

**PART 17
UTILITIES**

**CHAPTER 1
GENERAL PROVISIONS**

Section 17-101	Lease of System
Section 17-102	Penalty, Adoption by Reference
Section 17-103	Duties Regarding Delinquent Utility Bills and Charges, Hearings and Appeals, Suits
Section 17-104	Failure to Pay Utility Bills; Penalty and Disconnection of Service
Section 17-105	Utility Transfer Fee
Section 17-106	Mandatory Utility Deposit
Section 17-107	Reduction of Deposit Amount for Tenants
Section 17-108	Waiver of Utility Deposits for Residences and Tenants
Section 17-109	Refund of Current Deposits
Section 17-110	Personnel May Inspect Private Premises
Section 17-111	Collection of Damages for Tampering with City Utilities
Section 17-112	Valid Mailing Address
Section 17-113	Landlord Responsibilities

**CHAPTER 2
REFUSE COLLECTION AND DISPOSAL**

Section 17-201	Solid Waste Collection
Section 17-202	Definitions
Section 17-203	Providing Containers
Section 17-204	Size and Weight Restrictions
Section 17-205	Yard, Shrub or Tree Trimmings, Grass, Leaves
Section 17-206	Placement of Containers for Collection
Section 17-207	Unlawful Acts
Section 17-208	Prohibited Materials
Section 17-209	Contract and Disposal
Section 17-210	Fees
Section 17-211	Penalty

**CHAPTER 3
WATER DISTRICT REGULATIONS**

Section 17-301	Application for Water Service
Section 17-302	Turning on Water
Section 17-303	Water May be Cut Off
Section 17-304	Water to be Turned Back on Only by Authority
Section 17-305	Customers to Keep Service Pipes in Good Repair, not to Waste Water
Section 17-306	Water Service Beyond the Corporate Limits, Written Agreements Required
Section 17-307	Water Shortages, Declaration of Emergency
Section 17-308	Restriction on Water Use in Emergency

Section 17-309	Proclamation and Notice of Emergency
Section 17-310	Grievances with Water Restrictions
Section 17-311	Mandatory Water, Sewer Hookups
Section 17-312	Water Taps and Connections; Fees
Section 17-313	Water And Waste Water Rates

CHAPTER 4
SEWER SYSTEM

Section 17-401	Prohibited Discharges
Section 17-402	New Sewers and Connections
Section 17-403	Sewer Taps and Connections; Fees

CHAPTER 5
IDENTITY THEFT PREVENTION PROGRAM

Section 17-501	Short Title
Section 17-502	Purpose
Section 17-503	Definitions
Section 17-504	Findings
Section 17-505	Process of Establishing a Covered Account
Section 17-506	Access to Covered Account Information
Section 17-507	Credit Card Payments
Section 17-508	Sources and Types of Red Flags
Section 17-509	Prevention and Mitigation of Identity Theft
Section 17-510	Updating the Program
Section 17-511	Program Administration
Section 17-512	Outside Service Providers
Section 17-513	Treatment of Address Discrepancies

**CHAPTER 1
GENERAL PROVISIONS**

Section 17-101	Lease of System
Section 17-102	Penalty, Adoption by Reference
Section 17-103	Duties Regarding Delinquent Utility Bills and Charges, Hearings and Appeals, Suits
Section 17-104	Failure to Pay Utility Bills; Penalty and Disconnection of Service
Section 17-105	Utility Transfer Fee
Section 17-106	Mandatory Utility Deposit
Section 17-107	Reduction of Deposit Amount for Tenants
Section 17-108	Waiver of Utility Deposits for Residences and Tenants
Section 17-109	Refund of Current Deposits
Section 17-110	Personnel May Inspect Private Premises
Section 17-111	Collection of Damages for Tampering With City Utilities
Section 17-112	Valid Mailing Address
Section 17-113	Landlord Responsibilities

SECTION 17-101 LEASE OF SYSTEM

The City has leased the operation of its water and sewer systems to the Shidler Public Works Authority, including setting rates for use of the systems and all regulations governing them. For a copy of current rates and rules, see the minutes of the Shidler Public Works Authority.

SECTION 17-102 PENALTY; ADOPTION BY REFERENCE

The rates and rules of the Shidler Public Authority are adopted and incorporated herein by reference, fully applicable as if set out at length herein. Violations are punishable as provided in Section 1-108 of this Code.

SECTION 17-103 DUTIES REGARDING DELINQUENT UTILITY BILLS AND CHARGES, HEARINGS AND APPEALS, SUITS

- A. The City in an effort to collect utility bills and charges for services due, shall
1. Declare all utility bills and charges not paid by the following 10th day of the month, delinquent and add a late charge of ten percent (10%) and both City and Trust personnel shall follow the Mayor's directions with regard thereto;
 2. Cause written notice on the 20th day of the month to be served at the customer's place of service, giving the amount due therein, together with the late charge; and
 3. Unless a customer is excused by the City and his/her utility bills and charges remain unpaid, Part A and B having been fully complied with, the City, on the 25th day of the same month or thereafter, shall terminate or cause to be terminated the unpaid utility service or services.

- B. The City may temporarily halt the termination of services providing that the Mayor determines;
1. That an actual temporary hardship is encountered of a serious nature;
 2. That an actual meter error or meter reading error has occurred, thereby allowing and requiring adjustment thereof; and
 3. That the customer acknowledges the utility bill or charge and executes a written agreement for Deferred Payment ("Deferred Agreement") having as a minimum the following conditions and requirements, to-wit:
 - a. Deferred agreements cannot be made for two (2) consecutive months;
 - b. Limit of two (2) Deferred Agreements per calendar year;
 - c. If, at any time, utilities are disconnected for non-payment or Deferred Agreement is not paid in full by the due date, the customer will not be allowed a Deferred Agreement for one (1) year.
 - d. Due date on Deferred Agreements shall not be extended.
- C. The City is hereby directed, ordered and mandated to bring legal action for all unpaid utility bills and charges heretofore existing for more than sixty (60) days prior hereto under Subsection A hereof or for bills that are unpaid under Subsection A, Paragraph 3 hereof, and to seek all legal, justified and feasible collection measures. However, if the City deems a suit unfeasible to prosecute, then and in that event, the Mayor shall determine that the account is uncollectible and a bad debt.

SECTION 17-104 FAILURE TO PAY UTILITY BILLS; PENALTY AND DISCONNECTION OF SERVICE

Upon failure to pay any part of a utility bill submitted by the City for any utility services pursuant to Section 17-103 of this Code by the past due date which is printed on the bill, the following actions and penalties shall result:

1. A ten percent (10%) penalty of all amounts owing on a utility bill may be added to any utility bill which is not paid by the past due date printed on the bill;
2. The authorized agents shall disconnect or discontinue any or all utility services to the customer after mailing or posting written notice to the customer of the intent to disconnect or discontinue any or all of the utility services; or
3. The authorized agents, upon direction of the City may discontinue furnishing water or electricity to any customer refusing or neglecting to pay all or any part of a utility bill submitted after mailing written notice to the customer of the intent to disconnect the water or electrical service.

