

Chapter 700

GENERAL PROVISIONS WATER AND SEWER

ARTICLE I

Combined Waterworks and Sewer System

Section 700.010. Combined Waterworks and Sewerage System. [Ord. No. 685 §§1 — 2, 12-5-1973]

- A. It is hereby found, determined and declared to be necessary for the public health, safety, welfare and benefit of the City of Mound City, Missouri, and its inhabitants that the existing waterworks of said City and the existing sewerage system of said City, and all future improvements and extensions thereto, be combined and that they shall thenceforth be operated and maintained as a combined waterworks and sewerage system.
- B. The existing waterworks of the City of Mound City, Missouri, and the existing sewerage system of said City and all future improvements and extensions thereto, whether to the waterworks or to the sewerage system or to both, shall be and the same are combined and it is hereby declared that said waterworks and said sewerage system, and all future improvements and extensions thereto as aforesaid, thenceforth be operated and maintained as a combined waterworks and sewerage system.

ARTICLE II

Billing

Section 700.020. Definitions. [Ord. No. 1026 §1, 9-11-2003]

As used in this Article, the following terms shall have these prescribed meanings:

DELINQUENT USER — Any user who shall fail or refuse to pay the stated charge for such service within ten (10) days after a statement addressed to him/her at his/her last known address and deposited by the City Clerk or City Collector or his/her agent into the United States mail, postage prepaid. A user may be a delinquent user so defined herein even though the City has a deposit as hereinafter provided for.

USER — Any person who obtains water from the municipal water plant metered through its mains or discharges sewage into the sanitary sewer system of Mound City or any extensions thereof. Water service and sewage service shall be deemed to be furnished to both the occupant and the owner of any site served regardless of whether the occupant or owner made application for service under Section 700.090 of this Article. Notice under Section 700.035 of this Article shall be made to both the occupant and the owner of the site served.

Section 700.030. Notice For Disconnection of Service. [Ord. No. 1026 §2, 9-11-2003; Ord. No. 1058 §2, 7-7-2005; Ord. No. 1128 §1, 9-9-2008]

- A. Whenever any person shall fail or refuse to pay the amount of the charges stated in the statement for utility services, in full, by the thirtieth (30th) day of the month following the close of the period for which service was rendered, then the City shall cause utility service to such user to be discontinued. However, prior to discontinuance, a notice shall be mailed by the City Collector of the City to the delinquent user, by regular mail, and shall be addressed to such user at the address provided by the user to the City Collector, giving such user at least forty-eight (48) hours written notice of the intention to disconnect service. The notice shall state as follows:
 - 1. The date of said notice.
 - 2. The name and address of the delinquent user.
 - 3. That the utility account with the City is delinquent.
 - 4. The total amount of unpaid charges for said service.
 - 5. A statement informing the user that payment of the full amount must be made by close of business on the day preceding the last day of the month; and,
 - 6. That unless payment is made by close of business on the day proceeding the last day of the month utility service will be discontinued without further notice.
- B. A penalty of three dollars (\$3.00) will be added to all utility bills not paid by the twentieth (20th) day of the month following the close of the period for which service was rendered.
- C. The City shall have the right at any time upon giving forty-eight (48) hours written notice to users for good and sufficient cause or for failure to comply with the provisions and requirements of this Chapter, to discontinue furnishing any user with water service.
- D. When deemed appropriate by the Water Superintendent and after proper notice as described in the preceding paragraphs of Section 700.030, a final warning of disconnection will be placed on the premises' door handle or other conspicuous place giving warning of impending disconnection. A fee of five dollars (\$5.00) will be charged upon delivery of this final warning to cover the cost associated with the preparation and delivery of this warning.

Section 700.035. Services Deemed Furnished Both To Occupant and Owner of Premises — Notices Sent To Both Occupant and Owner of Premises — Exception.

- A. Sewerage services, water services, or water and sewerage services combined shall be deemed to be furnished to both the occupant and owner of the premises receiving such service and, except as otherwise provided in Subsection (B) of this Section, the City shall have power to sue the occupant or owner, or both, of such real estate in a civil action to recover any sums due for such services less any deposit that is held by the City for such services plus a reasonable attorney's fee to be fixed by the court.
- B. When the occupant is delinquent in payment for thirty (30) days, the City shall make a good faith effort to notify the owner of the premises receiving such service of the delinquency and the amount thereof. Notwithstanding any other provision of this Section to the contrary, when an occupant is delinquent more than ninety (90) days, the owner shall

not be liable for sums due for more than ninety (90) days of service. Any notice of termination of service shall be sent to both the occupant and owner of the premises receiving such service.

