after the notice required herein has been mailed to the customer or fifteen days after the notice has been personally delivered to the customer. If a residential customer does not respond to a disconnection notice, the customer must not be disconnected until the City investigates whether the residential unit is actually occupied and, if it is found to be occupied, the City must immediately inform the occupant of the provisions of this subdivision. If the unit is unoccupied, the City must give seven days written notice of the proposed disconnection to the local energy assistance provider before making a disconnection.

E. Provision for Shut-off for Non-payment. Water shall not be shut off until notice and an opportunity for a hearing have first been given the occupant of the premises involved. The hearing shall be held by a person or persons designated by the City Council for such hearings and shall not include the official that prepared the original bills.

If any bill is not paid by the due date listed on the bill, a second bill will be mailed by first class mail and shall state that if payment is not made within fifteen (15) days of the mailing of the second bill, water services to the premise will be shut off for nonpayment.

The second bill and shut off notice shall contain the title, address and telephone number of the official in charge of billing.

The notice shall also state that any occupant or owner has the right to a hearing before the water

service is shut off. The owner or occupant may be represented in person and by counsel or any other person of his or her choosing. The owner or occupant may present orally or in writing his or her complaint to the city official in charge of the hearing. This official shall be authorized to order continuation of the customer's service and shall have the authority to adjust the customer's bill or enter into a mutually agreeable payment plan.

If the occupant or owner requests a hearing, the water shall not be shut off until the hearing process is complete. If as a result of the hearing, the said official 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. If a customer fails to pay and fails to request a hearing under this part, service will be shut off at the time specified in the notice but not until the charges have been due and unpaid for at least 30 days.

F. Collection with Taxes. Delinquent accounts shall be certified by the City Clerk who shall prepare an Assessment Roll each year providing for assessment of the delinquent amount against the respective property served. This Assessment Roll shall be delivered to the City Council for adoption on or before October 1st of each year. All persons who have delinquent accounts being proposed for assessment charges shall be notified and given a chance to appear before the Council at that meeting. In the event the delinquency involves rental property, notice shall be given to the record owner of the property in addition to the tenant or other parties in possession and given a chance to appear before the Council at that meeting. Upon adoption, the Clerk shall certify the Assessment Roll to the County Auditor for collection along with taxes. Such action may be optional or subsequent to taking legal action to collect delinquent accounts, and shall not preclude the City or its agents from recovery of such delinquent accounts and interest under any other available remedy.

Section 8. Authorized Water Shut Downs. 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 whatever. In case of fire, or alarm of fire, water may be shut off to insure a supply for fire fighting; or in making repairs or construction of new works, water may be shut off at any time and kept shut off as long as necessary. No person, except an authorized City employee, shall turn on or off any water supply without permission from the

City.

Section 9. Separate Meters Required. No more than one housing unit or building shall be supplied from one service connection except by special permission of the City. Whenever two or more parties are supplied from one pipe, connecting with the distribution main, each building or part of the building must have a separate shut-off valve and a separate meter.

Section 10. Authority to Install and Excavation Requirements. No one except regular employees of the water department of this village or plumbers holding licenses issued by this village, shall do any plumbing work on any pipes connected to or to be connected to the municipal water system.

All excavations made by plumbers in public ground shall not be kept open longer than is absolutely necessary to make the connections required, and while open shall be protected in suitable barriers, guards and lights as provided in the ordinances of this village. Backfilling shall be thoroughly compacted and left in a condition satisfactory to the village engineer.

Section 11. Maintenance of Service Pipe. It shall be the responsibility of the consumer or owner to maintain the service pipe from the curb stop into the house or building. In the case of failure upon the part of any consumer or owner to repair any leak occurring in his pipe within twenty-four (24) hours after verbal or written notice thereof, the water will be shut off and will not be turned on until the reconnection charge has been paid and the leak repaired. When the waste of water is great, or when damage is likely to result from the leak, water may be turned off immediately pending repairs.

Section 12. Restrictions Caused by Water Shortage. Whenever the Council shall determine that a shortage of water supply threatens the City, it may, by resolution, limit the times and hours during which water may be used from the water system for lawn and garden sprinkling, irrigation, car washing, and other uses specified therein.

