

SOLID WASTE UTILITY CODE AMENDMENTS

COUNCIL WORK SESSION

FEBRUARY 12, 2020





PURPOSE OF THE CHANGE

Bring consistency to the Code between Titles 5 and 9 with reference to the Solid Waste utility

Provide clear and consistent definitions

Provide guidance and authority to discontinue service and/or remove city-owned containers as a result of non-payment and/or lack of contract for services

TITLE 5 CHANGES



Changes all references from Container or Garbage Container to Solid Waste Container

Connects Title 5 to Title 9 with regard to billing, payment, and consequence of non-payment

Defines Solid Waste Container

Adds reference to Non-Payment of Service Fee



TITLE 9 CHANGES

Changes all references from Container or Garbage Container to Solid Waste Container

Provides authority to the CAO to discontinue services

Provides contract language which allows the City to enter property to retrieve solid waste containers

Provides guidance on how partial payments are applied





TITLE 9 CHANGES

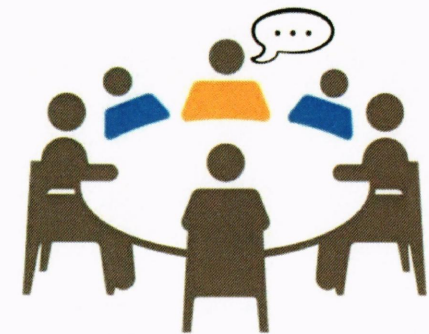
Amends the section from Disconnection to Discontinuance of Utilities

Outlines the process of Discontinuance of Utilities

Includes a requirement of contract for service

Provides consequences for the use of another account holder's containers

QUESTIONS?



Legislative

Title 5 ENVIRONMENT AND HEALTH

Chapter 5 SOLID WASTE COLLECTION

5-5-1: DEFINITIONS:

5-5-2: SOLID WASTE COLLECTION:

5-5-3: CONDITIONS FOR SOLID WASTE COLLECTION:

5-5-4: SERVICE FEE:

5-5-5: WASTE DISPOSAL:

5-5-6: CITY OWNED ~~GARBAGE CONTAINERS~~ SOLID WASTE CONTAINERS:

5-5-1: DEFINITIONS:

The following words, terms and phrases, when used in this chapter [and Title 9 Chapter 2A](#), shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

GREEN WASTE: Compostable trees and plant trimmings, grass cuttings, dead plants and plant material, leaves, weeds, chips, shavings and sawdust.

MIXED WASTE: Dead animals of less than ten (10) pounds in weight, except those slaughtered for human consumption; every accumulation of waste (animal, vegetable and/or other matter) that results from the preparation, processing, consumption, dealing in, handling, packing, canning, storage, transportation, decay or decomposition of meats, fish, fowl, birds, fruits, grains or other animal or vegetable matter (including, but not by way of limitation, used tin cans and other food containers and all putrescible or easily decomposable waste animal or vegetable matter which is likely to attract flies or rodents); waste wood, wood products, tree trimmings, grass cuttings, dead plants, weeds, leaves, dead trees or their branches, chips, shavings, sawdust, printer matter, paper, pasteboard, rags, straw, used and discarded clothing, used and discarded shoes, booths, combustible waste pulp and other products such as are used for packaging or wrapping crockery and glass, ashes, cinders, floor sweepings, glass, mineral or metallic substances, and all other waste materials commonly produced by normal residential living, but specifically excluding those items designated as bulky waste, construction debris, dead animals, garbage, hazardous waste or stable matter, as prohibited by subsection 5-5-3B of this chapter.

RECYCLABLE MATERIALS: Discarded household items acceptable for recycling as described in the City current recycling collection and processing contract. A copy of the above contract is on file with the City Clerk/Recorder and available for inspection during regular business hours of that office. (2001 Code § 70-2-101)

SOLID WASTE CONTAINER: Any container issued by the City and used in the City's collection of green waste, mixed waste, or recyclable materials.

