

Title 13

PUBLIC SERVICES

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Chapter 13.04

PUBLIC UTILITIES GENERALLY

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- 13.04.010 Definitions.
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- 13.04.040 Cause for discontinuance of utility services.
- 13.04.050 Delinquent accounts—Procedures for termination.
- 13.04.060 Authority for discontinuance of utility service.
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13.04.010 Definitions. The following terms when used in this chapter shall for the purposes of this chapter, have the meanings respectively ascribed as follows:

“Customer” means the utility service account holder of record.

“Utility service” means electrical service, sanitary sewer service, garbage collection, and water service.

13.04.020 Billing. When the premises receiving City utility services are occupied by more than one residential or business unit or any combination thereof, and electric power is served and billed through one master meter, the City reserves the right to bill the holder of the master meter for all utility services extended to such premises and the holder of the master meter shall be responsible for timely payment thereof.

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13.04.030 Delinquency charges. All utility bills imposed by the City are due and payable by the tenth day of each month. If any customer shall fail to pay the bill as rendered by the date due, a penalty charge of one and one-half percent of the delinquent amount will be added for each month or major fraction of a month that the bill is overdue. (Ord. 8-1999 § 1, 1999)

13.04.040 Cause for discontinuance of utility services. A. The City may discontinue or refuse utility service to any customer, without notice or hearing, for any of the following reasons:

1. When the customer so requests;
2. When it is determined by an employee of the City that the continuance of a particular utility service constitutes a dangerous condition presenting a likely immediate threat to the health or safety of persons or to property on or near the customer's premises;
3. When the customer is convicted in Municipal Court of violating any ordinance of the City pertaining to utility services, which violation adversely affects the safety of the customer, or other persons, or the integrity of the City utility services' delivery system;
4. For repairs or additions to, or replacements of the utility delivery system;
5. For inability of the City to supply electricity by reason of legal process or direction of other public authority;
6. When necessitated by strikes, riots, fire, accident, insufficient power supply, or other unavoidable cause;

B. The City may discontinue or refuse utility service to any customer subject to compliance with the notice and hearing requirements of Section 13.04.050 for any of the following reasons:

1. Nonpayment of utility bills and charges;
2. When the customer misrepresents his or her identity or otherwise provides false information for the purpose of obtaining utility service from the City.

C. The City may discontinue or refuse utility service to any customer, following notice to the customer, for any of the reasons set out in this subsection. The customer shall have the right to notice and a hearing within a reasonable time, not to exceed ten days following the service of notice. The grounds for termination under this subsection are as follows:

1. When the customer violates any rule or regulation of the City pertaining to utility services, which violation adversely affects the safety of the customer or other persons or the integrity of the City utility services' delivery system;

2. When the customer attempts, causes or permits unauthorized interference, diversion, theft, tampering, damage or use of utility services or the utility services' delivery system situated or delivered on or about the customer's premises.

D. Whenever any officer or employee of the City is authorized to enter any building or premises for the purpose of making an inspection to enforce any ordinance, he may enter such building or premises at all reasonable times to inspect the same; provided, that he shall effect entry in the manner provided in subsection E of this section, except in emergency situations, or when consent of the person having charge or control of such building or premises has been otherwise obtained.

E. If the building or premises to be inspected is occupied, the authorized officer or employee shall first present proper credentials and demand entry; and if such building or premises is unoccupied, he shall first make a reasonable effort to locate the owner or other person having charge or control of the building or premises and demand entry. If consent to such entry is not given, the authorized officer or employee shall have recourse through every remedy provided by law to secure entry. (Ord. 22-1991 §§ 1, 2, 3, 1991)

13.04.050 Delinquent Accounts – Procedures for Termination or Installation of a Service Limiter Adapter.

A. An account delinquency and service discontinuance notice or installation of a service limiter adapter notice shall be issued in writing on the next business day after the sixteenth day of the following month with respect to any delinquent and unpaid utility service bill. Notice shall be given as follows:

1. Name of the customer and address where service is being provided;
2. Account number;
3. Amount past due plus delinquent charges;
4. Notice that utility service shall be terminated or a service limiter adapter be installed upon failure to pay the delinquent billing plus delinquency charges within seven days of the date of mailing of the notice;
5. Notice that the customer has the right to appear and be heard at a hearing on the date set by the City.

B. A notice of account delinquency and service discontinuance or installation of a service limiter adapter shall be substantially in the following form:

NOTICE OF ACCOUNT DELINQUENCY AND SERVICE DISCONTINUANCE OR INSTALLATION OF A SERVICE LIMITER ADAPTER

TO: _____

Your (electrical and/or garbage, and/or sanitary sewer, and/or water) bill in the amount of \$_____ which was due _____, 20____, remains unpaid and is now delinquent. A delinquency charge has been added to your bill. Unless good cause be shown that the service should not be terminated or a service limiter adapter not be installed, you are hereby notified that at _____ o'clock _____m. on the _____ day of _____, 20____, the City intends to:

- _____ Terminate Service
- _____ Install a Service Limiter Adapter

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You are further notified that you are to appear at _____ on the ____ day of _____, 20____, at _____ o'clock ____ .m., and then and there show good cause as to why your service should not be terminated or a service limiter adapter not be installed for non-payment of charges.

SHOULD YOU FAIL TO ATTEND THE HEARING OR FAIL TO REQUEST THAT THE HEARING BE RESCHEDULED AT LEAST 24 HOURS PRIOR TO THE ABOVE HEARING DATE, THEN YOU ARE NOTIFIED THAT IMMEDIATELY FOLLOWING THE HEARING DATE SUCH SERVICE OR SERVICES SHALL BE DISCONNECTED OR A SERVICE LIMITER ADAPTER BE INSTALLED.

DATED: _____, 20____, CITY OF POWELL, WYOMING

BY: _____

C. Any utility customer receiving a notice of account delinquency and service discontinuance or installation of a service limiter adapter shall have the right to a hearing prior to disconnection or service limiter adapter installation. At such hearing, the applicant customer and the City shall have the right to present such evidence as is pertinent to the issue; may be represented by counsel, and may examine and cross-examine witnesses; however, formal rules of evidence shall not be followed. The hearing shall be conducted by the City Administrator or its designee. In the event the hearing officer finds utility service(s) should be discontinued or a service limiter adapter be installed, the hearing officer shall so order and advise the City thereof. Unless otherwise ordered by the hearing officer, utility service(s) shall be discontinued or a service limiter adapter be installed on the date that the order of disconnection or installation of a service limiter adapter is issued by the hearing officer. Extension of the date of discontinuance or installation of service limiter adapter may be granted to enable the customer to make arrangements for reasonable installment payments or for other good cause shown. If a previous payment plan has not been successfully completed by customer, this shall be taken into account in determining the soundness of a new plan for reasonable installment payments. A copy of the order of discontinuance or installation of service limiter adapter shall be provided to the customer; the landlord; and to the occupant if the landlord or occupant is not the same person as the customer, either in person or by certified mail.

