

Chapter 110 -- Utilities in General

**110.010. City utilities defined.**

City utilities shall consist of water and sewer.

**110.015. City utilities required.**

No person shall occupy any premises as a residence for more than 72 hours without connection to water and sewer services. The City may file a suit for injunction to enforce this ordinance and said person shall be responsible for all attorney's fees and court costs associated therewith.

**110.020. Limitation of liability.**

The City shall furnish utility services to a customer only upon the express condition precedent that the City will not be liable to the customer or any other person for any injury, loss, or damage whatsoever, relating to or arising out of providing said services. The City shall not be responsible for the maintenance or repair of any mains, lines, pipes, or other appurtenances not owned by the City. The City reserves the right to restrict the use of any utility service for any reason. The City will make all reasonable efforts to supply continuous, uninterrupted service. However, the City shall have the right to interrupt service for the purpose of maintenance, repair, or any other reason found necessary by the Public Works Superintendent.

In the event that service is interrupted due to maintenance, repair, or other reason found necessary by the Public Works Superintendent for longer than 6 hours flyers may be prepared and distributed to the affected residences explaining the reason for the interruption and an estimated time that service will be restored. The distribution of such flyers shall not affect the limitation of liability contained in this Chapter.

**110.040. Duties of City Clerk.**

The City Clerk, or his designated agent, shall register all applications for utility services, keep a full and accurate account of all utility services provided, collect all utility charges on behalf of the City, and regularly report all monies received to the Board of Aldermen.

**110.050. Application for utility services.**

All applications for utility services shall be made in writing upon an appropriate form furnished by the City. The application shall plainly show a) the charges, if any, to be made for the installation of the utility services by the City, b) the deposits required, and c) the conditions under which deposits may be returned. Any outstanding monetary liabilities to the City must be paid at the time of application. All installation charges, if any, and deposits, shall be paid at the time of application.

**110.060. Denial of utility services.**

No new utility services shall be provided to any person or entity who has outstanding monetary liabilities to the City, including but not limited to, bad check charges, fines, penalties, or court costs. No new utility services shall be provided to any property that is not in compliance with all City

ordinances, codes, and regulations.

**110.070. Deposits.**

Section 1. Before any utility services are furnished to any person or entity, a cash deposit to guarantee the payment for said services shall be made in accordance with this ordinance.

Section 2. The deposit for residential service shall be no less than \$150.00 and this amount may be changed by vote of the Board of Aldermen without further amendment of this ordinance. "Residential service" as used herein shall mean utility services provided to a unit used primarily for dwelling purposes.

Section 3. The deposit for all service other than residential service shall be no less than follows and this amount may be changed by vote of the Board of Aldermen without further amendment of this ordinance:

- A) Water meter less than 1 inch in diameter \$150.00
- B) Water meter of 1 inch in diameter to less than 2 inches in diameter \$240.00
- C) Water meter of 2 inches in diameter to less than 4 inches in diameter \$360.00
- D) Water meter of 4 inches in diameter or greater \$500.00

Section 4. In the event a person or entity has a history of delinquent utility charges or returned checks with the City, the deposit shall be no less than double the deposit stated herein.

Section 5. The payor shall be provided with a receipt upon payment of the deposit. Whenever an account is terminated, the deposit shall be applied to the last bill and any remainder shall be returned to the payor by mail at the last known address furnished to the City Clerk. The payor shall not be entitled to interest on his deposit.

Section 6. Deposits described within this ordinance shall be in addition to tap fees and fees for placing and/or removing meters.

**110.080. Meters required.**

All water supplied by the City shall be recorded by meters. All meters shall be furnished by the City and shall remain the property of the City. There shall be a charge of no more than \$350.00 for setting a meter less than 1 inch in diameter for the first time. The customer will be charged the actual cost for setting a larger meter for the first time. The charge for setting a meter for the first time shall be paid at the time the property owner, or his agent, applies for a building permit. This charge shall be in addition to deposits and tap fees. In the event a meter needs to be replaced for any reason other than intentional or negligent damage by the property owner or his agents, the City shall bear the expense of replacing the meter.