4. A return check charge of Twenty-Five Dollars (\$25.00) per check will be assessed against any customer presenting a dishonored check for payment of utilities, wherein the check amount and late check charge must be paid by cashier's check or cash to avoid termination.
5. A fee as set forth in 17-312(D).

SECTION 17-105 UTILITY TRANSFER FEE

A fee of Twenty Dollars (\$20.00) shall be assessed to each customer for turn-offs and turn-ons in changing accounts.

SECTION 17-106 MANDATORY UTILITY DEPOSIT

- A. All residential applicants for utility services owning the real property upon which utility service will be provided shall be required to deposit the sum of Two Hundred Fifty Dollars (\$250.00) before service is provided. All tenants not owning the real property upon which the utility service will be provided shall be required to deposit the sum of Two Hundred Fifty Dollars (\$250.00) before utility services can be provided.
- B. All commercial applicants for utility services shall be required to deposit the sum of Twenty Five Dollars (\$25.00) before service is provided.
- C. All applicants must present a photographic identification plus one (1) other form of identification before an application will be accepted. Applicant must present a valid driver's license number or social security number. Along with a Rental and Buyer's Agreement.
- D. For all tenants, a Rental Agreement, Rent to Own Agreement, Buyer's Agreement, or otherwise is required before utility service will be approved.

SECTION 17-107 REDUCTION OF DEPOSIT AMOUNT FOR TENANTS

Any tenant presenting a written guarantee on an approved City of Shidler form at the time service shall not be required to pay a deposit. This guarantee must be duly executed by the landlord or a current utility account customer in good standing for the past two (2) years.

SECTION 17-108 WAIVER OF UTILITY DEPOSITS FOR RESIDENCES AND TENANTS

Those residential utility service applicants requesting service who can present written confirmation from his or her previous utility service providers that the applicant customer has been in good standing at the same address for twenty-four (24) consecutive months will not be required to provide a utility services deposit so long as the customer remains in good standing with respect to payment of utility services when due. A utility deposit for the amounts set forth in Section 17-107 will be required should the utility customer fail to make timely and proper payment, wherein the customer becomes subject to disconnection of the utility services

SECTION 17-109 REFUND OF CURRENT DEPOSITS

All residential utility service customers in good standing, thereby having made proper and timely payment of their accounts for the past two (2) years, will be refunded their deposit by crediting their account for current utility services until the deposit has been fully returned and credited. No new deposit will be required unless the utility service customer fails to make timely and proper payment, wherein the utility service customer is subject to disconnect. In this event, a new deposit will be required from the utility service customer as set forth in Section 17-106. Should a new deposit be required from a utility service customer whose deposit was previously returned, said utility customer must be in good standing for a period of two (2) years before his or her utility service deposit may once again be refunded as set forth above.

SECTION 17-110 PERSONNEL MAY INSPECT PRIVATE PREMISES

City or Authority personnel in the service of the utility systems may enter any private premises served by the water or other utility systems at any reasonable time and inspect the water pipes and fixtures on the premises.

SECTION 17-111 COLLECTION OF DAMAGES FOR TAMPERING WITH CITY UTILITIES

In the event that a customer causes the adjustment, connection, disconnection, injury, destruction, or any way tampers with any water pipe, loop, riser, meter box lid, endpoint, or connection belonging to the City of Shidler or its Public Works Authority, or any water meter, or any pipe or connection belonging thereto, or any other part of the water or sewer system, or has done any act or used any contrivance to prevent or affect correct and proper registration of any such meter, then and in that event, all utility services shall be immediately disconnected and all costs of materials and labor supplied by the City of Shidler or its Public Works Authority shall be assessed and paid by the customer. No services shall be reconnected until all invoices for the repairs are made in full unless a written agreement is entered into between the parties for payment.

SECTION 17-112 VALID MAILING ADDRESS

Utility customers shall maintain a valid mailing address with the Post Office and shall notify the Utility Billing Clerk of any change of mailing address within two (2) business days of any such change. Failure to maintain a valid mailing address will result in immediate termination of utility services, whether the customer is current or not current on payments due for utility services. Any reconnect fees after obtaining and a valid mailing address shall be paid in advance, along with any balance due and owing for past utility services.

SECTION 17-113 LANDLORD RESPONSIBILITIES

Where a tenant has obtained utility service, after depositing the required amounts under Section 17-106, and after providing a written copy of their lease agreement, where applicable, the owner/landlord of the property upon which service has been obtained shall receive notice in writing that the account for the services has been opened and shall receive a copy of any notice to the tenant that the utility account is delinquent and of any disposition or account closing. Should the tenant or occupant leave an account balance after the application of any deposits remaining, and so long as copies of all delinquency notices were sent by first class mail to the Landlord/Owner, the delinquent balance due shall constitute a lien or encumbrance that must be paid in full before service will be recommenced at the address.

CHAPTER 2
REFUSE COLLECTION AND DISPOSAL

Section 17-201	Solid Waste Collection
Section 17-202	Definitions
Section 17-203	Providing Containers
Section 17-204	Size and Weight Restrictions
Section 17-205	Yard, Shrub or Tree Trimmings, Grass, Leaves
Section 17-206	Placement of Containers for Collection
Section 17-207	Unlawful Acts
Section 17-208	Prohibited Materials
Section 17-209	Contract and Disposal
Section 17-210	Fees
Section 17-211	Penalty

SECTION 17-201 SOLID WASTE COLLECTION

The City shall provide for the collection and disposal of all Solid Waste from Dwelling Units within the City limits and no other person shall collect and dispose of Solid Waste from Dwelling Units within the City unless authorized by license or other formal agreement with the City. The City may provide the collection and disposal service by contracting with a person, firm, corporation or any combination thereof, for the entire city or portions thereof, as deemed to be in the best interests of the City and may limit collection to pick up at the curb in the discretion of the governing body.

The collection, transportation and disposal of Solid Waste shall be at all times under the general supervision of the Board of Trustees of the Shidler, Oklahoma, Public Works Authority, who shall have the authority to make additional rules and regulations not inconsistent with the terms and provisions of this Chapter. Exceptions to these rules must be approved by the Board of Trustees of the Shidler, Oklahoma, Public Works Authority.

Nothing in this Chapter shall prohibit any person from transporting his or her own Solid Waste, but intervals of disposal shall be not less than that prescribed for the Solid Waste collection system of the City, and the disposal shall be in the same manner and pace prescribed for the City system. Those persons transporting or otherwise disposing of their own Solid Waste shall not be relieved from the minimum charge imposed in accordance with the provisions of this Division.

It shall be unlawful for the owner or occupant of any residence, institution, professional, commercial, or business establishment, or for contractors or builders engaged in construction or remodeling projects, to deposit or accumulate Solid Waste in or upon any lot, parcel or land, public or private drive, alley, street or other place in the City. No person shall permit or allow any Solid Waste to be scattered about in his or her yard or upon the premises occupied by him or her or to throw or deposit any Solid Waste upon the premises of any other person or upon any of the streets, alleys or other public places in the City.

SECTION 17-202 DEFINITIONS

As used in this Chapter the following words shall have the meanings respectively set out opposite them.

