

## **Ordinance No. 41**

### **An Ordinance Regulating the Use of the Public Sewer and Utilities in the City of Badger and Providing Penalties for Violation Thereof**

**The City Council of Badger Ordains:**

#### **Supervision**

**Section 1.** The superintendent of the Department of Public Utilities shall be under the direct supervision and directly responsible to the City Council. The duties of the public utilities superintendent shall be as outlined in the job description for that purpose.

#### **Duties of the Supt. of Public Utilities**

**Section 2.** The City Council shall designate a Superintendent of Public Utilities and it shall be his duty to see that all rules and regulations pertaining to the Public Utilities system, public streets and Public buildings, the tapping or water mains, and sewer by plumbers, and the use of City Water and sewer be complied with in all respects, to see that no person shall open any hydrant for any purpose whatsoever without his permission except members of the fire department.

#### **Past Due Accounts**

**Section 3.** At the close of each quarter, the Superintendent of the Public Utilities Department shall be furnished with a list of water and sewer consumers whose account has become delinquent. He shall proceed at once to notify each delinquent consumer or in case he cannot be found, then the persons in charge of the premises, of the past due account, due to the City. If the same is not paid within 7 days then, he shall immediately shut off the water and the same shall not be turned on again without a reconnect charge of \$5.00 to the Public Utilities of Badger.

#### **Applications**

**Section 4.** Applications for water and sewer service shall be made on printed forms, shall state the legal description and the official house of the premises to be supplied, the nature of the improvement to be done and plumber employed to do the work; such application shall be signed by the plumber or his authorized agent. Such application shall set forth the rules and regulations of the Public Utilities Department in regard to the rates and use of water and each applicant by such application shall subscribe to and be obligated to be bound by such rules and regulations.

(a) The charges for tapping water and sewer mains and the amounts of the meter deposit hereinafter specified shall be paid before the water and

sewer shall be turned on. All charges against the premises must be paid before service can be provided.

(b) No person except a plumber duly approved by the City of Badger will be permitted to do any work on service pipes of fixtures connected with the water and sewer system.

(c) The stop cock at main and sidewalks, together with the box and cover are the property of the City and all persons are forbidden to interfere with them.

(d) The charges for tapping water mains shall be payable when application is made.

(e) Public Utilities Rate Schedule charges will be adopted by Resolution of the City Council.

**Section 5.** The City Council shall adopt by resolution a schedule of water and sanitary sewer rates, fees and meter deposits, which shall be known as the Public Utilities Division Rate Schedule. Said Resolution shall be published once in the official newspaper of the City. The Superintendent of the Public Utilities Division, together with the City Council, shall annually review said schedule and make recommendations for adjustments in the rates and other charges.

### **Quarterly**

**Section 6.** At the end of each quarter, the Superintendent of the Public Utilities Department shall mail a card to each consumer of water and sewer service requiring a reading of said meter by the consumer, who shall return the card to the City office post marked on or before the last day of the month in which the consumer receives it. If said card is not returned to the City on time, there shall be added to the charge above provided, the sum of \$0.50. The billing date shall be within forty-five (45) days after the end of each quarter. The Superintendent of Public Utilities shall mail to each consumer of water and/or sewer service, a card or letter stating the amount due the City from such consumer or consumers during the preceding three (3) months, together with the amount due the City for penalties, or such other indebtedness, and such statement shall be deemed sufficient notice to the consumer and to the owner of the property against which such charges are made. In addition to the charges above provided, there shall be a late charge of 10 per cent (or a minimum of One Dollar (\$1.00) of the amount owing for the previous quarter for payments made after sixty-five (65) days) after the first of each quarter. All bills for Public Utilities furnished by the City shall be payable quarterly, post-marked within thirty-five (35) days after the billing date. All services not metered shall pay the minimum rate.