Notice of such limitation shall thereupon be mailed to each water consumer. Any water consumer who shall cause or permit water to be used in violation of the provisions of said notice two days after the mailing of such notice, shall be given written notice by an authorized City employee that said consumer will be charged \$5.00 for each day of such violation, which

charge shall be added to his next water bill. Continued violation is hereby prohibited and shall be cause for discontinuance of water service.

Section 13. Operation of Fire Hydrants. No person other than authorized City employees shall operate fire hydrants or interfere in any way with the water system without first obtaining a permit to do so from the City, subject to the following conditions:

A. A permit to use a fire hydrant shall be issued for each individual job or contract for a minimum period of thirty (30) days, and for such additional thirty (30) day periods as are requested and deemed necessary. The permit shall state the location of the hydrant and shall be for the use of that hydrant and no other.

B. The user shall make a \$100.00 advance cash deposit to guarantee payment for water used and to cover breakage and damage to the hydrant or meter, which shall be refunded upon expiration of the permit, less applicable charges for use.

C. The user shall pay a usage charge that will be set by city Council resolution for each 1,000 gallons or fraction thereof of water used.

Section 14. Water Meters. Except for extinguishing of fire, no person except authorized City Employees shall use water from the water supply system or permit water to be drawn therefrom unless the same be metered by passing through a meter supplied or approved by the City. Only persons authorized by the City shall connect, disconnect, take apart, or in any manner change or cause to be changed, or interfere with any such meter or the action thereof.

A. The City shall maintain and repair all meters when rendered unserviceable through ordinary wear and tear and shall replace them if necessary. However, where any replacement, or repair or adjustment of any meter is necessary because of damage from hot water backup, damage from freezing water or damage from any act, carelessness or negligence of the owner or occupants of any premises, any expense incurred by the City to repair said damage shall be charged against and collected from the water consumer, and water service may be discontinued until the cause is corrected and the amount charged collected.

B. When a consumer makes a complaint that the bill for any past services has been excessive, the City shall, upon request, have such meter re-read. If the consumer remains dissatisfied, he/she may, on written request and payment of a deposit set by resolution of the City Council, have the meter tested. If the test shows an

error in the city's favor exceeding five percent of the water consumed, the deposit shall be refunded, an accurate meter shall be installed, and the bill shall be adjusted accordingly. Such adjustment shall not extend back more than one service period from the date of the written request.

C. All water meters shall be and remain the property of the City whenever deemed necessary.

D. Authorized City employees shall have free access at reasonable hours of the day to all parts of every building and premises connected to the water system for reading of meters and inspection. The clerk shall be authorized to make adjustments in water charges when, in the Clerks opinion, the amount billed is erroneous due to a meter deficiency or other mistake.

E. Dual Meters—Dual Meters will allow sewer customers to purchase a second water meter from the City to record outside water use only. The type of meter and cost of the meter will be determined annually by the Utility Superintendent. The residential customer will inform the City when the dual meter has been installed so that the Water Superintendent can inspect the meter to ensure that it has been properly installed. The City will read both the water meter and dual meter quarterly and the sewer usage will be calculated based on water used inside the premise. A charge set by the City Council will be added to each participating customer's utility bill in order to reflect the increased costs associated with meter reading and bill calculation.

Section 15. Water Fund. There is hereby created and the Treasurer shall maintain on the official books and records of the City a separate and special fund to be designated as the Water Fund, which shall be held and administered by the Clerk separate and apart from all other funds.

Section 16. Revenues and Expenses. All sums received for any water service, connection charges, sale of any water utility assets or any other incidental revenue of the water utility shall be deposited to this account, or any sub-accounts of this special account as the City Clerk shall see proper. All expenses incidental to the operation of the water utility shall be paid from this general account or the appropriate sub-account.

Section 17. Deposit of Fund Balance. All money from time to time on hand in the Water Utility Fund shall be deposited in a bank account or accounts, with a bank duly designated as depository of public funds, and secured by the pledge of investments of the kinds and in the amounts required by

law; provided that such fund may be invested under the direction of the Council in securities of the kinds authorized by law for the investment of municipal bond sinking funds.

Section 18. With the passage of this Ordinance by the City Council and its publication, Article Number XXIX of Ordinance No 1, New Series regarding Municipal Water System, etc. shall be repealed.

Passed and adopted this 12th day of April, 2010.

CITY OF LAMBERTON

Sue Nelson
Mayor

ATTEST:

Steven Hoag
City Clerk