**110.081. Meters removed.-A meter shall be removed under the following circumstances:**

- 1. when the owner of a vacant property requests in writing that the meter be removed.
- 2. when a customer requests termination of service and no other customer has applied for an account and paid a deposit for service at the same premises.
- 3. when a customer's service has been terminated for non-payment and the customer has

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failed to bring the account current and have services restored by the 30<sup>th</sup> day after the mailing date.

4. when the City Clerk is informed and/or reasonably believes that a customer has died and no one else legally occupies the premises.
5. when the City Clerk is informed and/or reasonably believes that a premises is abandoned or otherwise vacant for more than 30 days.

There shall be a charge of not less than \$50.00 for removing a meter. Once a meter is removed, there shall be a charge of not less than \$50.00 for subsequently resetting the meter. These charges may be changed by vote of the Board of Aldermen without further amendment of this ordinance. These charges shall be in addition to deposits and tap fees.

### **110.085. Access to private premises.**

City employees shall at all times have access to private premises for the purpose of setting, maintaining, repairing, removing, or resetting any meters or other utility appurtenances of the City.

### **110.086 Unlawful connections.**

It shall be unlawful to connect to the City's utility services without proper application under the City's ordinance and authorized placement of a meter by a City employee. It shall be unlawful to re-connect utility services which have been terminated by the City for non-payment. The City may immediately disconnect any unlawful connections and make report to the Chief of Police for prosecution under this section. The violation of this section shall constitute a misdemeanor and shall be punished by a fine of not less than one dollar (\$1.00) and not more than five hundred dollars (\$500.00) or by imprisonment not exceeding ninety (90) days or both, recoverable with costs of court. Each day of violation shall constitute a separate offense.

### **110.090. Meter tests.**

Should any customer desire to challenge the accuracy of any meter supplied by the City, he may do so upon request and payment of an inspection fee in the amount of \$150.00. The Public Works Superintendent, or his designated agent, shall promptly inspect and test the meter by a method determined in his sole discretion. A written report shall be provided to the customer. No customer shall be entitled to a test of any meter more often than once in six (6) months. The possible outcomes and action to be taken are as follows:

1. Should the meter be found to be imperfect in measurement of the service by over registering by more than 2%, the inspection fee shall be reimbursed to the customer and the customer shall receive an adjustment to his bill for the 6 months prior to the inspection at the percentage show by the testing report to have been over charged.
2. Should the meter be found to be imperfect in measurement of the service by under registering by more than 2%, the inspection fee shall be retained by the City and the customer shall not receive an adjustment to his bill.
3. Should the test show the meter is correct in measurement of the service within 2%, the inspection fee shall be retained by the City and the customer shall not receive an adjustment to his bill.

### **110.100. Billing procedure.**

Section 1. The City Clerk, or his designated agent, shall provide each utility service

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customer with a monthly bill. The bill shall be sent by regular, first-class mail, postage prepaid, to the address listed on customer's application. The due date shall be no less than 15 days from the mailing date.

Section 2. The bill shall provide an amount due if the bill is paid by the due date and an amount due if the bill is paid after the due date. The amount due if the bill is paid by the due date shall be according to the rates in Chapters 113 and 114 of this Code. The amount due if the bill is paid after the due date shall be an additional ten percent (10%).

Section 3. The customer's failure to receive a bill for any reason shall not relieve the customer of the obligation to pay any amount due to the City for utility services actually provided.

Section 4. In the event the customer fails to pay the full amount due by the 23<sup>rd</sup> day after the mailing date, the services shall be terminated on the following business day and the customer shall be charged no less than \$50.00 for same. If the 24<sup>th</sup> day after the mailing date falls on a Friday or the day preceding a holiday that City Hall is closed, services shall be terminated on the following business day. The customer must pay all charges in full to have services restored. Services will not be terminated for owing \$20.00 or less or if the balance due is caused entirely by the customer not taking advantage of the prompt payment discount for that billing month. If payment for that amount due is not received before the next billing cycle, it will be added to that bill and is subject to all payment conditions and service terminations herein listed.