D. If an account is determined to be delinquent, the hearing officer shall order termination of utility service or install a service limiter adapter. In determining whether extensions of the date of discontinuance or service limiter adapter installation may be granted, the officer shall consider but not be limited to the following factors:

1. Whether discontinuance or installation of a service limiter adapter is dangerous to the health of the customer, the customer's family or any other residents of the premises affected;

2. The weather;
3. Unforeseen financial hardship of the customer;
4. The medical conditions, ages or disabilities of the customer the customer’s family or other residents of the premises;
5. Whether the customer proposes and documents the soundness of a plan for reasonable installment payments. If a previous payment plan has not been successfully completed by customer, this shall be taken into account in determining the soundness of a new plan for reasonable installment payments. (Ord. 23-1991 § 1, 1991) (Ord. 15-2002)

13.04.060 Authority for discontinuance or installation of service limiter adapter of utility service. City utility departments are hereby authorized to discontinue and disconnect utility services or install service limiter adapters to any customer pursuant to the procedure set out in this ordinance. The customer shall remain responsible for furnishing the City with the correct address for billing purposes. (Ord. 15-2002)

13.04.070 Utility deposits. Before any application for utility service is granted, the customer shall pay to the City Finance Office a cash utility deposit according to the following schedule:

Residential service deposits:

Residential services that are all electric	\$300.00
All other residential service deposits	\$150.00
Small commercial properties (up to 400 amp)	\$300.00
All other commercial (over 400 amp)	\$500.00

No deposit shall earn interest. Deposits will be returned after one year of satisfactory payment history according to the records of the City, or when service is terminated, provided that no bills or penalties remain. (Ord. 7-1999 § 2, 1999)

Chapter 13.08

SEWER SYSTEM

Sections:

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- 13.08.020 User charge—Purpose.
- 13.08.030 Distributions of costs.
- 13.08.040 Calculation of charges.
- 13.08.050 Monthly statements.
- 13.08.060 Assessment for delinquent payment.
- 13.08.070 Disconnection for nonpayment.
- 13.08.80 Annual breakdown required.

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13.08.010 Definitions. For the purposes of this chapter:

“BOD” denoting biochemical oxygen demand, means the quantity of oxygen utilized in the biochemical oxidation of organic matter under standard laboratory procedures in five days at twenty degrees centigrade expressed in milligrams per liter.

“Building drain” means that part of the lowest horizontal piping of a drainage system which receives the discharge from soil, waste, and other drainage pipes inside the walls of the building and conveys it to the building sewer, beginning five feet (1.5 meters) outside the inner face of the building wall.

“Building sewer” means the extension from the building drain to the public sewer or other place of disposal.

“Combined sewer” means a sewer receiving both surface runoff and sewage.

“DEQ” means the Department of Environmental Quality.

“Engineer” means the City Engineer or his authorized representative.

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“Garbage” means solid wastes from the domestic and commercial preparation, cooking, and dispensing of food, and from sanitary sewage.

“Industrial wastes” means the liquid wastes from industrial manufacturing processes, trade, or business as distinct from sanitary sewage.

“Natural outlet” means any outlet into a watercourse, pond, ditch, lake, or other body of surface or groundwater.

“pH” means the logarithm of the reciprocal of the weight of hydrogen ions in grams per liter of solution.

“Properly shredded garbage” means the wastes from the preparation, cooking, and dispensing of food that have been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewers, with no particle greater than one-half inch (1.27 centimeters) in any dimension.

“Public sewer” means a sewer in which all owners of abutting properties have equal rights, and is controlled by public authority.

“Sanitary sewer” means a sewer which carries sewage and to which storm, surface, and groundwater are not intentionally admitted.

“Sewage” means a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments, together with such ground, surface, and storm waters as may be present.

“Sewage treatment plant” means any arrangement of devices and structures used for treating sewage.

“Sewage works” means all facilities for collecting, pumping, treating, and disposing of sewage.

“Sewer” means a pipe or conduit for carrying sewage.

“Slug” means any discharge of water, sewage, or industrial waste which in concentration of any given constituent or in quantity of flow exceeds for any period of duration longer than fifteen minutes more than five times the average twenty-four hour concentration of flows during normal operation.

“Storm drain” means a sewer which carries storm and surface waters and drainage, but excludes sewage and industrial wastes, other than unpolluted cooling water.

“TSS” denoting Total Suspended Solids, means solids that either float on the surface of, or are in suspension in water, sewage, or other liquids, and which are removable by laboratory filtering.

“Watercourse” means a channel in which a flow of water occurs, either continuously or intermittently.

13.08.020 User charge—Purpose. The purpose of the user charge system shall be to generate sufficient revenue to pay all costs for the operation and maintenance of the complete wastewater system. Each user or user class shall pay its fair share of the operation and maintenance costs of the wastewater treatment system and its fair share of the capital debt if so determined by the City.

13.08.030 Distribution of costs. A. **Operation and Maintenance Costs.** Operation and maintenance costs shall be distributed to all users of the wastewater system in proportion to each user’s contribution to the total loading of the treatment works. Factors such as strength (BOD and TSS), volume, and delivery flow rate characteristics shall be considered and included as the basis for the user’s contribution to ensure a proportional distribution of operation and maintenance costs to each user or user class.

B. **Capital Costs.** The governing body may from time to time also use the user charge system to defray the City’s share of capital cost incurred for construction of sewage facilities. Such costs shall be amortized and added to the annual costs of operation and maintenance. Distri-

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bution of such capital costs to users shall be the same as the distribution of operation and maintenance costs.

13.08.040 Calculation of charges. A. Determination of Operation and Maintenance Costs. The City shall determine the total annual costs of operation and maintenance of the wastewater system which are necessary to maintain the capacity and performance, during the service life of the treatment works, for which such works were designed and constructed. The total annual cost of operation and maintenance shall include but need not be limited to, labor, repairs, equipment replacement, maintenance, necessary modifications, power, sampling, laboratory tests, and a reasonable contingency fund.

B. Calculation of User's Volume. The City shall estimate each user's average monthly volume of wastewater based upon page 3 of the State Department of Health's publication, "Minimum Standards for Private Sewage Disposal Systems", and/or Chapter 2 of Metcalf and Eddy's "Wastewater Engineering", and/or field measurement of flows, and/or any other published data on flow contributions from various users deemed applicable by the City. The City may determine each user's average monthly poundage of five-day, twenty degrees centigrade BOD and average monthly poundage of TSS for the same period used to determine the average monthly volume of wastewater.

C. Surcharge Calculation—Nonresidential Users. The City shall determine the average TSS and BOD monthly loadings for the average residential user. The City shall assess a surcharge rate for all nonresidential users discharging wastes with BOD and TSS strengths greater than the average residential user. Such users shall be assessed a surcharge sufficient to cover the costs of treating such users above normal strength wastes. Normal strength wastes are considered to be two hundred p.p.m. BOD and two hundred fifty p.p.m. TSS. The following formula shall be applied for calculating the amount of each individual surcharge to be added to the normal user class charge:

$$\text{Surcharge} = (B_c(B-200) + S_c(5-250) + P_c(P-Pave) Q \text{ where}$$

$B_c =$ O&M cost for treatment of a unit of Biochemical Oxygen Demand (BOD5) in \$/MG.

