

TITLE 13

UTILITIES AND SERVICES¹

CHAPTER

1. WATER AND SEWERS.

CHAPTER 1

WATER AND SEWERS

SECTION

- 13-101. Application and scope.
- 13-102. Definitions.
- 13-103. Obtaining service; water deposits.
- 13-104. Application and contract for service.
- 13-105. Service charges for temporary service.
- 13-106. Connection charges.
- 13-107. Nonresident users.
- 13-108. House trailers.
- 13-109. Multiple occupancy dwellings.
- 13-110. Meters.
- 13-111. Meter tests.
- 13-112. Schedule of rates.
- 13-113. Multiple services through a single meter.
- 13-114. Payment of charges.
- 13-115. Discontinuance or refusal of service.
- 13-116. Re-connection charge.
- 13-117. Termination of service by customer.
- 13-118. Access to customers' premises.
- 13-119. Inspections.
- 13-120. Customer's responsibility for system's property.
- 13-121. Customer's responsibility for violations.
- 13-122. Supply and resale of water.
- 13-123. Unauthorized use of or interference with water supply.

¹See title 8 in this code for provisions relating to cross-connections and for health and sanitation provisions relating to the sanitary sewer system, who must connect thereto, etc.

Electricity is currently furnished to the town by Gibson County Electric Membership Cooperative. Gas is furnished by Gibson County Utility District.

- 13-124. Limited use of unmetered fire line.
- 13-125. Damages to property due to water pressure.
- 13-126. Liability for cutoff failures.
- 13-127. Restricted use of water.
- 13-128. Interruption of service.

13-101. Application and scope. These rules and regulations are a part of all contracts for receiving water and/or sewer service from the Gibson Water and Sewer Department and shall apply whether the service is based upon contract, agreement, signed application, or otherwise.

13-102. Definitions. (1) Customer means any person, firm, or corporation who receives water and/or sewer service from the water and sewer department under either an express or implied contract.

(2) Household means any two (2) or more persons living together as a family group.

(3) Service line shall consist of the pipe line extending from any water main of the water and sewer department to private property. Where a meter and meter box are located on private property, the service line shall be construed to include the pipe line extending from the department's water main to and including the meter and meter box.

(4) Discount date shall mean the tenth day of each month. The discount date is the last date upon which water charges can be paid without a late penalty.

(5) Dwelling means any single structure, with auxiliary buildings, occupied by one or more persons or households for residential purposes.

(6) Premise means any structure or group of structures operated as a single business or enterprise, provided, however, the term "premise" shall not include more than one (1) dwelling.

13-103. Obtaining service; water deposits. A formal application for either original or additional service must be made and be approved by the water and sewer department before connection or meter installation orders will be issued and work performed.

A minimum deposit of fifteen dollars (\$15.00) for domestic and commercial non-tenant customers and twenty-five dollars (\$25.00) for tenants will be required before service is commenced. However, at the discretion of the management, additional deposits may be required in an amount not to exceed the estimated two and one-half (2) months bill under applicable rates. Upon discontinuance of service any water deposit will be applied to any bill that remains unpaid at the end of a thirty (30) day period. The remaining portion of the deposit will be returned to the customer.

13-104. Application and contract for service. Each prospective customer desiring water and/or sewer service will be required to sign a standard form of contract before service is supplied. If, for any reason, a customer, after signing a contract for water and/or sewer service, does not take the service by reason of not occupying the premises or otherwise, he shall reimburse the water and sewer department for the expense incurred in setting and removing the meter.

The receipt of a prospective customer's application for service, regardless of whether or not accompanied by a deposit, shall not obligate the water and sewer department to render the service applied for. If the service applied for cannot be supplied in accordance with these rules, regulations, and general practice, the liability of the water and sewer department to the applicant for such service shall be limited to the return of any deposit made by such applicant.

13-105. Service charges for temporary service. Customers requiring temporary service shall pay all costs for connection and disconnection incidental to the supplying and removing of service in addition to the regular charge for water used.

13-106. Connection charges. (1) Water. Service lines will be laid by the water and sewer department, and the location of such lines will be determined by the department. The water and sewer department will tap main, make connection, and run a maximum of fifty (50) feet of service line to the meter at the following rate:

3/4" connection and meter	\$60.00
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Rates for connection and meter for larger diameter pipes will be determined by board of mayor and aldermen as individual applicants warrant.

Where the service line from tap on water main to meter location is in excess of the allowable fifty (50) feet, the additional piping will be installed on a labor and material cost basis.