- A. Authority shall mean the Shidler, Oklahoma Public Works Authority.
- B. Commercial Waste shall mean all Solid Waste emanating from establishments engaged in business including, without limitation, stores, markets, office buildings and restaurants.
- C. Dwelling Unit shall mean single and double family Residential Dwelling(s).
- D. Garbage includes all kitchen and table refuse and every accumulation of animal, vegetable and other material that attends the preparation, consumption, decay or dealing in or storage of meat, fish, fowl, birds, grain, fruits, vegetable refuse from kitchens and all household wastes that shall have resulted from the preparation of food including tin cans and bottles. Dead animals, dishwater and wastewater are not included under garbage.
- E. Refuse includes any and all accumulations of waste material, garbage, trash, rubbish, paper leaves, grass, packing material, pasteboard, trimmings from lawn and flower gardens, cinders, metal and small tree limbs under four (4) inches in diameter when cut to a length of not to exceed four (4) feet and tied in bundles not to exceed eighteen (18) inches in diameter. The term refuse shall include waste products from the construction, remodeling, demolition or repair of any building, or resulting from any construction or building operation. The term refuse shall not include:
 - 1. Sod, dirt, sand, rocks, bricks, or other masonry unless packaged in accordance with Section 17-408(C) or placed in roll-off containers designated for such purpose;
 - 2. Any item posing unusual risk of injury to personnel or damage to the collection vehicle;
 - 3. Tires;
 - 4. Commercial Waste.
- F. Residential shall mean any enclosure, building, structure or portion thereof occupied by one (1) or more persons for and as living quarters and containing: (1) individual dwelling unit; (2) rooming houses having no more than four (4) persons in addition to the family or the owner or operator; and (3) mobile homes, manufactured homes and residential-designed manufactured homes.
- G. Solid Waste shall mean Garbage and Refuse.

SECTION 17-203 PROVIDING CONTAINERS

The Authorities or its contractor will provide each Dwelling Unit with one (1) portable container adequate to contain the amount of Solid Waste ordinarily accumulated during the intervals between collections. Lost, stolen or damaged containers will be replaced at the customer's cost. The customer will be responsible for cleanup of Solid Waste scattered or spilled by animals, wind or other causes before arrival of the collection crew. Collection supervisors are authorized to confiscate any container permitted to remain in a street or alley for more than twenty-four (24) hours after the last collection without prior approval by the Board of Trustees of the Shidler, Oklahoma, Public Works Authority, and any containers which hazardous condition is not corrected after one warning tag has been issued.

SECTION 17-204 SIZE AND WEIGHT RESTRICTIONS

- A. It is the duty of every person, firm or corporation owning, managing, operating, leasing or renting any premises or any place where garbage or rubbish accumulates, to provide, and at all times to maintain in good order and repair, on any premises a portable container or containers for refuse which shall be made of galvanized metal or equivalent, not easily corrodible, rodent-proof and flyproof, with tight-fitting lid which shall not be removed except when depositing or removing the contents of the receptacle, and with handles on the sides, and of sufficient capacity and in sufficient numbers to accommodate and securely keep all the garbage and rubbish that may accumulate between collections. Each container shall have a capacity of not more than thirty (30) gallons, except where approved type build storage containers are in use. If containers over thirty (30) gallons are used, all refuse shall be bagged in plastic trash bags before placing in any container over thirty (30) gallons. All containers shall be kept clean and free from the accumulation of any substance remaining attached to the inside of the container which would attract flies, mosquitoes and any other insects.

SECTION 17-205 YARD, SHRUBS, OR TREE TRIMMINGS, GRASS, LEAVES

Yard, shrub, or tree trimmings not bundled or placed in approved containers will not be collected. Bundles must be tied securely, shall not be more than eighteen (18) inches in diameter, not more than four (4) feet long nor more than sixty-five (65) pounds in weight. Yard, shrub, and tree trimmings placed in cans, bags or roll-out carts are not to extend more than twelve (12) inches above the top of the can, bag or cart, or be so tightly packed that they must be pulled from the container by hand.

SECTION 17-206 PLACEMENT OF CONTAINERS FOR COLLECTION

- A. Unless another pickup point has been approved by the Authority, all carts containing Solid Waste, upon days of collection thereof, shall be placed by the occupant at curbside before 6:00 o'clock A.M., but not earlier than twenty-four (24) hours before that time.
- B. Collection at the door or other agreed location may be authorized by the Mayor or Board of Trustees of the Shidler Public Works Authority for hardship cases arising from physical impairment upon written application. Such special collection service shall be provided for a specified period, subject to renewal.

- C. Containers shall be placed in a clearly accessible and uncluttered area to minimize risk of injury to the collector. Dogs tethered near Solid Waste containers must be where they cannot interfere with the collection of Solid Waste.
- D. Carts should not be overfilled in order for the lid to close properly.
- E. Carts should be placed no more than two (2) feet away from the curb or edge of the street with the lid opening facing the street and the handle facing the residence. If there is more than one (1) cart, the customer shall allow more than three (3) feet between carts.
- F. No carts shall be placed any closer than five (5) feet from any vehicle, mailbox or fens.
- G. All carts must be removed from the curb within twenty-four (24) hours.

SECTION 17-207 UNLAWFUL ACTS

Unless authorized hereby to collect and dispose of Solid Waste, it shall be unlawful for any person to:

- A. Remove any portion of the contents of any Solid Waste container;
- B. Upset, turnover, remove or carry away a Solid Waste container, or lid thereto, or to damage such container or lid in any manner;
- C. Place or deposit Solid Waste in a Dwelling Unit container other than one that has been provided for his or her use, or a container provided and marked for public use;
- D. Set out, or cause to be set out, Solid Waste for collection that does not originate from the premises where it is set out unless specifically approved by the Board of Trustees the Shidler, Oklahoma, Public Works Authority in each case;
- E. Place any material other than Solid Waste in any City provided container except with prior authorization by the Board of Trustees of the Shidler, Oklahoma, Public Works Authority; or
- F. Place Solid Waste in any container in such a manner as to prevent proper closure of the container lid.

SECTION 17-208 PROHIBITED MATERIALS

- A. Dangerous material such as hot ashes, radioactive materials, acids, caustics, diseased or infected materials, highly volatile materials, or explosives, shall not be collected.
- B. Materials not defined as Solid Waste in Section 17-402 shall not be collected.
- C. Cold ashes, sawdust, sand, dirt, powdery material, small gravel or material whose particles, are less than one (1) inch in diameter, herbicides, insecticides, other home and harden

chemicals, animal manure, and litter box refuse shall not be collected unless sealed in a durable, disposable container prior to being placed out for collection.

- D. Materials defined as hazardous or infectious by federal or state agencies shall not be collected by the City.
- E. Boxes or cartons larger than thirty (30) inches per side will not be collected by residential collection crews unless collapsed or otherwise reduced in size so that they will easily fit into the collection vehicle.