$B =$ Concentration of BOD5 from the user in ppm.

$S_c =$ O&M costs for treatment of a unit of Suspended Solids (SS) in \$/MG.

$S =$ Concentration of SS from the user in ppm.

P_c = O&M cost for treatment of a unit of any pollutant in \$/MG.

P = Concentration of any pollutant from the user in ppm.

P_{ave} = Average normal domestic concentration of any pollutant as determined by the Engineer in ppm.

Q = User flow contribution in MGD.

D. Calculation of residential user charges. The City shall determine the average residential monthly winter volume contribution which shall be used as a base. Each nonresidential user's average monthly volume, as determined in subsection B of this section, will be divided by the average residential monthly winter volume contribution to determine the number of equivalent residential contributions for each user or user class. The total number of actual residential users will be divided into the total annual cost of operation and maintenance, plus amortized capital debt if included, as determined in subsection A of this section, to determine the charge to a residential user. The number of equivalent residential contributions for each user, or user class shall be multiplied by the charge to a residential user to determine the charge to or for each user or user class. Industrial and commercial establishments may be classified as residential provided their contributions are less than or equal to the waste from an average residential user with respect to volume, SS and BOD. Each user's user charge will be assessed in accordance with the rate schedule in Section 13.08.090.

E. Adjustment for In-Plant Modifications. If a significant user, such as an industry, has completed in-plant modifications which would change that user's wastewater contribution, the user may notify the City of such modifications, and the City shall then determine whether the user's wastewater contribution is to be changed. The City shall notify the user of its findings as soon as possible.

F. Annual Review of Calculations. The City shall review the total annual cost of operation and maintenance as well as each user's wastewater contribution on an annual basis to assure equity of the service charge system established herein and to assure that sufficient funds are obtained for adequate operation and maintenance of the wastewater treatment works.

13.08.050 Monthly statement. The City shall submit a monthly statement to the user for the user's monthly wastewater service charge included with the monthly water utility billing.

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13.08.060 Assessment for delinquent payment. The penalty for delinquent payment shall be imposed as provided in Section 13.04.030.

13.08.070 Disconnection for nonpayment. Should any user fail to pay the user water service charge and any additional assessment imposed under Section 13.08.060 when it comes due, the City may discontinue water service to the property following the procedures set forth in Section 13.04.050.

13.08.080 Annual breakdown required. Each user will be notified, at least annually, in conjunction with a regular bill, of the user's rate and that portion of the user charges which is attributable to wastewater services.

13.08.090 Rates. Users will be charged in accordance with the rate schedule below, determined as provided in this chapter:

<u>User and User Class</u>	<u>User Charge \$/Month</u>
Residential – (each dwelling unit including each house, each townhouse, each condominium unit, each apartment unit, each mobile home, etc.)	\$ 12.50
Miscellaneous commercial, public or municipal not specifically included in another class.	\$ 12.50
Bar	\$ 26.30
Car wash	\$ 86.15
Coin-op laundry	\$113.75
College	\$494.30
Dairy	\$412.45
Drive-in restaurant	\$ 17.10
Fairgrounds	\$ 73.40
Grocery store	\$146.00
Hospital	\$219.65
Motel/Hotel	\$ 63.10

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Nursing home	\$205.85
Restaurant/Café	\$ 81.55
School	\$546.50
Theater	\$ 17.10

(Ord. 5-1996, § 1, 1996: Ord. 7-1994 § 1, 1994) (Ord. 13-2009)

13.08.100 Unsanitary deposit of wastes. It is unlawful for any person to place, deposit, or permit to be deposited in any unsanitary manner on public or private property within the City, or in any area under the jurisdiction of the City, any human or animal excrement, garbage, or other objectionable waste.

13.08.110 Discharge to natural outlet without treatment. It is unlawful to discharge to any natural outlet within the City, or in any area under the jurisdiction of said City, any sewage or other polluted waters, except where suitable treatment has been provided in accordance with subsequent provisions of this title.

13.08.120 Connection to private system. Where a public sanitary or combined sewer is not available under the provisions of Sections 13.08.180 through 13.08.220 the building sewer shall be connected to a private sewage disposal system complying with the provisions of this chapter.

13.08.130 Private sewage disposal—Permit—Required. Before commencement of construction of a private sewage disposal system the owner shall first obtain a written permit signed by the Engineer. The application for such permit shall be made on a form furnished by the City, which the applicant shall supplement by any plans, specifications, Wyoming DEQ approval, and other information deemed necessary by the Engineer.

13.08.140 Inspection. A permit for a private sewage disposal system shall not become effective until the installation is completed to the satisfaction of the Engineer. He shall be allowed to inspect the work at any stage of construction and, in any event, the applicant for the permit shall notify the Engineer when the work is ready for final inspection and before any underground portions are covered. The inspection shall be made within forty-eight hours of the receipt of notice by the Engineer.

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13.08.150 Standards for issuance of permit. The type, capacities, location, and layout of a private sewage disposal system shall comply with all recommendations and requirements of the DEQ and all other laws and regulations of the federal, state, and municipal governments. No permit shall be issued for any private sewage disposal system employing subsurface soil absorption facilities where the area of the lot is less than forty-three thousand five hundred sixty-square feet. No septic tank or cesspool shall be permitted to discharge to any natural outlet.

13.08.160 Responsibility for operation and maintenance. The owner of a private sewage disposal system shall operate and maintain the same in a sanitary manner at all times, and in accordance with all laws and regulations of the federal, state, and municipal governments, at no expense to the City.

13.08.170 DEQ standards. No provision of this chapter shall be construed to replace or interfere with any additional requirements that may be imposed by the DEQ.

13.08.180 Connection to public sewer—Permit—Required. No unauthorized person shall uncover, make any connections with or opening into, use, alter, or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City.

13.08.190 Classes of permits and application. There shall be two classes of building sewer permits: (1) for residential and commercial service, and (2) for service to establishments producing industrial wastes. In either case the owner shall make application on a form furnished by the City. The permit application shall be supplemented by an plans, specifications, or other information considered pertinent in the judgment of the Engineer.

13.08.200 Connection permit fees. A. Residential or Commercial Permits. The fee for the connection permit for residential or commercial permits shall be four hundred dollars for each four inch connection. For larger connections, the amount of one hundred dollars shall be added to the rate for a four-inch connection for each two-inch increase or part thereof in connection size.

B. Industrial Permit Fees. The fee for the connection permit for industrial users shall be determined on a case-by-case basis. Pretreatment requirements by the applicant and the need for an industrial cost recovery ordinance shall be considered for all industrial waste applications.

13.08.210 Installation expense. All costs and expenses incident to the installation and connection of the building sewer shall be paid by the owner. The owner shall indemnify the City from any loss or damage to person or property, including City personnel and City property, resulting directly or indirectly from the installation of the building sewer.

13.08.220 Standards for building sewers. A. Separation of Building Sewers. A separate and independent building sewer shall be provided for every building; except where one building stands at the rear of another on an interior lot and no private sewer is available or can be constructed to the rear building through an adjoining alley, court, yard, or driveway, the building sewer from the front building may be extended to the rear building and the whole considered as one building sewer.