## **Delinquency**

**Section 7.** The superintendent shall mail a final notice to the above delinquent accounts stating the day which the superintendent shall deprive the consumer of water and sewer for the premises against which such bills are unpaid and delinquent. The City shall not be liable for any damage to persons or property caused in whole or in part by the discontinuance of water or sewer service.

## **Turn On Charge**

**Section 8.** In all cases where water and sewer has been turned off for nonpayment of bills or for violation of any rules or regulations of the Public Utilities Department such sewer and water shall not be again turned on unless and until said bill has been fully paid and a reconnection charge of Five (\$5.00) Dollars, paid into the City for turning such water and sewer on.

## **Meter**

**Section 9.** The City of Badger shall exclusively own and control the water meters to be used in the City water system and each consumer is hereby required to make a "meter deposit" with the City in the amount specified in the Public Utilities Schedule. Such deposits may be applied by the Superintendent to the consumers accounts within the Public Utilities Department in the event such account becomes delinquent, or to any damages to the meter or other property due to the negligence of such consumer when an existing deposit has been expended for such purpose and no water shall be furnished such consumer, until such deposit so required has been paid to the City. Upon termination of water service, the applicant or consumer shall notify the Water Department, who shall remove the meter, and the amount of such meter deposit (less any deductions herein provided for) shall be refunded to such applicant or consumer.

## **Damage**

**Section 10.** If any meters or hydrants are damaged by freezing, hot water, or otherwise, either by carelessness or neglect of any person, such person must pay for the repairs of such meters or hydrants. The cost of ordinary maintenance and repairs of all meters owned by the City shall be borne by the Public Utilities Department.

## **Testing**

**Section 11.** At the written request of any owner or consumer, the Superintendent will test or cause to be tested the meter supplying the premises of such owner or consumer. A deposit of \$5.00 will be required before the meter is disconnected which will be returned to the owner or consumer if the meter is not found to be registering correctly within ten per cent, otherwise, the deposit so made shall be retained by the Water Department to cover the cost of such test. The result of any such test shall be reported to such owner or consumer in every case.

## **Obstructing**

**Section 12.** The customer is prohibited from obstructing meter so as to prohibit the reading or repairing of the meter.

## **Owner Responsible**

**Section 13.** All contracts made under the provisions of this Ordinance shall be made by the Superintendent of the Public Utilities Department with the owner of the premises to be served or his duly appointed agent or attorney, and the owner of the property shall be liable to the City for all rents accruing through the use of water and sewer upon his premises whether the same to be personally used by him or his renter or leasees or other occupants of the premises.

## **General Rules and Regulations**

**Section 14.** All provisions of this Ordinance, wherein the term **consumer** is used, shall be construed as including the owner of the premises served. Each of the premises desiring the use of City water or City sewer shall file with the Public Utilities Division the name of his agent, if he desires to act through an agent, or his own address, and shall direct in such instrument the one to whom the bill shall be sent, the notices be given, and same be binding until further notice differing therefrom shall have been made in writing and file with the City Clerk. The contract made with the owner may provide that any delinquencies in the payment of the water or sewer bill on said premises shall be a lien and charge against the premises so served regardless of whether the same be a homestead or not. Said lien, in case of a delinquency, shall be reported to the County Auditor by the City Clerk at the same time and in the same manner as special assessments on real estate for street improvements, and shall be collected in the same manner as taxes against real estate provided, however, that nothing herein shall change the provisions of this City with reference to cutting off water and sewer for nonpayment of charges.

## **Use of Hydrant**

**Section 15.** No person, except the Superintendent of the Public Utilities Department or a member of the City Fire Department in case of fire shall be allowed to open any fire hydrant in the City for any purpose whatsoever, without first securing a permit from the Superintendent.

## **Service Pipe**

**Section 16.** The service pipe from the building to the curb stop and the connection thereto shall be the property of the applicant and must be protected and maintained by him. In the event such applicant or any customer shall fail to make any necessary repairs to such service connections or pipe within twenty-four (24) hours after being notified to do so by the Superintendent of the Public Utilities Department, the

Superintendent shall make such repairs and the cost thereof shall be charged to the owner of said premises or the consumer and shall be collected in the same manner as other bills for water consumption are collected.