SECTION 17-209 CONTRACT AND DISPOSAL

- A. The City shall have authority to enter into contractual obligation with those who wish to engage in the business of refuse collection or refuse disposal for compensation in the City, The City shall be limited to contracting for such service to contract only with the persons having proper equipment, meeting State Department of Health requirements, and sufficient personnel to collect and dispose of refuse in accordance with the provisions of this Ordinance; and provided further that the method of disposal contracted for must be in accordance with the requirements of this Chapter.
- B. Every person desiring to engage in the collection and disposal of refuse shall have the right to make written application to the City and shall make written application, setting forth the name of the equipment to be used in the collection or disposal of such refuse, the place of disposal and the method of disposal to be practiced. Upon approval of application all bids may be considered at some time prior to the expiration of the then existing contract, if any.
- C. Any person whose application has been denied may request and shall be granted, a hearing before the City Council.

SECTION 17-210 FEES

There may be charged, assessed and collected from each residential and commercial unit, such amounts as set by the City Council by motion or resolution.

SECTION 17-211 PENALTY

Any person or persons, firm, or corporation who violates any of the provisions of this Chapter, or who fails to provide the necessary garbage receptacles as herein required, or shall allow the premises occupied to become unsanitary, or who shall in any manner violate any of the provisions of this Chapter, shall be deemed guilty of a misdemeanor, and upon conviction, shall be fined in any sum as provided in Section 1-108 of this Code.

**CHAPTER 3
WATER DISTRICT REGULATIONS**

Section 17-301	Application for Water Service
Section 17-302	Turning on Water
Section 17-303	Water May be Cut Off
Section 17-304	Water to be Turned Back on Only by Authority
Section 17-305	Customers to Keep Service Pipes in Good Repair, not to Waste Water
Section 17-306	Water Service Beyond the Corporate Limits, Written Agreements Required
Section 17-307	Water Shortages, Declaration of Emergency
Section 17-308	Restriction on Water Use in Emergency
Section 17-309	Proclamation and Notice of Emergency
Section 17-310	Grievances with Water Restrictions
Section 17-311	Mandatory Water, Sewer Hookups
Section 17-312	Water Taps and Connections; Fees, Utility Deposits
Section 17-313	Water And Waste Water Rates

SECTION 17-301 APPLICATION FOR WATER SERVICE

Any person desiring to secure water from the water system shall make an application therefor on an application form to be provided by the Authority. The applicant shall give such reasonable information as the Authority may request. He shall state in the application that he will abide by all Ordinances, rules and regulations governing the water system of the City and Authority.

SECTION 17-302 TURNING ON WATER

It is unlawful for any person to turn the water on to any premises from the water system except by permission of the Authority. Water shall not be turned on until the plumbing has been installed and is in operation as provided by Ordinance and until any and all deposits and charges have been paid. The City will see that the water is turned on when all requirements for service have been complied with.

SECTION 17-303 WATER MAY BE CUT OFF

Water may be cut off and service discontinued for any user of water from the water system for any of the following reasons:

1. Violation of any Ordinance provision relating to the water system, or violation of any Ordinance or other provision or any provision of any Code adopted by reference relating to water and sanitary plumbing;
2. Any act or omission in regard to the water system or sanitary sewer system, the use of water, or the disposal of liquid wastes, which jeopardizes the public health or safety, creates a public nuisance, or interferes with the rights of others; or

3. Failure to pay a water bill or other proper charge in connection with the water system by the time when the bill becomes delinquent.

SECTION 17-304 WATER TO BE TURNED BACK ON ONLY BY AUTHORITY

When the water of any customer has been turned off by Authority personnel, it shall not again be turned on except by permission of the Authority.

SECTION 17-305 CUSTOMERS TO KEEP SERVICE PIPES IN GOOD REPAIR, NOT TO WASTE WATER

All customers using water shall keep their service pipes, stop cocks, and other water apparatus in good repair and in proper operation, and shall not unnecessarily wastewater.

SECTION 17-306 WATER SERVICE BEYOND THE CORPORATE LIMITS, WRITTEN AGREEMENTS REQUIRED

- A. All consumers outside the corporate limits of the City shall be required to enter into a written agreement with the Authority with a proviso therein that emergency situations imposed upon the users within the City shall by virtue thereof be applicable to the consumers outside the City.
- B. The Public Works Authority, by Resolution, finding that a particular consumer is using large and vast quantities of water, may negotiate a contract with such user wherein special terms and a negotiated rate are agreed upon in writing but the rate shall always be in excess of actual costs and the Resolution making the finding, together with the special rate and terms of this contract, shall be reconsidered by each subsequent Board. In such agreements there shall always be a proviso that in emergency situations declared by the Authority or City, and applicable to its other consumers, the City or Authority may limit the use of the water regardless of the quantities required under the special contract.

SECTION 17-307 WATER SHORTAGES, DECLARATION OF EMERGENCY

- A. Whenever an emergency exists by reason of a shortage of water due to inadequate supply, limited treatment or distribution capacity or failure of equipment or material, the Board of Trustees is hereby authorized to restrict or prohibit the use of water from the water system.
- B. An emergency exists whenever the Board of Trustees reasonably determine that the water system is unable or will within sixty (60) days become unable to supply the full commercial and domestic needs of the users thereof, including adequate fire protection.

SECTION 17-308 RESTRICTION ON WATER USE IN EMERGENCY

- A. Upon the determination that such an emergency exists the Mayor shall issue a proclamation declaring the emergency and setting out with particularity an order restricting use of water from the system. The order may:
 1. Restrict water usage during certain periods of the day or week or according to any

orderly and nondiscriminatory scheme; and

2. Prohibit usages not essential to public health and safety. The order may be revised from time to time as the Mayor deems necessary.
- B. A duly proclaimed emergency shall continue and the terms of the proclamation shall be in force for thirty (30) days or until such time as the Mayor shall cause to be published a proclamation that the emergency has ended, whichever is shorter, unless the Authority, by Resolution approved by a majority of all its members, votes to terminate the emergency and proclamation upon a different date.

SECTION 17-309 PROCLAMATION AND NOTICE OF EMERGENCY

- A. The proclamation required by the preceding Section shall be published in a newspaper of general circulation in the City or, if there is no such newspaper in which the proclamation may be published within twenty-four (24) hours after the emergency arises, publication shall be by posting a copy of the proclamation in ten (10) prominent places in the City. The emergency shall be in full force and effect upon publication. Substantial compliance with this Section is sufficient to affect the emergency.
- B. Whenever a sudden or unexpected event so reduces the availability of water or water pressure as to create an immediate threat to public health or safety the notice of the proclamation may be given by any reasonable means, including electronic means. The emergency shall be in full force and effect upon such notice. However, if any means other than that required in Subsection A of this Section is used, the proclamation shall be republished in accordance with Subsection A within twenty-four (24) hours of the first notice.

SECTION 17-310 GRIEVANCES WITH WATER RESTRICTIONS

Any person feeling aggrieved by a proclamation of the Mayor shall have the right to present the matter to the next regular or special meeting of the Public Works Authority or to any emergency session called to discuss the water emergency. The Board may exempt such aggrieved person, wholly or in part, from compliance with the proclamation order upon a showing that compliance creates an immediate threat to the person's health or safety. The ruling of the Board of Trustees by a majority vote of all its members shall be final and binding as to the continuance of any terms of the proclamation. Until and unless the action of the Mayor is modified or revoked by action of the Board, all water users shall be bound by the proclamation.