B. Connection of old sewer to new building. Old building sewers may be used in connection with new buildings only when they are found, on examination and test by the Engineer, to meet all requirements of this chapter.

C. Construction Specifications. The size, slope, alignment, materials of construction of all sewers, including building sewers, and the methods to be used in excavating, placing of the pipe, jointing, testing, and back-filling the trench, shall all conform to the requirements of the building and plumbing code or other applicable rules and regulations of the federal, state and City governments.

D. Elevation. Whenever possible, the building sewer shall be brought to the building at an elevation below the basement floor. In all buildings in which any building drain is too low to permit gravity flow to the public sewer, sanitary sewage carried by such building drain shall be lifted by an approved means and discharged to the building sewer.

E. Direct Runoff Connections Prohibited. No person shall make connection of roof downspouts, exterior foundation drains, areaway drains, or other sources of surface runoff or groundwater to a building sewer or building drain which in turn is connected directly or indirectly to a public sanitary sewer.

F. Connection Requirements. The connection of the building sewer into the public sewer shall conform to the requirements of the building and plumbing code or other applicable rules and regulations of the City, or the procedures set forth in appropriate specifications of the American Society for Testing Materials and the Water Pollution Control Federation Manual of Practice No. 9. All such connections shall be made gastight and watertight. Any deviation from the prescribed procedures and materials must be approved by the Engineer before installation.

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13.08.230 Inspection and supervision of connection. The applicant for the building sewer permit shall notify the Engineer when the building sewer is ready for inspection and connection to the public sewer. The connection shall be made under the supervision of the Engineer.

13.08.240 Certain runoff to sanitary sewer prohibited. No person shall discharge or cause to be discharged any stormwater, surface water, groundwater, roof runoff, subsurface drainage, uncontaminated cooling water, or unpolluted industrial process waters to any sanitary sewer.

13.08.250 Disposal of drainage not approved for sanitary sewer. Stormwater and all other unpolluted drainage shall be discharged to such sewers as are specifically designated as combined sewers or storm drains, or to a natural outlet approved by the Engineer. Industrial cooling water or unpolluted process water may be discharged, on approval of the Engineer, to a storm drain, combined sewer, or natural outlet.

13.08.260 Prohibited discharge. No person shall discharge or cause to be discharged any of the following described waters or wastes to any public sewers:

- A. Any gasoline, benzene, naphtha, fuel oil, or other flammable or explosive liquid, solid or gas;
- B. Any waters or wastes containing toxic or poisonous solids, liquids, or gases in sufficient quantity, either singly or by interaction with other wastes, to contaminate the sludge of any municipal system, to injure or interfere with any sewage treatment process, constitute a hazard to humans or animals, create a public nuisance, or create any hazard in the receiving waters of the sewage treatment plant, including but not limited to cyanides in excess of two milligrams per liter as cyanides in the wastes as discharged to the public sewer.
- C. Any waters or wastes having a pH lower than 5.5, or having any other corrosive property capable of causing damage or hazard to structures, equipment, and personnel of the sewage works.
- D. Solid or viscous substances in quantities or of such size capable of causing obstruction to the flow in sewers, or other interference with the proper operation of the sewage works such as, but not limited to, ashes, cinders, sand, mud, straw, shavings, metal, glass, rags, feathers, tar, plastics, wood, unground garbage, whole blood, paunch manure, hair and fleshings, entrails and paper dishes, cups, milk containers, etc. either whole or ground by garbage grinders.

E. Any liquid or vapor having a temperature higher than one hundred fifty degrees Fahrenheit or sixty-five degrees centigrade.

F. Any water or waste containing fats, wax, grease, or oils, whether emulsified or not, in excess of one hundred milligrams per liter or containing substances which may solidify or become viscous at temperatures between thirty-two degrees Fahrenheit and one hundred fifty degrees Fahrenheit or zero degrees centigrade and sixty-five degrees centigrade.

G. Any garbage that has not been properly shredded. The installation and operation of any garbage grinder equipped with a motor of three-fourths horsepower 0.76 hp metric or greater shall be subject to the review and approval of the Engineer.

H. Any waters or wastes containing strong acid iron pickling wastes or concentrated plating solutions whether neutralized or not.

I. Any waters or wastes containing iron, chromium, copper, zinc, and similar objectionable or toxic substances; or wastes exerting an excessive chlorine requirement to such degree that any such material received in the composite sewage at the sewage treatment works exceeds the limits established by the Engineer for such materials.

J. Any waters or wastes containing phenols or other taste or odor producing substances, in such concentrations exceeding limits which may be established by the Engineer as necessary, after treatment of the composite sewage, to meet the requirements of the federal, state and City governments or other public agencies of jurisdiction for such discharge to the receiving waters.

K. Any radioactive wastes or isotopes of such half-life or concentration as may exceed limits established by the Engineer in compliance with applicable federal, state, or municipal regulations.

L. Any waters or wastes having a pH in excess of 9.5.

M. Materials which exert or cause:

1. Unusual concentrations of inert suspended solids, such as, but not limited to, fullers earth, lime slurries, and lime residues, or of dissolved solids, such as, but not limited to, sodium chloride and sodium sulfate.

2. Excessive discoloration such as, but not limited to, dye wastes and vegetable tanning solutions.

3. Unusual BOD, chemical oxygen demand, or chlorine requirements in such quantities as to constitute a significant load on the sewage treatments works.

4. Unusual volume of flow or concentration of wastes constituting slugs as defined herein.

N. Waters or wastes containing substances which are not amenable to treatment or reduction by the sewage treatment processes employed, or are amenable to treatment only to such degree that the sewage treatment plant effluent

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cannot meet the requirements of other agencies having jurisdiction over discharge to the receiving waters.

O. Any other substances, materials, waters, or wastes if it appears likely in the opinion of the Engineer that such wastes can harm either the sewers, sewage treatment process, or equipment, having an adverse effect on the receiving stream, or can otherwise endanger life, limb, or public property, or constitute a nuisance. In determining the acceptability of such wastes, the Engineer would give consideration to such factors as the quantities of subject wastes in relation to flows and velocities in the sewers, materials of construction of the sewers, nature of the sewage treatment process, capacity of the sewage treatment plant, degree of treatability of wastes in the sewage treatment plant, and other pertinent factors.

13.08.270 Action by Engineer. If any waters or wastes are discharged, or are proposed to be discharged to the public sewers, which contain the substance or possess the characteristics enumerated in Section 13.08.260, and which in the judgment of the Engineer may have a deleterious effect upon the sewage works, processes, equipment, or receiving waters, or which otherwise create a hazard to life or constitute a public nuisance, the Engineer may:

- A. Reject the wastes;
- B. Require pretreatment to an acceptable condition for discharge to the public sewers;
- C. Require control over the quantities and rates of discharge; and/or
- D. Require payment to cover the added cost of handling and treating the wastes not covered by existing taxes or sewer charges.

If the Engineer permits the pretreatment or equalization of waste flows, the design and installation of the plants and equipment shall be subject to the review and approval of the Engineer, and subject to the requirements of all applicable regulations of the federal, state or City government.