Section 5. In the event the customer fails to bring the account current and have services restored by the 40<sup>th</sup> day after the mailing date, the meter shall be removed and the account shall be turned over to the City's attorney for collection. Once the account is turned over to the City's attorney, the customer shall be responsible for attorney's fees, service fees, court costs, and other costs incurred to collect the amounts due.

Section 6. In the event the customer voluntarily terminates service, the City Clerk shall prepare and mail a final bill within five (5) business days. The final bill shall be mailed to the forwarding address provided to the City Clerk at the time of termination or to the last mailing address known to the City Clerk. The final bill shall be due upon receipt. In the event the final bill is not paid by the 30<sup>th</sup> day after the mailing date, the account shall be turned over to the City's attorney for collection. Once the account is turned over to the City's attorney, the customer shall be responsible for attorney's fees, service fees, court costs, and other cost incurred to the collect the amounts due.

### **110.105. Bad checks.**

In the event a bad check is received for a utility service account more than one time in a one-year period, the account must subsequently be paid by cash, money order, or cashier's check. There will be a fifty dollar (\$50.00) fee for disconnecting a service due to a bad check, which is in addition to the fee as stated in City Code section 14.100.

### **110.107 Voluntary disconnect fee.**

In the event that a customer requests voluntary disconnection of a service due to maintenance of any kind, a fee of thirty dollars (\$30.00) will be added to the next regular bill for the service. Reconnection will be done at no additional charge.

**110.110. Termination of utility services.**

Any or all utility services may be immediately terminated without notice to the customer, for the following reasons: 1) for non-payment of amount due by the 23<sup>rd</sup> day after the mailing date, 2) for payment with a check which is returned to the City for any reason; and 3) for any violation of this Chapter as determined in the sole discretion of the Mayor and the Public Works Superintendent.

**100.120. Estimated bills.**

All bills for utility services may be estimated when, for any reason, the meter cannot be read or the charges cannot be precisely determined. The City Clerk, or his designated agent, shall make such estimate, considering the average use of the customer over the previous six-month period. Such estimated bills shall be due and payable as are all other bills rendered under this Chapter.

**110.200. Landlords' liability for utility services.**

1. Landlord is hereby defined as a property owner who does not occupy a premises.
2. Every landlord shall be jointly and severally liable with the occupant for utility services. However, in no case, shall a landlord be responsible for more than three month's utility service charges, plus disconnection charges, if any, attorney's fees, service fees, court costs, and other costs incurred to collect. Notwithstanding this limit of liability, a landlord shall be solely responsible for utility services for which the landlord applies in his name.
3. In the event an account is turned over to the City's attorney for collection, the City shall notify the landlord, if any, in writing, of the amount due. Once so notified, the landlord shall have ten (10) days to pay the amounts due, if any, without being held responsible for any additional charges for attorney's fees, service fees, court costs, and other costs incurred to collect the amounts due.
4. Notwithstanding any prior ordinances, no landlord shall be responsible for any utility service charges prior to the effective date of this ordinance. Any landlord liability shall begin with the next billing date after passage of this ordinance.

*Adopted by Ordinance 6/14/93. Amended by: Ordinance #13, 10/6/95. Ordinance #51, 5/12/97. Ordinance # 71, 8/10/98. Ordinance #122, 2/12/01. Ordinance #156, 5/13/02. Ordinance #200, 6/9/03. Ordinance #232, 5/10/04. Ordinance #264-A, 2/14/05. Ordinance #265, 4/18/05. Ordinance #266, 3/14/05. Ordinance #270, 7/11/05. Ordinance #312, 3/13/06. Ordinance #348, 8/14/06. Ordinance #364, 11/20/06. Ordinance #425, 10/22/07. Ordinance #459, 5/12/08. Ordinance #462, 5/12/08. Ordinance #481, 7/28/08. Ordinance #512, 2/9/09. Ordinance #517, 5/11/09. Ordinance #548, 4/12/10. Ordinance #553, 5/10/10. Ordinance #557, 6/14/10. Ordinance #561-1, 7/12/10. Ordinance #662, 5/13/13. Ordinance #721, 7/13/15. Ordinance #740, 3/14/16.*