### **City Liability**

**Section 17.** No claim shall be made against the City of Badger for reason of the breaking of any water or sewer main or service pipe or fixture for any other interruption of supply, by reason of the breaking of machinery or stoppage for necessary repair.

### **Service for Fire Protection**

**Section 18.** Application for service connections which are to be used exclusively for supplying water to extinguish fires shall be made to the City Council; such applications shall be made by the owner of the premises to be served or his legal representative and shall be accompanied by a complete and correct drawing showing the location of the premises to be supplied together with the location of all valves, pipes, hydrants, tanks, sprinkler heads and other appliances to be installed on the premises. In the event such applicant will be permitted to make such connections with the street water mains, said connections shall be made under the orders and direction of the Superintendent. All the cost and expenses thereof shall be borne by the applicant.

No water shall be drawn from any such fire service pipes so installed for any purposes whatever except for the extinguishment of fire and no connection shall be made between the fire service pipe system and the regular water supply to the premises, and valves or hose outlet, drain cock, hydrants and other outlays placed on such pipe system shall be of a style approved by the Superintendent and shall be sealed by the Superintendent, when any such valve or cock is open, the owner or occupant of the premises shall notify the Superintendent so that same can be resealed at once. In case any seal placed upon any such apparatus by the Superintendent shall have been broken for any purpose other than for the extinguishment of fire, the owner or occupant of such premises shall be subject to a fine in the sum of not less than \$10.00 nor more than \$25.00. In any case, where it is ascertained that the owner or occupants of any premises are found to be using water from any such fire service for purpose other than extinguishment of fires, the water shall be shut off from such premises and shall not be turned on until the offenders shall give reasonable assurance to the Council that the offense will not be repeated and shall pay to the Superintendent a fee of \$10.00 for again the turning on the water. A second violation of the rules will be considered sufficient cause for cutting the service off at the water main and refusing to reconnect the same while the offender occupies the premises.

All water used through such fire service for the purpose of extinguishing fires on the premises shall be without charge to the owner or consumer of such premises.

## **Regulations Pertaining to Use**

**Section 19.** The City of Badger hereby reserves the right to limit the use of water from City water supply and distribution system and to prescribe the conditions for any use. It shall be unlawful for any person in the City of Badger, or any person owning or occupying premises connected to the municipal water system, to use or allow to be used during a fire any water from said municipal water system except for the purpose of extinguishing said fire, and it shall be the duty of every person to see that all water services are tightly closed and that not water is used except for necessary household purposes during said fire.

*(Section 20 intentionally left blank for future expansion.)*

## **Discontinue**

**Section 21.** The Superintendent, or any designated employee of the Water Department shall have free access at all reasonable hours, to premises to ascertain the location or condition of all hose connections, pipes and plumbing fixtures which in his opinion are causing unnecessary waste of water. He shall promptly notify the owner or occupant of such necessary repairs. In the event any such designated repairs are not made within twenty-four (24) hours after such notification, the Superintendent shall make such repairs, or cause same to be made, and the cost thereof shall be charged to the owner or occupant of said premises and collected in the same manner herein provided for the collection of other bills to the Water Department.

## **Plumbing Rules**

**Section 22.** Any plumber wishing to do plumbing work or perform any service in connection with the City water or sewer system must obtain permission from the City.

## **Permit**

**Section 23.** No plumber shall commence any plumbing work of any kind where a permit is necessary without first assuring himself that a permit has been granted.

## **Excavations**

**Section 24.** In laying or repairing service pipes the streets or alleys must be open at a time and in manner which will cause the least inconvenience to the traveling public and every precaution must be taken to insure the public safety and the safety of property. All excavations remaining over-night shall be protected by substantial barriers, sufficient red lights kept burning thereat from early twilight till morning of next day, but open lights such as flares must be put out each morning.