13.08.280 Interceptor requirements. Grease, oil, and sand interceptors shall be provided when, in the opinion of the Engineer, they are necessary for the proper handling of liquid wastes containing grease in excess amounts, or any flammable wastes, sand, or other harmful ingredients; except that such interceptors shall not be required for private living quarters or dwelling units. All interceptors shall be of a type and capacity approved the Engineer, and shall be located as to be readily and easily accessible for cleaning and inspection.

13.08.290 Maintenance by owner. Where preliminary treatment or flow-equalizing facilities are provided for any waters or wastes, they shall be maintained continuously in satisfactory and effective operation by the owner at his expense.

13.08.300 Requirement of control manhole. When required by the Engineer, the owner of any property serviced by a building sewer carrying industrial wastes shall install a suitable control manhole together with such meters and other appurtenances in the building sewer as may be necessary to facilitate observation, sampling, and measurements of the wastes. Such manhole, when required, shall be accessible and safely located, and shall be constructed in accordance with plans approved by the Engineer. The manhole shall be installed by the owner at his expense, and shall be maintained by him so as to be safe and accessible at all times.

13.08.310 Special agreement for industrial wastes. No provision in this chapter shall be construed as preventing any special agreement or arrangement between the City and any industrial concern whereby an industrial waste of unusual strength or character may be accepted by the City for treatment, subject to payment therefor, by the industrial concern.

13.08.320 Interference with sewage works. It is unlawful for any unauthorized person maliciously, willfully, or negligently to break, damage, destroy, uncover, deface, or tamper with any structure, appurtenance, or equipment which is part of the sewage works.

13.08.330 Measurement standards. All measurements, tests, and analyses of the characteristics of waters and wastes to which reference is made in this chapter shall be determined in accordance with the latest edition of “Standard Methods for the Examination of Water and Wastewater”, published by the American Public Health Association, and shall be determined at the control manhole provided, or upon suitable samples taken at said control manhole. In the event that no special manhole has been required, the control manhole shall be considered to be the nearest downstream manhole in the public sewer to the point at which the building sewer is connected. Sampling shall be carried out by customarily accepted methods to reflect the effect of constituents upon the sewage works and to determine the existence of hazards to life, limb, and property. From the analysis of such samples, the Engineer will determine whether a twenty-four hour composite of all outfalls of a

13.08.340—13.08.380

premises is appropriate or whether grab samples should be taken, or both.

13.08.340 Scope of authority. The Engineer and other duly authorized employees of the City bearing proper credentials and identification shall be permitted to enter all properties for the purpose of inspection, observation, measurement, sampling and testing in accordance with the provisions of this chapter. Inquiry by the City into any process including metallurgical, chemical, oil, refining, ceramic, paper, or other industries is limited to matters having a direct bearing upon the kind and source of discharge to the sewers or waterways of facilities for waste treatment.

13.08.350 Safety rules. City employees entering upon private property in the performance of their duties under this chapter shall observe all safety rules applicable to the premises established by the owner or occupant. The City shall indemnify the owner or occupant against loss or damage to its property by City employees and against liability claims and demands for personal injury or property damage asserted against the owner or occupant resulting from the act or conduct of City employees upon such premises, except to the extent that any such harm or damage or liability described in this section may be caused by the negligence of the owner or occupant or the failure of the owner or occupant to maintain safe conditions, or the failure of the owner or occupant to comply with any requirement of this chapter.

13.08.360 Sewer easements. Authorized City employees bearing proper identification will be permitted to enter the area of any City easement for the location of sewer lines upon private property for the purposes of, but not limited to, inspection, observation, measurement, sampling, repair and maintenance of any portion of sewage works lying within the City easement.

13.08.370 Notice of violation. Any person found to be violating any provision of this chapter except Section 13.08.320 shall be served by the City with written notice stating the nature of the violation and providing a reasonable time limit for the satisfactory correction thereof. The offender shall, within the period of time stated in such notice, permanently cease all violations.

13.08.380 Remedies for violation. Any person who shall continue any violation beyond the time limit provided for in Section 13.08.370 shall be guilty of a misdemeanor and upon conviction thereof shall be fined in any amount

not exceeding seven hundred fifty dollars for each such violation. Each day in which any such violation shall continue shall be deemed a separate offense. Any such violation is further hereby declared to be a nuisance and subject to abatement by the City in the manner provided for the abatement of nuisances in Chapters 8.12. The remedies herein provided shall be deemed to be accumulative.

13.08.390 Restitution. Any person found violating any provision of this chapter shall be liable to the City for any expense, loss, or damage incurred by the City directly or indirectly as a result of such violation. Prosecution in Municipal Court under Section 13.08.380 shall not be construed to be a prerequisite to such liability.

Chapter 13.12

WATER WORKS SYSTEM*

Sections:

13.12.010	Duties of governing body.
13.12.020	Powers and duties of City Administrator.
13.12.030	Powers and duties of Utility Department Director.
13.12.040	Tampering with waterworks—Polluting water supply.
13.12.050	Maintenance of service lines.
13.12.060	Water meters required.
13.12.070	Installation of meters—Generally.
13.12.080	Right of access.
13.12.090	Ownership of meters—Maintenance.
13.12.100	Responsibility for taps or connections to water mains.
13.12.110	Curb stops—Installation.
13.12.120	Backflow prevention device.
13.12.130	Bulk water.
13.12.140	Determination of amount—Responsibility.
13.12.150	Right-of-way permits required.
13.12.160	Generation of revenue.
13.12.170	Billing status.
13.12.180	Improper water use.
13.12.190	Rates and charges.
13.12.200	Vacant units.

* Prior code history: Prior code Chs. 14.1—14.12.

13.12.010—13.12.040

13.12.210	Bulk water sales.
13.12.220	Monthly billing dates and delinquent accounts.
13.12.230	Replacement account.
13.12.240	Access to meters and read-out.
13.12.250	Construction water.
13.12.260	Liability for negligence.
13.12.270	Restrictions on watering.
13.12.280	Requirements for human consumption.

13.12.010 Duties of governing body. Subject to the laws relating to public utilities, the governing body shall fix all rates for water charges, tap fees and for services and make regulations for the collection of the fees and charges. (Ord. 7-1991 § 1 (part), 1991)

13.12.020 Powers and duties of City Administrator. A. The City Administrator, or his authorized representative, shall enforce all necessary rules, regulations and penalties to enforce the collection of fees or for the protection of the property and rights pertaining to the City's water system. This authority shall include the power to make administrative rules or regulations as may be necessary to conserve the water supply and to prevent waste and unnecessary use of water including water restrictions.

B. The City Administrator, or his designated representative, is authorized to issue a shut-off notice to any subscriber who is two months delinquent in payment of any water bill. Such subscriber's water shall be shut off pursuant to Section 13.12.220 if the bill is not paid in full following shutoff notice. (Ord. 7-1991 §1 (part), 1991)

13.12.030 Powers and duties of Utility Department. The Utility Department Director shall be responsible for the distribution and treatment of the City's water system from the source of supply to service lines on the property side of the curb stop or meter pit. (Ord. 1-1992 § 1, 1992; Ord. 7-1991 §1 (part), 1991)

13.12.040 Tampering with waterworks—Polluting water supply. A. No unauthorized person shall in any way interfere or tamper with any part of the City's water system, nor shall they do anything that will in any manner pollute or cause to pollute the water supply. Any person found guilty of polluting or tampering with the City's water supply shall be subject to a maximum fine of seven hundred fifty dollars, together with costs, expenses and restitution.