- C. The provisions of this Section shall apply only to residences that have their own private water and sewer lines. In instances where several residences share a common water or sewer line, the owner of the real property upon which the residences sit shall be liable for water and sewer expenses.
- D. Notwithstanding any other provision of law to the contrary, any water provider who terminates service due to delinquency of payment by a consumer shall not be liable for any civil or criminal damages.
- E. The provisions of this Section shall not apply to unapplied-for utility services. As used in this Subsection, "*unapplied-for utility services*" means services requiring application by the property owner and acceptance of such application by the utility prior to the establishment of an account. The property owner is billed directly for the services provided, and as a result, any delinquent payment of a bill becomes the responsibility of the property owner rather than the occupant.

Section 700.040. City Not Responsible For Damage Due To Disconnection. [Ord. No. 1026 §3, 9-11-2003]

Any damage resulting from the disconnection of the water service to the water user or to any property of the water user or the landowner of the property occupied by the water user shall not be the responsibility of the City, its agents or employees. The City, its agents and employees shall not be liable to the water user or the landowner of any property used, held, occupied, owned, rented or leased by the water user for any damage to the aforesaid property or any other damage incurred due to the disconnection of water service provided for herein and it shall be immaterial that no notice of such disconnection was given to or received by the water user or the property owner.

Section 700.050. Protests. [Ord. No. 1026 §4, 9-11-2003]

If said delinquent user shall notify the City Collector in writing that he/she believes the statement sent to him/her to be in error and shall also deposit as security with said City Collector the amount stated in the bill, then said Collector shall hold the amount separate and apart from the other funds of the City until the next regular meeting date of the Board of Aldermen, when it shall then be the duty of the protesting user, if he/she wishes a hearing on the matter, to appear before the Board of Aldermen and present his/her facts and information and the Board of Aldermen shall hear the same, consider any other evidence or testimony that it deems pertinent and the Board of Aldermen shall make any adjustments that it may deem proper in the user's bill, if it finds good reason for so doing.

Section 700.060. Findings of Board of Aldermen. [Ord. No. 1026 §5, 9-11-2003]

It shall be the duty of the City Clerk to immediately notify the Collector of the findings of the Board of Aldermen as provided in the preceding Section and after receiving said notice from the City Clerk, the City Collector shall deposit such amounts held as security into the fund or funds

as designated by said report and return any unused or excessive amounts, as determined by the Board of Aldermen, to the delinquent user.

Section 700.070. Disconnection of Service. [Ord. No. 1026 §6, 9-11-2003]

- A. In the event any user fails to pay the charges and costs for water services by the close of business on the business day preceding the last day of the month and has not filed a notice and made a deposit with the City Collector as required, the account shall be declared delinquent. Thereupon, the City Collector shall issue written direction to the appropriate City employee to immediately disconnect the water service on the delinquent account.
- B. In the event that any disconnected water service is subsequently reconnected without City authorization, City staff shall install a locking mechanism on the water meter to prevent future reconnection. In such instance a forty dollar (\$40.00) lock installation fee shall be assessed to the user who last had the account and said user shall additionally be responsible for any damage caused to the locking mechanism as determined by the City, including cost of replacement.
- C. In addition thereto, the City shall have the authority to seek any other remedy allowed by law.

Section 700.080. Reconnection Charge. [Ord. No. 1026 §7, 9-11-2003]

- A. As to all delinquent water service accounts, prior to connection or reconnection the account shall be satisfied in full, including:
 - 1. All delinquent costs and charges in connection with previously provided water services;
 - 2. A twenty dollar (\$20.00) reconnection fee;
 - 3. Any locking fee and assessment for damages caused to the lock;
 - 4. Any deposits required by this Article; and
 - 5. An optional after-hours connection fee of fifteen dollars (\$15.00), if the user so desires.
- B. If all costs on any account are paid in full by 3:00 P.M. on a business day, the water service shall be connected the same day. In the event the costs are paid in full after 3:00 P.M., the water service shall be reconnected the following business day. In the event the user desires an after-hours reconnection, in addition to the twenty dollar (\$20.00) reconnection charge, such user shall also pay an after-hours connection fee of fifteen dollars (\$15.00). However, after-hour connections will be made subject to availability of City personnel, and such after-hour connection is neither mandated nor guaranteed.

Section 700.090. Deposit Required. [Ord. No. 1026 §8, 9-11-2003; Ord. No. 1248 §1, 11-6-2014]

- A. Any person who may hereafter make application for City water, as a user, shall therewith and as a prerequisite of obtaining such service pay to the City Collector a deposit as hereinafter set forth, which sum shall be held by said Collector in a special fund; such

deposit shall be as follows:

1. For each residential hookup when the user is the owner of the property, the deposit required is the sum of seventy-five dollars (\$75.00).
2. For each residential hookup when the user is a tenant/renter of the property, the deposit required is the sum of one hundred fifty dollars (\$150.00).
3. For each hookup for a commercial place of business, the deposit required is the sum of one hundred dollars (\$100.00).