5-5-2: SOLID WASTE COLLECTION:

- A. Collection of "~~solid waste~~green waste," "~~mixed waste,~~" and "~~recyclable materials,~~" as defined in section 5-5-1 of this chapter, from single-family dwellings, duplex residential dwellings, and mobile homes in a mobile home subdivision is prohibited, except pursuant to an executed contract with the City, or as otherwise may be authorized by this title.
- B. Unless otherwise directed by the Chief Executive Officer, the Chief Administrative Officer or his/her designee shall collect from each single-family dwelling, each duplex residential dwelling and each mobile home in a mobile home subdivision, the mixed waste, green waste, and recyclable materials produced at such residential dwelling. Such collection, and associated service fees, shall occur only where a current executed contract with the City exists as specified in section 5-5-2A of this Chapter, regardless of whether the resident opens an account with the City. The Chief Administrative Officer or his/her designee shall properly dispose of the mixed waste, green waste and recyclable materials so collected.
- C. ~~The Chief Executive Officer may negotiate and present to the City Council for approval an appropriate contract with a commercial or governmental solid waste collection and disposal service, to perform the duties stipulated in subsections A and B of this section.~~ Payment for the contractual services so performed shall be made from the revenues collected by the Chief Executive Officer from the service fees assessed pursuant to section 5-5-4 of this chapter. (2001 Code § 70-2-102; amd. Ord. 19-10, 2-27-2019)

5-5-3: CONDITIONS FOR SOLID WASTE COLLECTION:

- A. Conditions Specified: All solid waste materials for collection and disposal shall be placed entirely within approved ~~containers~~solid waste containers owned and furnished by the City. The ~~containers~~solid waste container shall be placed in the gutter, with the wheels of the ~~containers~~solid waste container facing away from the street. The lid of the ~~containers~~solid waste container must be completely closed. The ~~containers~~solid waste container must be placed at curbside by seven o'clock (7:00) A.M. on the designated day of collection. In cases of construction in the curbside area or in cases of other obstructions, the ~~containers~~solid waste container shall be placed for collection in the nearest accessible point of access to the regular point of collection. The point of collection must be clear of trees, overhead wires, poles, mailboxes, cars and any other overhead obstruction which would prevent the mechanical collection arm from grasping, raising and emptying the ~~containers~~solid waste container without the driver having to reposition the collection vehicle and allowing the driver to pull directly away to the next stop without backing. The collector may refuse to collect any residential refuse which is not contained within the ~~garbage containers~~solid waste container. For the collection and disposal of solid residential waste from single-family residences for which there is no direct access on a public street, the Chief Administrative Officer may make such arrangements for the collection and disposal of such solid waste and the charges as he deems appropriate; provided, that the daily service fee for such collection and disposal shall not exceed that charged for a single-family residence as provided in this chapter.
- B. Prohibited Collection And Disposal:
 - 1. The collection and disposal of the following items is prohibited:
 - a. Bulky Waste: Stoves, refrigerators, water tanks, washing machines, furniture and other similar waste materials with weights or volumes greater than those allowed for ~~containers~~solid waste containers.
 - b. Dead Animals: Animals or portions of animals equal to or greater than ten (10) pounds in weight that have expired from any cause.
 - c. Hazardous Waste: Any chemical, compound, mixture, substance or article which is designated by the United States Environmental Protection Agency, or appropriate agency of the State, to be "hazardous", as that term is defined by or pursuant to Federal or State law.

d. Stable Matter: All manure and other waste matter normally accumulated in or about a stable, or any animal, livestock or poultry enclosure, and all manure or other waste material resulting from the keeping of animals, poultry or livestock.

e. Construction Debris: Waste building materials resulting from construction, remodeling, repair or demolition operations, if such materials are not fully enclosed within the ~~containersolid waste container~~ or if such materials cause the weight of the ~~containersolid waste container~~ and contents to exceed the weight limitation of subsection B1g of this section.

f. Hot Ashes: Ashes which are warm to the touch.

g. Maximum Weight: Any item such that the total weight of the collection ~~containersolid waste container~~ and contents weighs in excess of two hundred fifty (250) pounds.

2. It is unlawful for any person to place any of the items listed in subsection B1 of this section into a City owned ~~garbage collection containersolid waste container~~ and place the ~~containersolid waste container~~ curbside for collection and disposal.

C. Ownership Of Material: When the ~~containersolid waste container~~ of solid waste is placed at curbside, title to the contents of the ~~containersolid waste container~~ shall pass to the City or its designee. Any expectation of privacy in the contents of any such ~~containersolid waste container~~ so placed at curbside is declared to be unreasonable.