B. No unauthorized person shall in any manner tamper with, deface or injure any fire hydrant nor shall the same

be obstructed by any person in any manner so that free access to such hydrant cannot be readily had at all times for firefighting purposes. Any person found guilty of these acts shall be subject to a maximum fine of seven hundred fifty dollars, together with costs, expenses and restitution. (Ord. 7-1991 § 1 (part), 1991)

13.12.050 Maintenance of service lines. A. All property owners shall keep and maintain the service line beginning at the property side of the curb stop or service side or meter pit installations and shall keep the line in good repair and protect it from frost at their own expense. In the case of a verified leak or natural break in the buried line between a meter pit installation and the structure or facility it serves, the water losses associated with the leak as determined by the City from City records, shall be borne by the City for a period not to exceed thirty days prior to the time of repair.

B. The City shall not be responsible for payment of any claim resulting from the breakage of any pipe, meter or appurtenance attached thereto if the breakage occurs on the property side of the curb stop and is the result of the property owner's failure to keep the line in good repair and/or the failure of the property owner to protect the service line from frost as in subsection A of this section. (Ord. 1-1992 § 2, 1992; Ord. 7-1991 § 1 (part), 1991)

13.12.060 Water meters required. A. All water delivered to any water users by means of the water system of the City shall be measured by approved water meters.

B. Each single-family dwelling, multi-family buildings, business structure or mobile home park shall have a separate water meter. Condominiums, townhouses, and/or duplex units shall be considered single-family units and shall have separate meters and shutoffs at the curb stop if each unit is individually owned or scheduled to be individually metered under a contract in progress at the time of the adoption of the ordinance codified in this chapter. (Ord. 1-1992 § 3, 1991; Ord. 7-1991 § 1 (part), 1991)

13.12.070 Installation of meters—Generally. A. The City only accepts Rockwell meters or others which have interchangeable parts with Rockwell parts. Whenever physically possible, all meters shall be installed with remote readout located on the outside of the structure and shall be forty-eight inches above finished grade and not more than twenty-four inches from an electric utility meter, when possible, and accessible at all times to authorized City personnel.

13.12.080

B. Meters shall be a minimum of five-eighths by three-fourths inch size and installed in such a way that access is available at all reasonable hours. No pipes or other objects shall be installed in front or adjacent to the meter. Sufficient room for removal of the meter must be available. Swivel connections shall be used and at least one-inch flexibility must be maintained in pipes to which meters are connected for proper removal for maintenance.

C. On new buildings installations the property owner, developer, or contractor will be responsible for the meter assembly installation. The meter assembly includes components requiring the use of skilled labor (plumbers and electricians) in their installation. The meter assembly will be required as part of the plant investment fee for service connections as set forth in Section 13.12.140(B). The City shall be responsible for the installation and hookup of the water meter.

D. In order to allow isolation of the meter, an approved shut-off valve must be installed in front of the meter and is an integral part of the meter assembly when provided by the City.

E. Whenever possible, no residence within the corporate limits of the City shall utilize a meter pit. All water meters shall be installed in the residence or structure as stated above, with remote, external readout, except as noted below or as specifically authorized by the Utility Department Director.

F. Meter pits are allowed in trailer parks or for trailers on approved lots complying with zoning requirements and shall be inspected by the Utility Department. Pits shall be installed as per specifications of the City.

G. Any compound meter installed shall be installed horizontally to allow for proper repair and maintenance.

H. Each meter installed shall be protected by a City approved seal. The seal shall not be broken without the Utility Department Director's approval. Splices of any type will not be allowed in any readout cable and shall be considered as tampering with City property. No person shall tamper with readout cables or meter seals, install an illegal tap, bypass or in any way remove water from the City's system without going through the proper metered facility. Any person found guilty of a violation of this subsection shall be subject to a fine not to exceed seven hundred fifty dollars, together with costs, expenses and restitution. (Ord. 1-1992 § 4, 1992: Ord. 7-1991 § 1 (part), 1991)

13.12.080 Right of access. The Utility Department Director, Meter Reader, Chief Inspection Officer or other authorized personnel of the City shall have free access at all reasonable hours to enter any premises where water is used for the purpose of ascertaining any violation of any

provision of this chapter and to read, inspect, repair or remove for testing any water meter. (Ord. 7-1991 § 1 (part), 1991)

13.12.090 Ownership of meters—Maintenance. A. All meter sets (meter assemblies) and remote readouts including cable, are the property of the City. A plant investment fee shall be determined by the meter size as established by the City and set forth in Section 13.12.140(B). The plant investment fee shall be paid at the time of issuance of the building permit or Certificate of Occupancy. The City will assume ownership and maintenance responsibility after installation for the meter assembly and remote readout including cable as covered within this chapter.

B. The subscriber using an approved water meter, shall contact the Utility Department Director to cause the meter to be repaired or replaced, whenever subscriber becomes or is made aware that the meter is not in good working order.

C. City utility personnel shall remove and replace the meter if found defective and, unless damaged by the subscriber, shall do so at no cost to the subscriber.

D. If the subscriber requests a certified test to verify meter accuracy, the meter shall be removed by City personnel and sent to a certified testing facility. All costs associated with testing shall be the responsibility of the subscriber if no malfunction of the meter is found. If the meter is found to be faulty, the City shall pay all costs of meter testing. (Ord. 1-1992 § 5, 1992: Ord. 7-1991 § 1 (part), 1991)

13.12.100 Responsibility for taps or connections to water mains. A. All taps or connections into any water main of the City shall be completed under the direction and supervision of an authorized employee of the City or a City designated person, and subject to material and method approval by the City. No substitutes are allowed unless approval in writing is granted by the Utility Department Director.

B. Any costs of taps including excavation, materials, tools, backfill, compaction and resurfacing of streets, and replacement of curb, gutter and sidewalks shall be done at the full expense of the property owner, developer or contractor. Any facility served by a tap but not taking water from the system will be charged a service connection fee to obtain meter assembly at the time of issuance of the building permit. (Ord. 1-1992 § 6, 1992: Ord. 7-1991 § 1 (part), 1991)

13.12.110 Curb stops—Installation. A. Curb stops shall be furnished and installed by the City for all structures to be served by the water system.

13.12.120—13.12.140

B. If feasible, single-family dwellings and businesses shall have curb stops installed within five feet of the property line, at the back of the sidewalk if space allows; or within the sidewalk if the sidewalk abuts a building, set level with the sidewalk, and such curb stops shall be of a ferrous, metallic composition to allow for location by a magnetic or conductance locator.