SECTION 17-311 MANDATORY WATER, SEWER HOOKUPS

- A. From and after December 23, 1975, all residences, households, mobile homes and businesses are hereby required to hook up to the water system and sewer system. Each residence, household, mobile home and business shall have a separate water connection and meter and a separate sewer connection.
- B. It shall be hereafter unlawful for any person to maintain or establish a private water well to serve any residence, business or facility of any kind unless the residence, business or

facility maintaining, drilling or establishing same shall first be connected to the municipal water system as provided in Subsection A above, and second shall pay the monthly utility fees and charges due; provided, that any residence, business or facility seeking to drill or establish such a private water well after September 19, 2011, shall first make application through the City Clerk; and execute a written agreement as follows, to-wit: (1) that the residence, business or facility meets all mandatory hookup requirements as provided by this Section; (2) that the well will meet, any and all local, county, or state requirements for non-potable water; (3) that there will be no resale of water obtained from the well, with the exception of bulk sales of untreated well water to purchasers directly serving the oil and gas industry or construction industry where the well is in an area that is zoned commercial; (4) that the well site will be permitted through the Oklahoma Water Resources Board as required by law; (5) that water from the well will be metered in any situation where the water from the well may flow or be dispensed into the wastewater treatment lines and facilities of the City of Shidler, whereby the residence, business or facility shall pay for the meter installation, allow access for the proper reading of any usage, and pay the applicable wastewater treatment rate; (6) that water from the well will not be used for human consumption; and (7) that there will be no cross connections to any component of the City's water system, including any water lines on private property which are connected to the City's water system.

SECTION 17-312 WATER TAPS AND CONNECTIONS; FEES

- A. The City shall approve any request for a water tap and connection. Prior to granting this approval, the customer shall have paid the appropriate deposit referenced in Section 17-106, which shall serve as a guarantee for the payment of charges for utility service. It shall be held in trust by the City. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the City have been satisfied, shall be returned to the customer.
- B. For all water meters which are reconnected to commence service, there shall be charged a service fee for Twenty-Five Dollars (\$25.00) on all meters.
- C. For all water meter taps which are newly installed, there shall be a fee of Seven Hundred and Fifty Dollars (\$750.00) plus costs, charged to the residential customer for said water meter tap installation and connection.
- D. For all water meters which are connected to recommence service after nonpayment, there shall be charged a service fee of Twenty-Five (\$25.00) Dollars for the first reconnection, Fifty (\$50.00) Dollars upon the second reconnection, and Seventy-Five (\$75.00) Dollars for the third or more reconnections. Upon the expiration of the term of one (1) year with no disconnections, the customer's reconnection fee shall return to Twenty-Five (\$25.00) Dollars but shall remain subject to the fee schedule in Section B above.

ORDINANCE NO. 2023-04-01

AN ORDINANCE OF THE CITY OF SHIDLER, OKLAHOMA, A MUNICIPAL CORPORATION, AMENDING SECTION 17-313 OF THE CODE OF ORDINANCES OF THE CITY OF SHIDLER TITLED "WATER AND WASTEWATER RATES"; PROVIDING FOR A BASE FEE FOR STANDALONE WATER HYDRATES CONNECTED TO THEIR OWN WATER METER; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER AND DECLARING AN EMERGENCY.

WHEREAS, by majority vote of the Mayor and the City Council of the City of Shidler, Oklahoma at a Special Meeting on the 5th day of April, 2023, it was deemed to be necessary to amend Section 17-313 of the Code of Ordinances, City of Shidler, Oklahoma, titled "Water and Wastewater Rates."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Shidler, Oklahoma, meeting at City Hall during Special Meeting on this 5th day of April, 2023, as follows:

Section One (1): That Section 17-313, titled "Water and Wastewater Rates" is hereby amended and shall provide for and read, in its entirety, as follows, to wit:

SECTION 17-313 WATER AND WASTEWATER RATES

A. Water Rates:

There shall be a minimum base charge for water services of Thirty-Five Dollars (\$35.00) per user per month; plus an additional charge of Seven Dollars (\$7.00) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Eight Dollars (\$8.00) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Nine Dollars (\$9.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Ten Dollars (\$10.00) per thousand gallons for all metered water used above ten thousand (10,000) gallons.

B. Hydrant Base Fee:

For each water meter which is connected exclusively to a standalone water hydrant, or set of water hydrants, there shall be a minimum base charge for water services of Thirty-Five Dollars (\$35.00) per water hydrant or set of water hydrants connected to a single water meter per month, in addition to actual water usage as calculated in subsection A above. Any water meter which exclusively services any standalone water hydrant, or set of water hydrants under this subsection, where sewer is not utilized, shall be exempt from the sewer rates set forth in subsection C below.

C. Wastewater (Sewer) Rates:

There shall be a minimum base charge for sewer services of Twenty Dollars (\$20.00) per user per month; plus an additional charge of Four Dollars (\$4.00) per one thousand (1,000)

gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Five Dollars (\$5.00) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Six Dollars (\$6.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Seven Dollars (\$7.00) per thousand gallons for all metered water used above fifteen thousand (10,000) gallons.

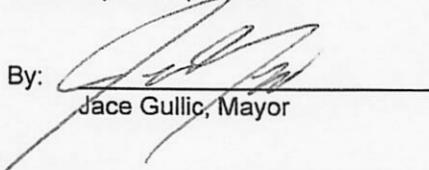
Section Two (2): Severability. If any provision, Section, Subsection, sentence, clause, phrase or other portion of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional, illegal or in conflict, by a Court of competent jurisdiction, or by any federal agency, the remainder of this Ordinance, the application of such provisions to other persons and circumstances shall not be affected thereby, and to this end, such portion of the Ordinance shall be deemed a separate, distinct and independent, provision and not affecting the validity of the remainder of this Ordinance.

Section Three (3): Repealer. Any Ordinance or Code provision, or parts thereof, in conflict with this Ordinance are, to that extent, hereby repealed.

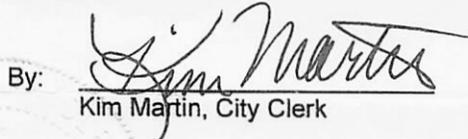
Section Four (4): Emergency Clause. There being an immediate necessity existing for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason of which this Ordinance shall be in full force and effect from and after the 1st day of June, 2023.

PASSED AND APPROVED this 5th day of April, 2023.

CITY OF SHIDLER, OKLAHOMA
a Municipal Corporation

By: 
Jace Gullic, Mayor

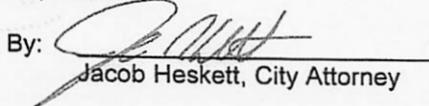
ATTEST:

By: 
Kim Martin, City Clerk

[S E A L]

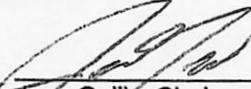
APPROVED AS TO FORM AND CONTENT:

HESKETT & HESKETT
City Attorneys

By: 
Jacob Heskett, City Attorney

PASSED AND APPROVED this 5th day of April, 2023.