D. Placement Of ~~ContainerSolid waste container~~: When practical, the ~~containersolid waste container~~ shall be placed on the edge of the street next to the driveway on the opposite side of the driveway approach from the mailbox. The ~~containersolid waste container~~ will not be placed closer than three feet (3') to any obstruction. When snow or street construction prevents the placing of the ~~containersolid waste container~~ against the curb, the ~~containersolid waste container~~ shall be placed not over two feet (2') from the edge of the snow or construction and in a manner that will not obstruct traffic or unduly impede snow plowing activities. In areas where there is no curb or gutter, ~~containersolid waste containers~~ shall be placed off the traveled portion of the roadway, but close enough to the roadway that the ~~containersolid waste container~~ can be picked up without undue difficulty. The ~~containersolid waste container~~ shall not be placed in a location that will block the driveway or traffic on the roadway. It is unlawful to park a vehicle upon a public street within ten feet (10') of a ~~garbage containersolid waste container~~ placed at curbside for collection of the residential refuse therein.

E. Time For Placement; Removal: Unless otherwise provided by regulations adopted by the Chief Executive Officer, the ~~garbage containersolid waste container~~ must not be set out upon the street for collection prior to six o'clock (6:00) P.M. of the evening before the day of collection. All empty ~~containersolid waste containers~~ must be removed from the street as soon as practical after being emptied and in every case must be removed from the street the same day they are emptied. (2001 Code § 70-2-103; amd. Ord. 19-10, 2-27-2019)

5-5-4: SERVICE FEE:

A. Solid Waste Collection Service Fee Set By Resolution: All service fees for solid waste collection and disposal service, including, but not limited to, associated late payment penalties and interest charges, shall be that amount which is established by resolution of the City Council. Two (2) copies of said fee resolution shall be on file with the City Clerk/Recorder and available for inspection during regular business hours of that office.

B. Property Owner Responsible For Payment: All service fees specified in this chapter shall be the responsibility of the owner of the property to which the service was provided. The City

may approve an agreement allowing for a tenant to place service fees in the tenant's name, but the owner of the property shall maintain ultimate responsibility for paying all service fees. (2001 Code § 70-2-104; amd. Ord. 19-10, 2-27-2019)

- C. Non-Payment of Service Fee: The City may discontinue services, retrieve solid waste containers, charge late payment penalties and interest charges in accordance with Title 9 Chapter 2A if such service fee is not paid by date set forth in Title 9 Chapter 2A. The City may use all other remedies, legal and equitable, to collect unpaid solid waste collection fees, including remedies found in Title 16.

5-5-5: WASTE DISPOSAL:

- A. Landfill Designated: "Mixed waste" and "green waste", as defined in section 5-5-1 of this chapter, and collected pursuant to this chapter, may be disposed of in the Trans-Jordan cities landfill, which is owned and operated by the City and other municipalities pursuant to an interlocal cooperation agreement.
- B. City Representative: The Chief Executive Officer, shall appoint or designate a qualified person, with the advice and consent of the City Council, to represent the City on the board of directors of the Trans-Jordan cities landfill.
- C. Recyclable Materials: Recyclable materials shall be delivered to and processed by an appropriate and approved recycling facility. (2001 Code § 70-2-105; amd. Ord. 19-10, 2-27-2019)

5-5-6: CITY OWNED GARBAGE CONTAINERSOLID WASTE CONTAINERS:

- A. Issuance; Rental Fee: All solid waste to be collected by the City from residential users shall be placed only in approved containersolid waste containers owned and provided by the City and issued to the user. The use of containersolid waste containers issued to other persons is prohibited. Ownership of the containersolid waste container shall be retained by the City. The monthly service charge includes a rental fee to amortize the cost of the containersolid waste container.
- B. Maintenance Required: Residents using the City provided containersolid waste containers shall keep the containersolid waste container free from destructive or decorative markings, maintain the original color, and keep the inside of such containersolid waste container clean and free from buildup of fungus, bacteria or any other type of contaminant that causes odors or facilitates deterioration of the containersolid waste container. The resident to whom the containersolid waste container is assigned is responsible for the containersolid waste container. The resident shall report to the Chief Administrative Officer or his designee any damage to or malfunctioning of the containersolid waste container. The containersolid waste containers provided by the City shall be issued to specific residents and are nontransferable. Upon discontinuance of use by a resident or upon the resident's moving from the community, the resident shall return the containersolid waste container to the Chief Administrative Officer or his designee. The resident is authorized to paint, with white paint, neatly stenciled house numbers, not more than six inches (6") in height, on the outside of the containersolid waste container.
- C. Additional ContainerSolid waste containers: Should a resident determine that additional containersolid waste containers are necessary, the resident shall request the additional garbage-containersolid waste containers. The Chief Administrative Officer shall assess and collect the fee set forth in the fee resolution of the City Council for each additional containersolid waste container. Two (2) copies of said fee resolution shall be on file with the City Clerk/Recorder and available for inspection during regular business hours of that office. The additional containersolid waste containers shall be provided to the resident for six (6) month periods of time, which will be automatically renewed unless the resident surrenders

the ~~garbage-container~~solid waste container to the Chief Administrative Officer or his designee prior to the ending of the six (6) month period.