C. Multi-family dwellings shall have one curb stop located within the public right-of-way as determined by the City, which shall provide shutoff service to the entire facility. (Ord. 1-1992 § 7, 1992: Ord. 7-1991 § 1 (part), 1991)

13.12.120 Backflow prevention device. All services connected to the City's water system require the installation of a backflow preventer. Such device shall be located on the downstream side of the water meter and be approved by the Utility Department Director for type and location. (Ord. 7-1991 § 1 (part), 1991)

13.12.130 Bulk water. A. No water shall be delivered in bulk to any user or customer for any reason for transportation within or outside the City unless such water shall be obtained from the City's fill station. No bulk water shall be taken from any fire hydrant, unless metered. For fees refer to Section 13.12.210. City maintenance and firefighting are exempt from this section.

B. Utility Department Director may grant permission for temporary installation of any approved mobile fill station, provided a separate shutoff valve vacuum breaker and meter is provided by the user. Such permission shall be granted in writing. For fees, refer to Section 13.12.210. (Ord. 1-1992 § 8, 1992: Ord. 7-1991 § 1 (part), 1991)

13.12.140 Determination of amount—Responsibility. A. All charges for a service connection to the City's water system made pursuant hereto shall be paid by the owner of the property, developer, or contractor and shall be paid to the City at the time of the issuance of a building permit or Certificate of Occupancy, issued by the Chief Inspection Officer. A right-of-way permit will be required for excavation onto City right-of-way or other public land.

B. The plant investment fee for service connections to the City water system shall be determined by the following schedule:

<u>Connection</u>	<u>Unit Capacity Valve</u>	<u>Fee Per Capacity Unit</u>	<u>Plant Investment Fee</u>
3/4 in.	1.0	450	\$ 540.00
1 in.	1.5	450	\$ 810.00
1 1/2 in.	4.0	450	\$ 1,980.00
2 in.	8.0	450	\$ 3,960.00

For any water connection over two inches, the connection fee shall be negotiated by the City Administrator, according to existing conditions at the time of the request for such connection. Any unit or patron served by the City outside the corporate limits shall be charged double the plant investment fees indicated in this section and the unit or patron must enter into a contact approved by the governing body prior to the tapping of the City water main. Delivery of water to the user by the City shall terminate at the City limits or at the established City owned water mains outside corporate boundaries. The connection fee for a separate firefighting line connection shall be two hundred fifty dollars, provided this line is not used to provide everyday water supply to the structure. (Ord. 1-1992 § 9, 1992: Ord. 7-1991 § 1 (part), 1991) (Ord. 11-2008)

13.12.150 Right-of-way permits required. A. For excavation in City right-of-way or other public land, a right-of-way permit shall be obtained from the City Building Inspector. The permit shall cover such items as: excavation, materials, backfill, compaction, replacement of asphalt or concrete paving, replacement of curb, gutter and sidewalks and any other materials required for complete restoration of the trenched area.

B. All excavated areas shall be compacted to City specifications and, prior to replacing any surfacing, contractor shall contact the Engineering Office for soils testing and approval of compaction.

C. In the case of failure of the excavation or surfacing, even with testing, the party causing the excavation shall be fully responsible for replacing the same for a period of one year after completion of the work. In the event the contractor refuses to repair such failure, the City may, at its discretion, order the work to be done by another party and bill such cost back to the original permittee. (Ord. 1-1992 § 10, 1992: Ord. 7-1991 § 1 (part), 1991)

13.12.160 Generation of revenue. The user charge system shall generate adequate annual revenue to pay costs of annual operation and maintenance including replacement

13.12.170—13.12.190

and other related water system costs which the City may determine by ordinance to be paid by the user charge system. (Ord. 7-1991 § 1 (part), 1991)

13.12.170 Billing status. It is the responsibility of each subscriber to notify the City of intent to change name, discontinuance, begin or in any way alter billing requirements. The application for service or for change of name or billing shall be made upon the appropriate forms available at the office of the Clerk/Treasurer. (Ord. 7-1991 § 1 (part), 1991)

13.12.180 Improper water use. Any person who shall knowingly take water from the City’s water supply without first having established an account shall pay the City for the estimate water used, plus pay a penalty of a fine not to exceed seven hundred fifty dollars for such unlawful taking of water. Water shall be shut off from such person until such charges and/or penalties are paid. (Ord. 7-1991 § 1 (part), 1991)

13.12.190 Rates and charges. A. Unless service is terminated, all metered structures shall be assessed a monthly water rate consisting of a combined customer service charge/demand charge and a commodity charge.

B. The customer service charge shall be assessed to recover costs that apply equally to each user of the system regardless of demand or quantity used. It shall be billed on a customer account basis.

C. The demand charge shall be assessed to recover costs of debt service and replacement fund for water facilities. Where a water service has been oversized to meet fire flow requirements for fire hydrants, the City Engineer and/or City Administrator will determine the appropriate demand and customer service charge subject to approval by the City Council.

D. The combined customer service charge/demand charge shall be in accordance with the provisions of this chapter, and as per the following rate schedule:

<u>Water Meter Size</u>	<u>Monthly Base Rate</u>
5/8 x 3/4 inch	\$ 31.00
1 inch	\$ 47.00
1 1/2 inch	\$124.00
2 inch	\$242.00
3 inch	\$306.00
4 inch	\$532.00
6 inch	\$1128.00

(Ord. 5-2007)
(Ord. 11-2009)

E. Any customer whose service is disconnected or discontinued for any period of time shall be levied a ready-to-serve charge of fifteen dollars (\$15) per month or a portion thereof. Said charge shall offset costs for line depreciation, ongoing maintenance and overhead to the system and providing fire flows for emergency purposes.

F. The commodity charge shall be the amount charged a customer for the quantity of water used during a billing period which exceeds the amount of three thousand gallons per month, which commodity charge shall be at the rate of one dollar ninety cents (\$1.90) per one-thousand gallons/month.

G. Customers requesting any increase or decrease in meter size, or disconnecting other than vacating the premises, shall be required to pay all costs associated with labor, equipment and materials needed to complete the work. Shoshone Municipal Pipeline monthly base rate charges shall be paid through June 30th of each year for charges made after December 31st of the prior year and through December 31st of each year for charges made after June 30th of each year. Customers requesting any changes shall sign an affidavit provided by the City acknowledging such changes. Additionally, code requirements relating to fire flow must be met.

H. During extreme cold spells, the City Administrator or his designated representative may notify the public to allow their water service to run and allow discounts on the service on a temporary basis.

I. These rates shall be reviewed annually by the governing body during the budgetary process and adjusted by ordinance as is necessary in order to meet the anticipated expenditures of the Water Department. (Ord. 14-1993 § 1, 1993: Ord. 7-1991 § 1 (part), 1991) (Ord. 11-2009)

13.12.200 Vacant units. A. Vacant units will not be charged a customer service charge for water service if the service is discontinued by the City and the City has been properly informed in writing that a unit is or will be vacant for a period of at least thirty days. After notification of discontinuance, the water at that location shall be shut off at the service. At the time water is reconnected following such disconnect, the City requires the physical presence of the consumer or his or her duly authorized agent. The fee for such disconnections shall be twelve dollars.