(2) Sewer. All applicants for sewer service shall pay a non-refundable connection fee of seventy dollars (\$70.00) where taps are made on sewer mains that have been laid by the town at the expense of the town. [Ord. of Sep. 25, 1967, §§ 1 and 2]

13-107. Nonresident users. Nonresident users of the water and/or sewer system will pay a yearly fee in an amount to be set by the board of mayor and aldermen for the privilege of using the town's services. This fee will be in addition to monthly water and/or sewer charges.

13-108. House trailers. House trailers will be charged for water and sewage as separate households.

13-109. Multiple occupancy dwellings. All multiple occupancy dwellings constructed after February 12, 1973, must have separate water and sewer connections for each unit. The builder shall pay a tenant water deposit and water and sewer connection fees for each unit before utility tie-on.

13-110. Meters. All meters shall be installed, tested, repaired, and removed by the water and sewer department. No one shall do anything which will in any way interfere with or prevent the operation of a meter. No one shall tamper with or work on a water meter without the written permission of the department. No one shall install any pipe or other device which will cause water to pass through or around a meter without the passage of such water being registered fully by the meter.

13-111. Meter tests. The water and sewer department will, at its own expense, make routine tests of meters when it considers such tests desirable.

In testing meters, the water passing through a meter will be weighed or measured at various rates of discharge and under varying pressures.

13-112. Schedule of rates. All water furnished by the water and sewer department shall be furnished under such rate schedules as the town may from time to time adopt by ordinance or resolution.¹

13-113. Multiple services through a single meter. No customer shall supply water and/or sewer service to more than one dwelling or premise from a single service line and meter without first obtaining the written permission of the water and sewer department.

Where the water and sewer department allows more than one dwelling or premise to be served through a single service line and meter, the amount of water used by all the dwellings and premises served through a single service line and meter shall be allocated to each separate dwelling or premise served. The water charge for each such dwelling or premise thus served shall be computed just as if each such dwelling or premise had received through a separately metered service the amount of water so allocated to it, such computation to be made at the town's applicable water rates schedule, including the provisions as to minimum bills. The separate charges for each dwelling or

¹Administrative ordinances and resolutions are of record in the mayor's office.

premise served through a single service line and meter shall then be added together, and the sum thereof shall be billed to the customer in whose name the service is supplied.

13-114. Payment of charges. Charges for residential service will be due monthly.

Charges for commercial and industrial service may be due weekly, semimonthly, or monthly, at the option of the water and sewer department.

Water and/or sewer charges must be paid on or before the discount date to obtain the net rate; otherwise a late penalty will be added.

In the event charges are not paid on or before the discount date, a written notice shall be mailed to the customer. The notice shall advise the customer that his service may be discontinued, after opportunity for a hearing, if the charges are not paid on or before five (5) days after the discount date. The water and sewer department shall not be liable for any damages resulting from discontinuing service under the provisions of this section, even though payment of the charges is made at any time on the day that service is actually discontinued.

Should the final date of payment of charges at the net rate fall on Sunday or a holiday, the business day next following the final date will be the last day to obtain the net rate. A net remittance received by mail after the time limit for payment at the net rate will be accepted by the water and sewer department if the envelope is date-stamped on or before the final date for payment of the net amount.

13-115. Discontinuance or refusal of service. The water and sewer department shall have the right to discontinue service or to refuse to connect service for a violation of, or a failure to comply with, any of the following:

- (1) These rules and regulations.
- (2) The customer's application for service.
- (3) The customer's contract for service.

Such right to discontinue service shall apply to all service received through a single connection or service, even though more than one (1) customer or tenant is furnished service therefrom, and even though the delinquency or violation is limited to only one such customer or tenant.

Discontinuance of service by the water and sewer department for any cause stated in these rules and regulations shall not release the customer from liability for service already received or from liability for payments that thereafter become due under other provisions of the customer's contract.

13-116. Re-connection charge. Whenever service has been discontinued as provided for above, a re-connection charge of ten dollars (\$10.00) shall be

collected by the water and sewer department before service is restored. (as replaced by ordinance No. 2)

13-117. Termination of service by customer. Customers who have fulfilled their contract terms and wish to discontinue service must give at least three (3) days written notice to that effect unless the contract specifies otherwise. Notice to discontinue service prior to the expiration of a contract term will not relieve the customer from any minimum or guaranteed payment under such contract or applicable rate schedule.

When service is being furnished to an occupant of premises under a contract not in the occupant's name, the water and sewer department reserves the right to impose the following conditions on the right of the customer to discontinue service under such a contract:

(1) Written notice of the customer's desire for such service to be discontinued may be required; and the water and sewer department shall have the right to continue such service for a period of not to exceed ten (10) days after receipt of such written notice, during which time the customer shall be responsible for all charges for such service. If the water and sewer department should continue service after such ten (10) day period subsequent to the receipt of the customer's written notice to discontinue service, the customer shall not be responsible for charges for any service furnished after the expiration of such ten (10) day period.