- D. Removal, Damage Prohibited: It is unlawful to remove the City owned ~~container~~solid waste container from the immediate premises to which it has been assigned. It is unlawful to intentionally damage or deface the City owned ~~garbage-container~~solid waste container or to utilize it for purpose or in a manner other than the collection and disposal of residential refuse. (2001 Code § 70-2-106; amd. Ord. 19-10, 2-27-2019)

Title 9 UTILITIES

Chapter 2 UTILITY SERVICE AND BILLING

ARTICLE A. GENERAL PROVISIONS

9-2A-1: CONSOLIDATED SCHEDULE OF FEES AND SERVICE CHARGES:

9-2A-2: APPLICATION REQUIRED:

9-2A-3: PROPERTY OWNER RESPONSIBLE FOR PAYMENT:

9-2A-4: FREQUENCY OF METER READINGS:

9-2A-5: SERVICE FEES:

9-2A-6: BILLING AND PAYMENT:

9-2A-7: ~~DISCONNECTION~~DISCONTINUANCE OF UTILITIES:

9-2A-8: SERVICE RESTORATION; FEES AND PENALTIES:

9-2A-9: SECURITY DEPOSIT FOR BANKRUPTCY ACCOUNTS:

9-2A-10: SECURITY DEPOSIT FOR BAD CREDIT RISK ACCOUNTS:

9-2A-11: WATER METERS:

9-2A-1: CONSOLIDATED SCHEDULE OF FEES AND SERVICE CHARGES:

- A. Adopted By Resolution: Utility fees and service charges shall be as adopted by resolution of the City Council, which may be amended by resolution from time to time. The Chief Administrative Officer or designated representative shall present such fees and service charges to the City Council for its consideration.
- B. Copy On File: Pursuant to Utah Code Annotated section 10-3-711, as amended, one copy of the consolidated schedule of fees and service charges will be filed in the City Clerk/Recorder's Office for use and examination by the public. In addition, it may be made available on the City website. (2009 Code; amd. Ord. 19-05, 1-23-2019)

9-2A-2: APPLICATION REQUIRED:

- A. No utility service shall be furnished to any house, tenement, apartment building, place, premises or lot, regardless whether such service is for the direct use of the owner or of a tenant, unless an application shall be made in writing, signed by the property owner, in which application the property owner shall agree to pay for all utility service furnished thereto, according to City ordinances, rules and regulations. Proof of property ownership at the time of application shall be provided in a form acceptable to the Chief Administrative Officer or designated representative.
- B. The Chief Administrative Officer or designee shall not issue a final occupancy permit for any structure unless the property owner has made application for water, sewer, ~~garbage-solid~~ [waste](#) collection, streetlights and such other City provided utility services at the service address. (2009 Code; amd. Ord. 19-05, 1-23-2019)

- C. The Chief Administrative Officer may discontinue all utility services, including disconnecting water services and retrieving solid waste containers, regardless of whether the owner has paid in full for the services being provided, if the owner of the service address does not currently have an application or contract on file with the Finance Department. Discontinuance of utilities based upon a lack of required documents being on file with the City shall be in accordance with the provisions set forth in sections 9-2A-7 and 9-2A-8.
- D. The contents of the application must contain the following statement: "By executing this Agreement and submitting this Application, I hereby grant permission to the City and its employees, contractors, or agents to enter upon my property to operate, investigate allegations of misuse, discontinue City services, or for any other reasons related to the operations of City provided services, including for the purpose of retrieving solid waste containers."