SHIDLER, OKLAHOMA PUBLIC WORKS AUTHORITY
a public trust

By: 
Jace Gullic, Chairman

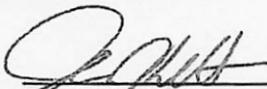
ATTEST:

By: 
Kim Martin, Interim Secretary

[SEAL]

APPROVED AS TO FORM:

HESKETT & HESKETT
City Attorneys

By: 
Jacob Heskett

FIRST PUBLICATION

ORDINANCE NO. 2023-04-01

AN ORDINANCE OF THE CITY OF SHIDLER, OKLAHOMA, A MUNICIPAL CORPORATION, AMENDING SECTION 17-313 OF THE CODE OF ORDINANCES OF THE CITY OF SHIDLER TITLED "WATER AND WASTEWATER RATES"; PROVIDING FOR A BASE FEE FOR STANDALONE WATER HYDRATES CONNECTED TO THEIR OWN WATER METER; PROVIDING FOR SEVERABILITY; PROVIDING A REPEALER AND DECLARING AN EMERGENCY.

WHEREAS, by majority vote of the Mayor and the City Council of the City of Shidler, Oklahoma at a Special Meeting on the 5th day of April, 2023, it was deemed to be necessary to amend Section 17-313 of the Code of Ordinances, City of Shidler, Oklahoma, titled "Water and Wastewater Rates."

NOW, THEREFORE, BE IT ORDAINED by the Mayor and the City Council of the City of Shidler, Oklahoma, meeting at City Hall during Special Meeting on this 5th day of April, 2023, as follows:

Section One (1): That Section 17-313, titled "Water and Wastewater Rates" is hereby amended and shall provide for and read, in its entirety, as follows, to wit:

SECTION 17-313 WATER AND WASTEWATER RATES

A. Water Rates:

There shall be a minimum base charge for water services of Thirty-Five Dollars (\$35.00) per user per month; plus an additional charge of Seven Dollars (\$7.00) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Eight Dollars (\$8.00) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Nine Dollars (\$9.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Ten Dollars (\$10.00) per thousand gallons for all metered water used above ten thousand (10,000) gallons.

B. Hydrant Base Fee:

For each water meter which is connected exclusively to a standalone water hydrant, or set of water hydrants, there shall be a minimum base charge for water services of Thirty-Five Dollars (\$35.00) per water hydrant or set of water hydrants connected to a single water meter per month, in addition to actual water usage as calculated in subsection A above. Any water meter which exclusively services any standalone water hydrant, or set of water hydrants under this subsection, where sewer is

plus an additional charge of Four Dollars (\$4.00) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Five Dollars (\$5.00) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Six Dollars (\$6.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Seven Dollars (\$7.00) per thousand gallons for all metered water used above fifteen thousand (10,000) gallons.

Section Two (2): Severability. If any provision, Section, Subsection, sentence, clause, phrase or other portion of this Ordinance or the application thereof to any person or circumstance is held to be unconstitutional, illegal or in conflict, by a Court of competent jurisdiction, or by any federal agency, the remainder of this Ordinance, the application of such provisions to other persons and circumstances shall not be affected thereby, and to this end, such portion of the Ordinance shall be deemed a separate, distinct and independent, provision and not affecting the validity of the remainder of this Ordinance.

Section Three (3): Repealer. Any Ordinance or Code provision, or parts thereof, in conflict with this Ordinance are, to that extent, hereby repealed.

Section Four (4): Emergency Clause. There being an immediate necessity existing for the preservation of the public peace, health and safety, an emergency is hereby declared to exist by reason of which this Ordinance shall be in full force and effect from and after the 1st day of June, 2023.

PASSED AND APPROVED this 5th day of April, 2023.

CITY OF SHIDLER, OKLAHOMA
a Municipal Corporation

By: /s/ Jace Gullic
Jace Gullic, Mayor

ATTEST:
By: /s/ Kim Martin
Kim Martin, City Clerk

[SEAL]

PROOF OF PUBLICATION

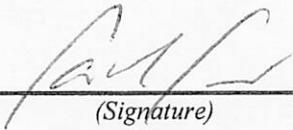
The Fairfax Chief
301 South 4th Street
Fairfax, OK 74637
918-642-3814

I, Carol Conner, of lawful age, being duly sworn upon oath, deposes and says that I am the Editor of The Fairfax Chief, a Weekly publication that is a "legal newspaper" as that phrase is defined in 25 O.S. § 106 for the City of Fairfax, for the County of Osage, in the State of Oklahoma, and that the attachment hereto contains a true and correct copy of what was published in said legal newspaper in consecutive issues on the following dates:

INSERTION DATES:

April 13, 2023

PUBLICATION FEE:\$153.42



(Signature)
Editor

State of Oklahoma
County of Osage

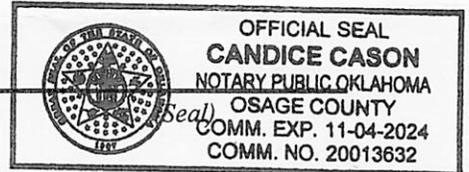
Signed and sworn to before me this 13th day of April, 2023 by

Carol Conner, Editor

Name of Editor, Publisher, Authorized Agent.



(Signature) Notary Public



My Commission expires: November 04, 20 24
Commission # 20013632

City of Shidler Ordinance No. 2023-04-01

SECTION 17-313 WATER AND WASTE WATER RATES

A. Water Rates:

There shall be a minimum base charge for water services of Thirty-Two Dollars (\$32.00) per user per month; plus an additional charge of Five Dollars and seventy-five cents (\$5.75) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Six Dollars and twenty-five cents (\$6.25) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Six Dollars and seventy-five cents (\$6.75) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; and thereafter a charge of Seven Dollars and twenty-five cents (\$7.25) per thousand gallons for all metered water used above ten thousand (10,000) gallons.

B. Hydrant Base Fee:

For each water meter which is connected exclusively to a standalone water hydrant, or set of water hydrants, there shall be a minimum base charge for water services of Thirty-Two Dollars (\$32.00) per water hydrant or set of water hydrants connected to a single water meter per month, in addition to actual water usage as calculated in subsection A above. Any water meter which exclusively services any standalone water hydrant, or set of water hydrants under this subsection, where sewer is not utilized, shall be exempt from the sewer rates set forth in subsection C below.

C. Waste Water (Sewer) Rates:

There shall be a minimum base charge for sewer services of Twenty Dollars (\$20.00) per user per month; plus an additional charge of Two Dollars (\$2.00) per one thousand (1,000) gallons of metered water used for the first three thousand (3,000) gallons; plus an additional charge of Two Dollars and fifty cents (\$2.50) per one thousand (1,000) gallons for the next three thousand (3,000) gallons of metered water used; plus an additional charge of Three Dollars (\$3.00) per one thousand (1,000) gallons for the next four thousand (4,000) gallons of metered water used; plus an additional charge of Three Dollars and fifty cents (\$3.50) per one thousand (1,000) gallons for the next five thousand (5,000) gallons of metered water used; and thereafter a charge of Four Dollars (\$4.00) per thousand gallons for all metered water used above fifteen thousand (15,000) gallons.