(2) During such ten (10) day period, or thereafter, the occupant of premises to which service has been ordered discontinued by a customer other than such occupant may be allowed by the water and sewer department to enter into a contract for service in the occupant's own name upon the occupant's complying with these rules and regulations with respect to a new application for service.

13-118. Access to customers' premises. The water and sewer department's identified representatives and employees shall be granted access to all customers' premises at all reasonable times for the purpose of reading meters, for testing, inspecting, repairing, removing, and replacing all equipment belonging to the department, and for inspecting customer's plumbing and premises generally in order to secure compliance with these rules and regulations.

13-119. Inspections. The water and sewer department shall have the right, but shall not be obligated, to inspect any installation or plumbing system before water service is furnished or at any later time. The department reserves the right to refuse service or to discontinue service to any premises not meeting standards fixed by municipal ordinances regulating building and plumbing, or

not in accordance with any special contract, these rules and regulations, or other requirements of the town.

Any failure to inspect or reject a customer's installation or plumbing system shall not render the water and sewer department liable or responsible for any loss or damage which might have been avoided had such inspection or rejection been made.

13-120. Customer's responsibility for system's property. Except as herein elsewhere expressly provided, all meters, service connections, and other equipment furnished by or for the water and sewer department shall be and remain the property of the town. Each customer shall provide space for and exercise proper care to protect the property of the town on his premises. In the event of loss or damage to such property arising from the neglect of a customer properly to care for same, the cost of necessary repairs or replacements shall be paid by the customer.

13-121. Customer's responsibility for violations. Where the water and sewer department furnishes water and/or sewer service to a customer, such customer shall be responsible for all violations of these rules and regulations which occur on the premises so served. Personal participation by the customer in any such violations shall not be necessary to impose such personal responsibility on him.

13-122. Supply and resale of water. All water shall be supplied within the town exclusively by the water and sewer department, and no customer shall, directly or indirectly, sell, sublet, assign, or otherwise dispose of the water or any part thereof, except with written permission from the water and sewer department.

13-123. Unauthorized use of or interference with water supply. No person shall turn on or turn off any of the water and sewer department's stop cocks, valves, hydrants, spigots, or fire plugs without permission or authority from the department. Any person guilty of violating this section shall be charged at the applicable rate for the estimated amount of water used in addition to any criminal liability to which he may be subject.

13-124. Limited use of unmetered fire line. Where a fireline is not metered, no water shall be used from such line or from any fire hydrant thereon, except to fight fire or except when being inspected in the presence of an authorized agent of the water and sewer department.

All fire hydrants shall be sealed by the department, and shall be inspected at regular intervals to see that they are in proper condition and that

no water is being used therefrom in violation of these rules and regulations. When the seal is broken on account of fire, or for any other reason, the customer taking such service shall immediately give the department a written notice of such occurrence.

13-125. Damages to property due to water pressure. The water and sewer department shall not be liable to any customer for damages caused to his plumbing or property by high pressure, low pressure, or fluctuations in pressure in the department's water mains.

13-126. Liability for cutoff failures. The water and department's liability shall be limited to the forfeiture of the right to charge a customer for water that is not used but is received from a service line under any of the following circumstances:

(1) After receipt of at least ten (10) days' written notice to cut off a water service, the department has failed to cut off such service.

(2) The department has attempted to cut off a service but such service has not been completely cut off.

(3) The department has completely cut off a service, but subsequently the cutoff develops a leak or is turned on again so that water enters the customer's pipes from the department's main.

Except to the extent stated above, the department shall not be liable for any loss or damage resulting from cutoff failures. If a customer wishes to avoid possible damage for cutoff failures, the customer shall rely exclusively on privately owned cutoffs and not on the department's cutoff. Also, the customer (and not the department) shall be responsible for seeing that his plumbing is properly drained and is kept properly drained after his water service has been cut off.

13-127. Restricted use of water. In times of emergencies or in times of water shortage, the water and sewer department reserves the right to restrict the purposes for which water may be used by a customer and the amount of water which a customer may use.

13-128. Interruption of service. The water and sewer department will endeavor to furnish continuous water service, but does not guarantee to the customer any fixed pressure or continuous service. The department shall not be liable for any damages for any interruption of service whatsoever.

In connection with the operation, maintenance, repair, and extension of the municipal water and sewer system, the water supply may be shut off without notice when necessary or desirable and each customer must be prepared for such emergencies. The department shall not be liable for any damages from

such interruption of service or for damages from the resumption of service without notice after any such interruption.