9-2A-3: PROPERTY OWNER RESPONSIBLE FOR PAYMENT:

- A. Property Owner Responsible For All City Water And Related Service Charges: All rates and charges specified in this title shall be the responsibility of the owner of the property to which the service is provided.
- B. Current Owner Not Responsible For Prior Owner's Unpaid Bills: The utility may not require a new owner applicant to pay for services that were furnished to the particular premises before the new applicant became owner of the property, nor may it deny service to a property based on delinquencies of a prior owner.
- C. Food Service And Other Specialty Enterprises: Any food service enterprise or other enterprise requiring special reporting of water or sewer usage to a water treatment facility, must have a separate meter measuring its water use and a separate account with the City. (2001 Code § 90-1-105; amd. 2009 Code; Ord. 10-24, 8-25-2010)

9-2A-4: FREQUENCY OF METER READINGS:

- A. The Chief Administrative Officer or designee shall prescribe the frequency with which meters will be read. The frequency may be based on size, type and class of service, and other fair and equitable criteria, giving due consideration to the efficiency and economy of the operation of the utility as well as to the reasonable accuracy of the readings obtained.
- B. When meters are read less frequently than once a month, the measured water service determined by such readings shall be allocated to each month included in the period of time covered by the reading upon the assumption that water was consumed at an equal and unvarying rate throughout the period of time covered, and the rate shall be computed for the service allocated to each month on that basis. (2009 Code; amd. Ord. 19-05, 1-23-2019)

9-2A-5: SERVICE FEES:

- A. Multiple Units: The billings for multiple-unit residential units shall be based upon the number of units, living areas or mobile home lots actually contained within the residential complex, regardless of whether or not such unit, living area or lot is actually occupied. In addition to the charges provided for in this section, each residential, multi-unit residential, strip mall, commercial, industrial or manufacturing unit shall pay the surcharges and shall comply with the discharge limitations contained in this title.
- B. Sewer Discharge: Those users obtaining culinary water service from the City owned culinary water system shall be presumed to discharge into the City owned sanitary sewer system a volume of sewage effluent equal to the quantity of water so obtained, except as provided in this subsection and except as provided in subsection D of this section. The Chief Administrative Officer shall, at least annually, calculate the average winter monthly usage of each user whose culinary water meter is not read on a monthly basis during the winters.

Nonresidential users having their own water supply shall forthwith install and maintain a sewage flow meter of an appropriate size and quality as determined by the Chief Administrative Officer or his designee, and such user shall pay such fees for his discharge into the system as required by subsection A of this section.

- C. **Determining, Billing And Collecting Charges:** The Finance Director may implement appropriate procedures to determine, bill and collect the service charges. Notwithstanding anything in this section to the contrary, the monthly service charge describes, as nearly as practical, a thirty (30) day usage and billing cycle. For sewer service provided for less than a complete month, the Finance Director shall prorate the monthly service fee to reflect the charges for service actually provided during the period of service.
- D. **Manufacturing, Industrial User:** The Chief Administrative Officer or his designee, upon application of a manufacturing or industrial user (paying the service fees as required in this section) and upon a reasonable showing that, as a result of a particularly unique manufacturing or industrial usage of water, the quantity of culinary water furnished by the City or by the user from his own sources to that operation is significantly more than the quantity of sewage introduced into the City sewer system, shall reduce the charges to such manufacturing or industrial use so that such sewer charges will be in the same proportion to the sewer discharge. Application for such determination shall be in writing and shall contain such information as the Chief Administrative Officer shall deem necessary to make such determination. The determination and the resulting adjustment in the sewer charges shall be appealable to the City Council. The determination shall be reviewed by the Chief Administrative Officer or his designee at least annually. The user shall, within fifteen (15) days, report in writing to the Chief Administrative Officer any change in the function of the facility whereby there is introduced into the system a quantity of wastewater greater than was authorized; and if the change was not reported, the user shall pay the full sewer usage fee (based upon culinary water purchased) for the entire period since the last determination and fee adjustment were made. The granting of a charge reduction pursuant to these provisions shall not be construed to grant any vested right or entitlement to pay a reduced rate. The provisions of this section may be withdrawn by the City Council at any time. (2001 Code § 90-2-104; amd. 2009 Code; Ord. 19-05, 1-23-2019)

9-2A-6: BILLING AND PAYMENT:

- A. **Fee Schedule; Billing:** Charges and assessments for utility services shall be as set forth in the fee schedule adopted by the City Council. Bills shall be delivered monthly by U.S. mail, and the amounts shown therein shall be payable on the due date provided therein.
- B. **Payment Due; Delinquency:** Payment shall be due on the due date stated in the bill, and the account shall be deemed delinquent if payment is not received on or before the due date. Any balance unpaid after the specified due date will incur a monthly finance charge at a rate of one and one-half percent (1.5%) (annual percentage rate of 18 percent). Accounts unpaid for more than two (2) consecutive billing periods after the due date may be referred for collection and may be subject to subsequent collection fees up to thirty five percent (35%) of the total unpaid balance.
- C. **Time To Dispute:** Utility service billings produced and sent out by the City shall be deemed to be correct if they are not disputed by the account owner within sixty (60) days from the issuance thereof.
- D. **Partial Payments:** Partial payments (payments that do not satisfy the full amount due for all utilities that have been provided to the service address) received shall be applied in the following order according to services rendered for the ~~particular~~ utility account:
 - 1. First, to fund any required deposit;
 - 2. Second, to the payment of accrued interest, penalties and fees, if any;

3. Third, to the payment of unpaid street lighting fees, if any;
 4. Fourth, to the payment of unpaid stormwater fees, if any;
 5. Fifth, to the payment of unpaid sanitary sewer fees, if any; , to the payment of unpaid garbage collection fees, if any;
 6. Sixth, to the payment of unpaid collection fees, if any; and to the payment of unpaid sanitary sewer fees, if any; and
 7. Last, any remaining balance of the partial payment will then be applied to the water fee.
- E. Extended Payment Period: The Chief Administrative Officer or designee may negotiate an extended payment period with the property owner for the payment of overdue utility accounts, including the payment of penalties and interest as provided in this section, provided such payment period shall not exceed one year. One payment arrangement is allowed per utility account per calendar year.
- F. Billing Address: The property will be billed at the property owner's mailing address, which shall be provided to the City at the time of application and periodically updated by the owner as necessary. Failure to provide a correct and updated billing address for the property owner may result in a shutoff of service at the service address and the incurrence of service fees.
- G. Property Managers: A property owner may elect to have a property management company receive City utility service bills on the property owner's behalf. To do so, the City must be provided with a signed and current property management agreement or another form of written agent authorization. Although the City may agree to send its utility service bills to such a property manager, such action will not relieve the property owner of the primary responsibility to pay such bills timely and in full.
- H. Failure To Receive Billing: Failure to receive a utility service billing will not relieve a property owner of the responsibility for payment of said bill within the prescribed period, nor exempt any property owner from penalties or interest for delinquent accounts. (2001 Code § 90-1-106; amd. 2009 Code; Ord. 09-18, 6-23-2009; Ord. 10-24, 8-25-2010; Ord. 19-05, 1-23-2019)

9-2A-7: DISCONNECTIONDISCONTINUANCE OF UTILITIES:

- A. Disconnection-Discontinuance Of Water ServiceUtilities For Nonpayment: Subject to the conditions contained in this section, water service the City may discontinue services by any means necessary, including the disconnecting of water service and retrieval of solid waste containers, may be disconnected for:
1. Non-Payment: ~~Any~~ account that has a delinquent balance for more than two (2) consecutive billing periods and totaling one hundred twenty five dollars (\$125.00) or more, if said balance has remained unpaid by the final due date provided by notice.
 2. Lack of Required Documents: Any account or service address that does not have the required documents on file as required under section 9-2A-2.
- B. Service Fee: Prior to reestablishing service at a service location where the utility service was discontinuedthe water meter is disconnected or removed for the purpose of discontinuing service, the Chief Administrative Officer utility shall assess and collect a service fee, as required by an adopted by resolution of the City Council, in addition to the full amount owing for service to those premises.