Section 700.100. Charge Arrears Against Deposit. [Ord. No. 1026 §9, 9-11-2003]

At any time when any customer having such deposit may be in arrears on his/her payment, the City Collector is hereby authorized and may in his/her discretion charge said amount of arrears against the deposit and thereafter make an order terminating service to said customer in accordance with Sections 700.020 to 700.070 of this Chapter, until all delinquent payments, together with penalties thereon, are paid in full plus the amount needed to restore the deposit to its original amount. Provided further, that the discretion granted herein shall in no way create any duty upon the City Collector to debit the deposit prior to terminating a delinquent user's service as provided for in Sections 700.020 to 700.070 of this Chapter.

Section 700.110. Deposit Refunds. [Ord. No. 1026 §§10, 12, 9-11-2003; Ord. No. 1248 §2, 11-6-2014]

- A. Whenever a user shall have made a deposit with the City Collector as above provided and shall furnish proof to the Collector that he/she, the user, no longer is a water customer of the City of Mound City and that all his/her bills for services and other debts owed the City, including taxes, are paid in full, said customer shall be entitled to a refund of all of the unused portion of said deposit.
- B. Should any user terminate service with the City of Mound City without making application for a refund as provided in Subsection (A) above, it shall be the duty of the City Collector to, at least once a year, compute the amount of refund, if any, to which any person may be entitled and to notify the City Clerk of the exact amount of the refund due.
- C. After a customer, who is the owner of the property, maintains at least five (5) consecutive years of continuous, timely payments of his/her utility service account, any security deposit previously paid shall be refunded as credit to the customer's utility service account. Any customer who so qualifies shall not be required to maintain a utility service deposit. After the requirement for a security deposit is terminated as provided herein, if the utility service of the customer is disconnected for non-payment of a utility bill, the requirement for a security deposit shall be reinstated, and the applicable deposit shall be paid by the customer prior to reconnection or continuation of the utility service.

Section 700.120. Lien Against Property. [Ord. No. 1026 §11, 9-11-2003]

Whenever any charges or costs for water and sewerage services as provided above remain unpaid by a user, they are hereby deemed to be a lien against the property serviced.

Section 700.130. Tampering. [Ord. No. 1026 §13, 9-11-2003]

It shall be a misdemeanor for any person or persons to tamper with or cause to be tampered with or to make any connection to any water main, water meter, sewer line or any property of the City of Mound City water and sewer systems, the effect of which is to prevent the proper measuring of water service, to permit the diversion of the water service or user of the sewer system, or to reconnect service when service has been discontinued for non-payment of a bill for service.

Section 700.140. Abatement of Water and Sewer Charges Resulting From An Undetectable Underground Water Leak. [Ord. No. 975 §§1 — 3, 1-1-2001]

A. *Definitions.* As used in this Section, the following terms shall have these prescribed meanings:

AVERAGE MONTHLY SEWER BILL — The charges for sewer service based upon each individual customer's usage over the previous twelve (12) month period.

AVERAGE MONTHLY WATER BILL — The charges for water service based upon each individual customer's usage over the previous twelve (12) month period.

UNDERGROUND — Located below the surface of the ground.

UNDETECTABLE — Hidden, not able to readily discover the nature, existence, presence or fact of.

B. *Policy.*

1. As detailed in Section 700.150, it is the responsibility of all customers receiving service from the City's water and sewer lines to keep their service line, meter and other equipment used in connection therewith in a good state of repair at all times.
2. Whenever a customer becomes aware that an excessive water leak has occurred, it shall be their responsibility to immediately, or within five (5) working days, notify the Mound City Water Department of such leak in order to make a determination as to whether water and sewer service charges are eligible for abatement.
3. Wholesale customers are not eligible for abatement of charges under this Section.
4. The City Water Superintendent shall ascertain whether the leak was undetectable and underground and therefore eligible for abatement.
5. Appeals from the decision of the Water Superintendent may be made by the customer to the Board of Aldermen.
6. Water and sewer service charges as a direct result of an undetectable underground water leak will be abated as outlined in Subsection (C) of this Section.

C. *Abatement Of Charges.*

1. *Abatement of water service charges.* After deducting the average monthly water bill, the remaining charges for water service due to excessively high water usage as the direct result of an undetectable underground water leak shall be reduced by twenty-five percent (25%).
2. *Abatement of sewer service charges.* After deducting the average monthly sewer bill,

the remaining charges for sewer service due to excessively high water usage as the direct result of an undetectable underground water leak shall be abated.