## **Trenches**

**Section 25.** In filling trenches in streets or alleys, the plumber must carefully tamp in the material so that it will be as solid and in as good a shape in every respect as before opening the trench. The plumber shall replace or repair all curb sidewalk, pavement, boulevard or street surface in as good a condition as when he found it and he shall pay all cost of replacement or repairs.

### **Sanitary Sewer Connection Procedures, Regulations and Conditions**

#### **Section 26.**

(a) Any property owner desiring a permit to connect a dwelling or other building to the water or sanitary sewer system in the City of Badger shall apply therefore on a form provided by the Public Utilities Division or the City Clerk.

(b) The special assessment records of the premises shall be examined to determine if an assessment for the full cost of furnishing sanitary sewer or water service to the premises has been paid or levied against the premises in the form of a special assessment. If an assessment has not been paid, or levied against the service or user to secure a permit, the applicant shall be required to:

1. Pay a service charge to be determined by the Council

*OR*

2. Consent to the spreading of such charge against his property in the form of a special assessment for a period of not to exceed 29 years in equal annual installments with interest payable at the rate of six (6) per cent per annum on the unpaid balance.

(c) No sanitary sewer service or water line between the water main or sewer main and the plumbing system of any dwelling or other building to be served shall be constructed until a plumber approved by the City of Badger shall obtain a connection permit from the Public Utilities Division or Clerk.

In construction said sanitary sewer service line or water line the plumber shall adhere to standards regarding location, size, grade, material and workmanship as determined by the Public Utilities Division. After the sewer service or water connection has been accomplished, the plumber shall notify the Public Utilities Division. It shall be unlawful to cover the sanitary sewer service or water service line or sewer line until an inspection has been completed to insure that a proper and suitable connection has been made.

(d) The cost of installing the water or sanitary sewer service line between the building and main service stub shall be borne wholly by the property owner.

After the initial connection to the main service stub, the property owner shall thereafter be liable for all maintenance and repairs to his sewer service or waer line between the street mains and the building being served, except that no excavation shall be performed in the street property without first having obtained a permit from the Public Utilities Division.

(e) The Council reserves the right to require that any connected service family shall install, at the property owner's expense, a water meter on a private water supply.

### **Restrictions and Regulations Upon Use of the Sanitary Sewer System**

**Section 27.** The City Council reserves the right to regulate the disposal of any waste through the sanitary sewer system both in quantity and character.

**Section 28.** If any section, sub-section, clause or phrase of this Ordinance is held for any reason to be invalid, such decision shall not affect the remaining portion of this Ordinance.

**Section 29.** The owner of every residence, business or industrial building in this City abutting upon any street or alley in which public sewer and water mains are maintained shall install, at his own expense a toilet in the building and connect it with the public sewer and water mains within thirty days after notice to do so, provided the public sewer and public water main is within 100 feet of the property line. If such owner fails to provide for such toilet after notice to do so, the City shall provide for the installation of such toilet and charge the cost against the property as a special assessment. All buildings so ordered to be connected shall be charged the minimum sewer and water service fee after thirty days have expired from the date of said notice to connect.

**Section. 20.** Any person who violates any provision of this Ordinance, or of any regulation adopted hereunder, shall be guilty of a misdemeanor and upon conviction shall be punished by a fine of not more than Three Hundred Dollars (\$300.00). The imposition of one penalty for any violation of this Ordinance shall not excuse the violation of this Ordinance or permit it to continue. Violations shall be corrected or remedied within a reasonable time and when not otherwise specified, each day during which violations exist shall constitute a separate offense.

*Passed by the City Council this 8<sup>th</sup> day of September, 1976.  
The effective date of this Ordinance is the date of this Publication.*

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Lois M. Johnson, Mayor

Leslie S. Lockhart, Publisher

**Attest:**

Joan M. Larson, Clerk

Philip E. Stewart, Notary Public