- C. Notice: Prior to ~~discontinuing service, disconnection,~~ the Finance Director or designee shall notify the property owner that the account is delinquent ~~and or is lacking required documents~~ and that the ~~City utility~~ intends to ~~discontinue~~ ~~nect~~ service for ~~one of those reasons nonpayment~~. The notice shall be mailed to the property owner at the service address or an alternate mailing address, if provided. The notice shall be in a format to attract attention and shall: 1) state the proposed action; 2) state the reasons for such action; and 3) inform the property owner of the right to request a hearing.
- D. Time Of ~~Discontinuing Services~~ ~~Disconnect~~: No service shall be ~~discontinued~~ ~~nect~~ until after passage of ten (10) ~~calendar~~ days following mailing of the notice or, if a hearing ~~pursuant to Title 16~~ is requested, until the announcement of the decision rendered as a result of such hearing.
- E. Payments Accepted: Payment of the total unpaid balance of a delinquent account shall be accepted by the Finance Director or designee at any time during normal business hours, Monday through Friday, eight o'clock (8:00) A.M. to five o'clock (5:00) P.M., except holidays, and ~~discontinuance~~ ~~nection~~ shall be suspended pending verification of valid payment. Upon discovery that payment is not valid, ~~the utilities water service~~ for the account shall be ~~discontinued~~ ~~nect~~, and shall not ~~be reconnected~~ ~~resume~~ until the entire unpaid balance, including penalties and interest, the returned payment fee, the service fee, and, if appropriate, the bad credit risk security deposit specified in section 9-2A-10 of this article, are paid by guaranteed funds.
- F. Returned Payment Fee: In addition to any other penalties and fees specified in this title, the Finance Director shall assess and collect a returned payment fee if payment made by check, ACH or automatic withdrawal is not paid by the issuer's bank for any reason. The fee imposed by this section shall not prevent the imposition of any other penalty, fee or cost, including criminal prosecution, assessed or imposed by law for making payments dishonored by the issuer's bank.
- G. Separate Civil Litigation: Nothing in this section shall be construed to limit the right of the City to pursue separate civil litigation to collect any debt owing for services provided under this title.
- H. ~~Discontinuance of Service~~ ~~connection~~ At Request Of Property Owner: A property owner may request in writing that service be ~~disconnected and~~ discontinued as to a particular property; provided however, that all due and unpaid fees and charges for that account must be paid in full, including a prorated amount if the ~~discontinuance of water services~~ ~~nection~~ is requested in the middle of a meter reading/billing cycle; and provided further that ~~discontinuance~~ ~~nection of water service~~ and cessation of billing responsibility will take place upon physical disconnection ~~of the water~~ by City personnel, which may not take place until twenty four (24) to forty eight (48) hours following the receipt of the property owner's request for ~~discontinuance~~ ~~nection of water service~~. (2001 Code § 90-1-107; amd. 2009 Code; Ord. 09-18, 6-23-2009)

9-2A-8: SERVICE RESTORATION; FEES AND PENALTIES:

- A. ~~Disconnected or d~~Discontinued utility services shall not be restored unless, and until: 1) the account balance is paid in full; 2) the fees for ~~discontinuing~~ ~~nection~~ or limiting service and ~~restoring~~ ~~resuming~~ service are paid in full, including, but not limited to, the fee for reinstalling any water meter that has been removed for purposes of ~~disconnection~~ ~~discontinuing service~~; 3) all interest, penalties and fees are paid in full; ~~and~~ 4) required deposits, if any, have been provided; ~~and an application or contract is currently on file in the Finance Department~~.
- B. In the event an owner or occupant makes an unauthorized, illegal ~~water~~ connection by bypassing a meter box, a fee shall be assessed for reconnection, and collected in addition to all other fees, charges and penalties. Any person who makes such a connection may be charged with a criminal offense, and the City may seek any civil remedies permitted by law,

including, without limitation, recovery of damages for City property that is destroyed or damaged by such action. (2009 Code)

- C. In the event an owner or occupant makes use of a solid waste container assigned to another address during the time the service has been discontinued, a fee set by resolution by the City Council may be assessed before restoration of services, and collected in addition to all other fees, charges, and penalties. Any owner or occupant who uses a solid waste container that is not assigned to the owner's address, and does so without permission from the account holder of the solid waste container, may be charged with a criminal offense, and the City may seek any civil remedies permitted by law, including, without limitation, recovery of damages for City property that is destroyed or damaged by such action.

9-2A-9: SECURITY DEPOSIT FOR BANKRUPTCY ACCOUNTS:

- A. The Chief Administrative Officer or designee shall not alter, refuse or discontinue service to or discriminate against the bankruptcy trustee or the debtor receiving City provided utility service solely on the basis that a debt owed by the debtor to the City for such services rendered before the entry of the Bankruptcy Court's final order of relief was not paid when due.
- B. Within twenty (20) days after the date of the bankruptcy filing, the bankruptcy trustee or the debtor shall furnish adequate assurance of payment, in the form of a deposit or other security, for service after such date or all utility services will be terminated. Notwithstanding any contrary provisions of this title, failure to provide such deposit or security shall result in immediate termination of service.
- C. The required deposit amount shall be as adopted by resolution of the City Council and shall be retained by the City for a period not to exceed two (2) years after the bankruptcy relief date or until service is terminated. Any accrued charges unpaid upon termination shall first be deducted from the account prior to any balance being refunded.
- D. The amount of the deposit may be modified upon order of the Federal Bankruptcy Court, upon request of the property owner and after notice and a hearing, pursuant to section 366(b) of the Bankruptcy Act. These provisions shall not be construed to conflict with any provisions of the Federal Bankruptcy Act or any court order under such Act.
- E. If payment for future utility service becomes delinquent for over thirty (30) days, the Chief Administrative Officer or designee may withdraw an amount from the bankruptcy deposit as is necessary to abate the delinquency. If the delinquency exceeds the balance of the bankruptcy deposit, the Chief Administrative Officer may discontinue services in accordance with this title~~begin disconnection proceedings~~. If ~~discontinued~~disconnected, service shall be restored in accordance with the service restoration provisions of this title. (2001 Code § 90-1-108; amd. 2009 Code; Ord. 19-05, 1-23-2019)

9-2A-10: SECURITY DEPOSIT FOR BAD CREDIT RISK ACCOUNTS:

- A. The Chief Administrative Officer or designee may require a deposit as adopted by resolution of the City Council for residential and nonresidential accounts, which are "bad credit risk accounts", as defined in subsection B of this section.
- B. For the purposes of this section, "bad credit risk accounts" are those accounts:
1. When service has been terminated for delinquent payment two (2) or more times within any twelve (12) month period; or
 2. For which payment for services rendered is made by a check, automatic withdrawal, or ACH which is not paid by the bank upon first presentment, twice within any twelve (12) month period.

- C. The transfer of the account to the name of another individual shall not operate to waive the required deposit, except in the case of new property ownership, which shall require document proof of new ownership.
- D. The deposit required under subsection A of this section shall be held until service is terminated. Upon termination, any unpaid balance shall be deducted from the deposit, and the remainder of the deposit shall be refunded. If, after the deposit is submitted, the account remains in good standing for twenty four (24) consecutive months, the deposit may, at the property owner's request, be refunded, less any unpaid balance. For purposes of this section, an account in good standing shall be an account for which ~~utilities water service~~ has not been discontinued for delinquency.
- E. The Finance Director or designee may, in order to avoid undue hardship, allow the deposit to be paid in installments, provided such installment period does not exceed three (3) months and provided there are not violations occurring during the installment payment period. (2001 Code § 90-1-109; amd. 2009 Code; Ord. 19-05, 1-23-2019)

9-2A-11: WATER METERS:

- A. Water Bills Rely On Metered Usage Or Reasonable Estimates: All water use and related services, whenever practical, shall be billed as a result of metered usage. When metering or meter reading is not feasible, water use shall be billed as a result of estimated water usage using historical information or standard formulas to determine water requirements of similar property units.
- B. Strip Malls Or Commonly Developed Commercial Buildings: Each unit in a strip mall or commonly developed commercial buildings shall be separately metered.
- C. City Owns All Meters: All water meters measuring water flow from a City main are the property of the City and the City is responsible to maintain these meters.
- D. Meters In Closets Or Other Inside Locations: Notwithstanding subsection C of this section, if a developer or customer places a water meter inside of a building, then although the City will read such a meter for purposes of billing for water use and related services, the City disclaims any repair or maintenance responsibility for such meter, and the property owner shall be solely responsible for maintenance, repair and replacement of such a meter; and the property owner shall be solely responsible for any and all consequential damages arising from any delay in getting water shut off because of the location of the meter and related valves. To permit meter reading and access to the meter, the City must be provided with all necessary keys or codes to enter the premises and locate the meter. Any replacement of such an inside meter must be approved and inspected by the City to assure that the register on the meter is readable by the City.
- E. Access Easements: If a water meter is located anywhere other than in a City owned public right-of-way or utility strip, the City shall be granted an access easement by plat or otherwise to facilitate meter reading and maintenance.
- F. Installing Water Meters: The City will install all single-family and similar residential water meters (less than 1 inch), and all three-fourths inch ($\frac{3}{4}$ ") and one inch (1") commercial meters. The developer shall install any water meter larger than one inch (1") in accordance with City requirements, and the developer will be responsible for the water meters through the warranty period. The water meters will be inspected by City staff at appropriate times, prior to various releases and issuance of permits. If the meter is missing or damaged, the responsible party shall replace or repair the meter. (Ord. 10-24, 8-25-2010)