ARTICLE III
Miscellaneous Provisions

Section 700.150. Respective Rights and Responsibilities in Relationship To The City's Water and Sewer Service. [Ord. No. 838 §§1 — 5, 4-8-1993]

- A. All customers receiving service from the City's water and sewer line shall at their own expense keep their service pipe, services lines, stop cock, meter and other equipment used in connection therewith in a good state of repair at all times and reasonably protected from freezing and other damage; provided however, that the City shall provide, repair and maintain water meters that are three-quarter ($\frac{3}{4}$) inch or less in size at the expense of the Mound City Municipal Water Department and that any meter in excess of three-quarter ($\frac{3}{4}$) inch and up shall be paid for and maintained by the customer at the customer's expense. It shall be the responsibility of the customer and the property owner to provide all necessary repairs, construction and maintenance from the point where the water leaves the City water main, with the exception of the three-quarter ($\frac{3}{4}$) inch and smaller meters as provided for above and it shall likewise be the duty of the customer or property owner to make at his/her own expense all repairs necessary to their sewage service lines from their own property back to the principal sewer main of the City, to which the customer's line is connected.
- B. Whenever any employee of the City Water Department shall ascertain that there is a leak in any part of the water or sewage line which it is the customer's duty to repair, the said employee shall immediately take such action as he/she shall then and there deem necessary including, but not limited to, the immediate termination of water and sewage service to the customer if he/she shall determine that failure to do so may immediately cause substantial loss or damage to the customer or to the City. Upon ascertaining the leak, he/she shall as soon as possible notify the customer and the Water Commissioner of his/her action and the reasons for taking the same and inform the customer of the problem and make such recommendations as he/she shall deem proper. Subject to the approval of the Water Commissioner, the employee may agree to make such repairs under contract with the customer in an amount equal to the actual cost to the City for materials and labor, including overtime labor if applicable, plus an amount not less than twenty percent (20%) of the City's actual cost (labor and materials) or the customer may employ a private person who has been previously authorized by the City to make repairs to its existing lines. Should the repairs be done by the City employee, a deposit equal to the estimated cost shall be made with the City Collector before beginning the work. If the cost should exceed the estimate, the balance shall be due and payable not later than thirty (30) days after written request is made therefore and failure to make said payment when due shall be authorization by the City to then and there discontinue any and all water and sewage service to said customer until the same, including any costs of collection, are paid in full.
- C. All costs for water services, charges for installation and connections to the City water main and other charges directly or indirectly connected with the water or sewage system of the City may be enforced by suit in a court of proper jurisdiction or by discontinuing all water and sewage service to said customer on such notice and under such procedure as is

provided in a prior ordinance.

- D. There shall be no obligation on the part of the City employee to contract with any property owner to make repairs as provided in Subsection (B) above, but in the event that contracts are made, all funds therein shall be paid directly to the City Collector.

- E. All customer service lines leading from the customer's service area to the City's water line must be of copper, service blue or PVC 40 pipe, except that any such service line under a City, County or State roadway must be of copper construction and each person, firm or corporation hereafter wishing to receive water or sewer service from the City's mains shall first give at least forty-eight (48) hours' (excluding Saturday, Sunday and legal holidays) prior written notice to the City Water Commissioner, or in his/her absence then to the City Collector, stating the time and place of his/her intended connection and no connection shall be made unless said notice is given personally or by certified mail addressed to one (1) of the parties hereinabove named or unless the same is waived by the City. The City Water Commissioner or his/her agent shall be present at the time and place set out in the notice to see that the proper materials and fittings are used, that competent persons are doing the work, that the service line is in the proper position with the City main to provide a proper directional flow, to see that the pipes, lines and other equipment are covered to a sufficient depth to prevent damage from freezing and that the meter is connected in a proper manner and so located that it can be easily read, yet properly protected from damage. No meter now or hereafter installed shall be repaired by anyone not approved by the City.

Section 700.160. Water Main Tapping Fees — Associated Expenses. [Ord. No. 892 §1, 9-7-1995]

The fees to be charged for each person, firm or corporation hereafter wishing to connect to (tap into) the City's principal water mains are as follows:

		2 inch pipe	1 inch pipe	¾ inch pipe
Cast-Iron Pipe				
Labor		\$60.00	\$40.00	\$20.00
Equipment				
	Tapping gun	\$20.00	\$20.00	\$20.00
	Gun bits	\$15.00	\$10.00	\$5.00
Administrative		\$5.00	\$5.00	\$5.00
Total		\$100.00	\$75.00	\$50.00

PVC Pipe				
Labor		\$20.00	\$10.00	\$5.00
Equipment				
	Gun	\$20.00	\$20.00	\$20.00
	Gun bits	\$10.00	\$10.00	\$5.00
Administrative		\$5.00	\$5.00	\$5.00
Total		\$55.00	\$45.00	\$35.00