**CHAPTER 4
SEWER SYSTEM**

Section 17-401	Prohibited Discharges
Section 17-402	New Sewers and Connections
Section 17-403	Sewer Taps and Connections; Fees

SECTION 17-401 PROHIBITED DISCHARGES

- A. No person may discharge to public sewers any waste which by itself or by interaction with other wastes may:
 - 1. Injure or interfere with wastewater treatment processes or facilities;
 - 2. Constitute a hazard to humans or animals; and
 - 3. Create a hazard in receiving waters of the wastewater plant effluent.
- B. All discharges shall conform to requirements of this Chapter.
- C. All discharges shall be prohibited except those that meet the criteria for "Domestic Wastewater". BOD concentration shall not exceed two hundred (200) mg/l suspended solids shall not exceed two hundred (200) mg/l.
- D. All industrial discharges are prohibited. At the present time, there are no industrial users in the City. If an industrial user should desire to locate in the City and make use of the sewerage system, an industrial cost recovery system will be initiated in accordance with EPA and state regulations at that time to compensate for the use of the system.
- E. Any new connection from inflow sources into the sanitary sewer portion of the sewer system shall be prohibited.

SECTION 17-402 NEW SEWERS AND CONNECTIONS

- A. The connection of the building sewer into the public sewer shall conform to the requirements of the City's building Code and other applicable rules and regulations of the City.
- B. All new sanitary sewage works shall be designed and constructed in accordance with the requirements of the state department of health regulations.
- C. When a public sewer becomes available within two hundred (200) feet; the building sewer shall be connected to the sewer within sixty (60) days.

SECTION 17-403 SEWER TAPS AND CONNECTIONS; FEES;

- A. The authority shall approve any request for a sewer tap and connection, a sewer tap on an existing line or a sewer tap on a new line and any electrical service connection. Prior to granting this approval, the customer shall have paid the utility deposit set forth in 17-106. When a customer's utility service is disconnected, the deposit or any part of such amount deposited which remains after all such charges and amounts due the Authority have been satisfied, shall be returned to the customer.

- B. The uniform sewer connection fee is set at Two Hundred Fifty Dollars (\$250.00) for each and every sewer tap made within or without the City limits of the City of Shidler, Osage County, State of Oklahoma. all costs of materials and labor supplied by the City of Shidler or its Public Works Authority shall be assessed and paid by the customer.

- C. The inspection fee for obtaining a permit from the City Clerk to certify a completed connection of the sewer tap is set at Ten Dollars (\$10.00).

- D. For all sewer connections which are reconnected for service, there shall be charged a service fee of Twenty-Five (\$25.00), plus materials and labor on all sewer taps.

CHAPTER 5
IDENTITY THEFT PREVENTION PROGRAM

Section 17-501	Short Title
Section 17-502	Purpose
Section 17-503	Definitions
Section 17-504	Findings
Section 17-505	Process of Establishing a Covered Account
Section 17-506	Access to Covered Account Information
Section 17-507	Credit Card Payments
Section 17-508	Sources and Types of Red Flags
Section 17-509	Prevention and Mitigation of Identity Theft
Section 17-510	Updating the Program
Section 17-511	Program Administration
Section 17-512	Outside Service Providers
Section 17-513	Treatment of Address Discrepancies

SECTION 17-501 **SHORT TITLE**

This Chapter shall be known as the Identity Theft Prevention Program.

SECTION 17-502 **PURPOSE**

The purpose of this Chapter is to comply with 16 CFR §681.2 in order to detect, prevent and mitigate identity theft by identifying and detecting identity theft red flags and by responding to such red flags in a manner that will prevent identity theft.

SECTION 17-503 **DEFINITIONS**

For purposes of this Chapter, the following definitions apply:

1. 'City' means the City of Shidler.
2. 'Covered account' means (i) An account that a financial institution or creditor offers or maintains, primarily for personal, family, or household purposes, that involves or is designed to permit multiple payments or transactions, such as a credit card account, mortgage loan, automobile loan, margin account, cell phone account, utility account, checking account, or savings account; and (ii) Any other account that the financial institution or creditor offers or maintains for which there is a reasonably foreseeable risk to customers or to the safety and soundness of the financial institution or creditor from identity theft, including financial, operational, compliance, reputation, or litigation risks.
3. 'Credit' means the right granted by a creditor to a debtor to defer payment of debt or to incur debts and defer its payment or to purchase property or services and defer payment therefore.

4. 'Creditor' means any person who regularly extends, renews, or continues credit; any person who regularly arranges for the extension, renewal, or continuation of credit; or any assignee of an original creditor who participates in the decision to extend, renew, or continue credit and includes utility companies and telecommunications companies.
5. 'Customer' means a person that has a covered account with a creditor.
6. 'Identity theft' means a fraud committed or attempted using identifying information of another person without authority.
7. 'Person' means a natural person, a corporation, government or governmental subdivision or agency, trust, estate, partnership, cooperative, or association.
8. 'Personal Identifying Information' means a person's credit card account information, debit card information bank account information and drivers' license information and for a natural person includes their social security number, mother's birth name, and date of birth.
9. 'Red flag' means a pattern, practice, or specific activity that indicates the possible existence of identity theft.
10. 'Service provider' means a person that provides a service directly to the city.

SECTION 17-504 FINDINGS

1. The City is a creditor pursuant to 16 CFR §681.2 due to its provision or maintenance of covered accounts for which payment is made in arrears.
2. Covered accounts offered to customers for the provision of City services include water, sewer and refuse collection.
3. The City's previous experience with identity theft related to covered accounts is as follows: customer accounts for Municipal Court fines
4. The processes of opening a new covered account, restoring an existing covered account, and making payments on such accounts have been identified as potential processes in which identity theft could occur.
5. The City limits access to personal identifying information to those employees responsible for or otherwise involved in opening or restoring covered accounts or accepting payment for use of covered accounts. Information provided to such employees is entered directly into the city's computer system and is not otherwise recorded.
6. The City determines that there is a [low, moderate, high] risk of identity theft occurring in the following ways *(if any)*:

- a. Use by an applicant of another person's personal identifying information to establish a new covered account;
- b. Use of a previous customer's personal identifying information by another person in an effort to have service restored in the previous customer's name;
- c. Use of another person's credit card, bank account, or other method of payment by a customer to pay such customer's covered account or accounts;
- d. Use by a customer desiring to restore such customer's covered account of another person's credit card, bank account, or other method of payment.

SECTION 17-505 PROCESS OF ESTABLISHING A COVERED ACCOUNT

- A. As a precondition to opening a covered account in the City, each applicant shall provide the City with personal identifying information of the customer:
 1. a valid driver's license or other government issued identification (with photo);
 2. any information necessary for the department providing the service for which the covered account is created to access the applicant's consumer credit report.
 3. Such information shall be entered directly into the City's computer system and shall not otherwise be recorded.
- B. Each account shall be assigned an account number and personal identification number (PIN) which shall be unique to that account. The City may utilize computer software to randomly generate assigned PINs and to encrypt account numbers and PINs.

SECTION 17-506 ACCESS TO COVERED ACCOUNT INFORMATION

- A. Access to customer accounts shall be password protected and shall be limited to authorized City personnel.
- B. Such password(s) shall be changed by the City Clerk on a regular basis, shall be at least eight (8) characters in length and shall contain letters, numbers and symbols.
- C. Any unauthorized access to or other breach of customer accounts is to be reported immediately to the Mayor and the password changed immediately.
- D. Personal identifying information included in customer accounts is considered confidential and any request or demand for such information shall be immediately forwarded to the Mayor and the City Attorney.