B. Unless service is terminated, all metered establishments shall pay a monthly demand charge, regardless of whether or not unit is vacant. The property owners shall be responsible for payment of the demand charge. Ord. 7-1991 § 1 (part), 1991)

13.12.210—13.12.230

13.12.210 Bulk water sales. Treated water delivered through the City's fill station shall be sold at six dollars and 60/100 (\$6.60) per thousand gallons. Water sold through an authorized temporary portable fill station shall be charged at six dollars and 60/100 (\$6.60) per thousand gallons. (Ord. 3-1997 § 1, 1997: Ord. 7-1991 § 1 (part), 1991) (Ord. 12-2009)

13.12.220 Monthly billing dates and delinquent accounts. A. All utility bills shall be sent to the subscriber on a monthly basis. All monthly charges for water shall be due and payable by the twentieth day after the date of the bill. The penalty for delinquent payment shall be imposed as provided in Section 13.04.030.

B. If the bill becomes delinquent, the water service may be shut off as set forth in Section 13.04.050 and may not be turned on again for the delinquent subscribed until such charges, together with the penalty and reconnection charge, have been paid in full. Any subscriber who has had the water shut off for nonpayment shall deposit with the City a sum equal to two months average billing which shall be placed in escrow prior to service being restored.

C. Prior to the reconnection of water service to a subscriber who has been disconnected due to having a delinquent account, the subscriber shall be assessed a minimum of forty dollars if the water service is restored at other than normal working hours for personnel of the City. If the water service is turned on during regular working hours, the reconnect fee shall be twenty dollars. Such reconnect fee shall be over and above the escrow account.

D. All escrowed accounts shall be held for a period of one year. If the subscriber demonstrates good faith in payment of bills in a timely fashion, the escrowed amount shall be returned. All funds in escrow shall accrue interest at the current passbook interest rate.

E. If the subscriber cannot demonstrate good faith in payment of the bill, the escrowed account shall be held by the City until such time of final billing. Final billing shall be made and deducted from moneys in escrow and any balance returned to the subscriber. The subscriber shall be responsible for payment of the final bill in total if the escrow account does not fully satisfy the debt to the City. (Ord. 7-1991 § 1 (part), 1991)

13.12.230 Replacement account. The City will establish and maintain a replacement account throughout the useful life of the water system. Twenty thousand dollars per year or more shall be deposited in this account until a total of one million dollars is accumulated. This account shall be used for replacement or repairs necessary to assure the system is safe and adequate for the needs of our citizens. In the event any portion of the fund is used,

deposits shall be resumed to maintain the balance of one million dollars. (Ord. 7-1991 § 1 (part), 1991)

13.12.240 Access to meters and read-out. If a meter or remote read-out cannot be read because of locked gates, the presence of a dog or any other obstacle preventing the meter reader or any other agent of the City from obtaining a reading, a written notice will be given to the owner to remove such obstacle and make the meter or read-out accessible at no cost to the City. If the meter continues to be inaccessible, a remote read meter may be installed by the City at the customer's expense. (Ord. 1-1992 § 11, 1992: Ord. 7-1991 § 1 (part), 1991) (Ord. 16-2002)

13.12.250 Construction water. A construction water meter shall be installed when water connection is made and billed as in Section 13.12.140. (Ord. 7-1991 § 1 (part), 1991)

13.12.260 Liability for negligence. If any person, other than authorized City personnel, working on the City's water distribution system in any manner damages, destroys or causes the City system to be drained of water, that party shall be responsible and liable for the loss of any water and such additional fee or costs as determined by the City shall be assessed accordingly. (Ord. 7-1991 § 1 (part), 1991)

13.12.270 Restriction on watering. A. If in the opinion of the governing body, City Administrator, or the Utility Department Director, watering restrictions are deemed necessary, such hours of restricted use shall be determined by the seriousness of the water shortage. Public notice shall be given utilizing all reasonable media.

B. Any violation of the hours for watering is declared to be unlawful and such violation of any regulation shall be punishable by a fine not to exceed seven hundred fifty dollars. (Ord. 7-1991 § 1 (part), 1991)

13.12.280 Requirements for human consumption. A. All water used or which is intended to be used for human consumption shall be obtained through the City's water system unless the water so used from any other source meets or exceeds all current and/or existing EPA (Environmental Protection Agency) standards and requirements for water intended for human consumption.

B. All water used or which is intended to be used for human consumption which is from a source other than the City's water system shall be tested semi-annually at the source owner's expense to insure that said water meets or

13.13.010

exceeds all current and/or existing EPA standards and requirements for water intended for human consumption. A copy of said water testing results shall be filed with the City. Testing shall be accomplished subject to approval of the City Administrator and/or the City Engineer and in compliance with procedures established by the City.

C. Any violation of this section shall be deemed to be unlawful and is further declared to be a nuisance, the author of which shall be subject to the actions and/or other penalties prescribed in Chapter 8.12, Nuisances, of this code. (Ord. 15-1993 § 1 , 1993)

Chapter 13.13

TELEVISION RATES AND CUSTOMER SERVICE

Sections:

13.13.010 Federal rules and regulations adopted.

13.13.010 Federal rules and regulations adopted. There is adopted by the City for the purpose of implementing cable television rate regulation, cable television customer protection and cable television customer service, the following, to wit: (1) Federal Communications Commission Report and Order 93-177, Implementation of Sections of Cable Television Consumer Protection and Compensation Act of 1992, Rate Regulation, adopted April 1, 1993 and released May 3, 1993 and (2) Federal Communications Commission Report and Order 93-145, Implementation of Section 8 of the Cable Television Consumer Protection and Competition Act of 1992, Customer Protection and Customer Service, adopted March 11, 1993 and released April 7, 1993 except such portions thereof as are hereinafter deleted, modified or amended and/or as may be deleted, modified or amended in the future, and said federal reports and/or orders as described herein are adopted and incorporated herein as fully as if set out verbatim herein. Copies of the full rate and customer service regulations adopted herein shall be kept on file by the City Clerk and available for inspection by and use of the public during the regular City Hall business hours of eight a.m. through five p.m., Monday through Friday. . (Ord. 10-1993 § 1 , 1993)

Chapter 13.16MUNICIPAL AIRPORTSections:

13.16.010 Maintenance and operation of airport.

13.16.010 Maintenance and operation of airport. The Powell Municipal Airport shall be supervised, operated, maintained and controlled by or under the supervision of the City. The Mayor, with the approval of the Council, may appoint a committee of the Council to manage such activities of the airport as may be deemed advisable. The governing body is authorized to promulgate such rules and regulations as it deems from time to time to be necessary or advisable for the proper management, control, and operation of the airport. The governing body is authorized and empowered to employ an airport manager, in which event the salary of the manager shall be fixed by annual budget. The duty of such manager shall be to enforce the rules and regulations promulgated by the governing body for the operation, management and control of the airport, and to carry out such other instructions and to perform such other duties as may be decided upon from time to time by the governing body, all in accordance with the requirements of state and federal law. The governing body is authorized to employ such other personnel as may be deemed necessary or advisable from time to time hereafter for the proper management, control, and operation of said airport and to delegate the responsibilities herein provided for to the extent that it deems necessary and advisable.

178-1

TITLE 14

(Reserved)