SECTION 17-507 CREDIT CARD PAYMENTS

- A. In the event that credit card payments that are made over the Internet are processed through a third-party service provider, such third-party service provider shall certify that it has an

adequate identity theft prevention program in place that is applicable to such payments.

- B. All credit card payments made over the telephone or the City's website shall be entered directly into the customer's account information in the computer data base.
- C. Account statements and receipts for covered accounts shall include only the last four digits of the credit or debit card or the bank account used for payment of the covered account.

SECTION 17-508 SOURCES AND TYPES OF RED FLAGS

All employees responsible for or involved in the process of opening a covered account, restoring a covered account or accepting payment for a covered account shall check for red flags as indicators of possible identity theft and such red flags may include:

- 1. Alerts from consumer reporting agencies, fraud detection agencies or service providers. Examples of alerts include but are not limited to:
 - a. A fraud or active duty alert that is included with a consumer report;
 - b. A notice of credit freeze in response to a request for a consumer report;
 - c. A notice of address discrepancy provided by a consumer reporting agency;
 - d. Indications of a pattern of activity in a consumer report that is inconsistent with the history and usual pattern of activity of an applicant or customer, such as:
 - i. A recent and significant increase in the volume of inquiries;
 - ii. An unusual number of recently established credit relationships;
 - iii. A material change in the use of credit, especially with respect to recently established credit relationships; or
 - iv. An account that was closed for cause or identified for abuse of account privileges by a financial institution or creditor.
- 2. Suspicious documents. Examples of suspicious documents include:
 - a. Documents provided for identification that appear to be altered or forged;
 - b. Identification on which the photograph or physical description is inconsistent with the appearance of the applicant or customer;
 - c. Identification on which the information is inconsistent with information provided by the applicant or customer;
 - d. Identification on which the information is inconsistent with readily

accessible information that is on file with the financial institution or creditor, such as a signature card or a recent check; or

- e. An application that appears to have been altered or forged or appears to have been destroyed and reassembled.
3. Suspicious personal identification, such as suspicious address change. Examples of suspicious identifying information include:
- a. Personal identifying information that is inconsistent with external Information sources used by the financial institution or creditor. For example:
 - i. The address does not match any address in the consumer report; or
 - ii. The Social Security Number (SSN) has not been issued or is listed on the Social Security Administration's Death Master File.
 - b. Personal identifying information provided by the customer is not consistent with other personal identifying information provided by the customer, such as a lack of correlation between the SSN range and date of birth.
 - c. Personal identifying information or a phone number or address, is associated with known fraudulent applications or activities as indicated by internal or third-party sources used by the financial institution or creditor.
 - d. Other information provided, such as fictitious mailing address, mail drop addresses, jail addresses, invalid phone numbers, pager numbers or answering services, is associated with fraudulent activity.
 - e. The SSN provided is the same as that submitted by other applicants or customers.
 - f. The address or telephone number provided is the same as or similar to the account number or telephone number submitted by an unusually large number of applicants or customers.
 - g. The applicant or customer fails to provide all required personal identifying information on an application or in response to notification that the application is incomplete.
 - h. Personal identifying information is not consistent with personal identifying information that is on file with the financial institution or creditor.
 - i. The applicant or customer cannot provide authenticating information beyond that which generally would be available from a wallet or consumer report.

4. Unusual use of or suspicious activity relating to a covered account. Examples of suspicious activity include:
 - a. Shortly following the notice of a change of address for an account, city receives a request for the addition of authorized users on the account.
 - b. A new revolving credit account is used in a manner commonly associated with known patterns of fraud patterns. For example:
 - i. The customer fails to make the first payment or makes an initial payment but no subsequent payments.
 - c. An account is used in a manner that is not consistent with established patterns of activity on the account. There is, for example:
 - i. Nonpayment when there is no history of late or missed payments;
 - ii. A material change in purchasing or spending patterns;
 - d. An account that has been inactive for a long period of time is used.
 - e. Mail sent to the customer is returned repeatedly as undeliverable although transactions continue to be conducted in connection with the customer's account.
 - f. The City is notified that the customer is not receiving paper account statements.
 - g. The City is notified of unauthorized charges or transactions in connection with a customer's account.
 - h. The City is notified by a customer, law enforcement or another person that it has opened a fraudulent account for a person engaged in identity theft.
5. Notice from customers, law enforcement, victims or other reliable sources regarding possible identity theft or phishing relating to covered accounts.

SECTION 17-509 PREVENTION AND MITIGATION OF IDENTITY THEFT

- A. In the event that any City employee responsible for or involved in restoring an existing covered account or accepting payment for a covered account becomes aware of red flags indicating possible identity theft with respect to existing covered accounts, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to Mayor, who may in

his or her discretion determine that no further action is necessary. If the Mayor in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by Mayor:

1. Contact the customer;
2. Make the following changes to the account if, after contacting the customer, it is apparent that someone other than the customer has accessed the customer's covered account:
 - a. Change any account numbers, passwords, security codes, or other security devices that permit access to an account; or close the account;
 - b. Cease attempts to collect additional charges from the customer and decline to sell the customer's account to a debt collector in the event that the customer's account has been accessed without authorization and such access has caused additional charges to accrue;
 - c. Notify a debt collector within twenty-four (24) hours of the discovery of likely or probable identity theft relating to a customer account that has been sold to such debt collector in the event that a customer's account has been sold to a debt collector prior to the discovery of the likelihood or probability of identity theft relating to such account;
 - d. Notify law enforcement, in the event that someone other than the customer has accessed the customer's account causing additional charges to accrue or accessing personal identifying information; or
 - e. Take other appropriate action to prevent or mitigate identity theft.

B. In the event that any City employee responsible for or involved in opening a new covered account becomes aware of red flags indicating possible identity theft with respect an application for a new account, such employee shall use his or her discretion to determine whether such red flag or combination of red flags suggests a threat of identity theft. If, in his or her discretion, such employee determines that identity theft or attempted identity theft is likely or probable, such employee shall immediately report such red flags to the Mayor. If, in his or her discretion, such employee deems that identity theft is unlikely or that reliable information is available to reconcile red flags, the employee shall convey this information to the Mayor, who may in his or her discretion determine that no further action is necessary. If the Mayor in his or her discretion determines that further action is necessary, a City employee shall perform one or more of the following responses, as determined to be appropriate by Mayor:

1. Request additional identifying information from the applicant;
2. Deny the application for the new account;
3. Notify law enforcement of possible identity theft; or

4. Take other appropriate action to prevent or mitigate identity theft.

SECTION 17-510 UPDATING THE PROGRAM

The City Council shall annually review and, as deemed necessary by the Council, update the Identity Theft Prevention Program along with any relevant red flags in order to reflect changes in risks to customers or to the safety and soundness of the City and its covered accounts from identity theft. In so doing, the City Council shall consider the following factors and exercise its discretion in amending the program:

1. The City's experiences with identity theft;
2. Updates in methods of identity theft;
3. Updates in customary methods used to detect, prevent, and mitigate identity theft;
4. Updates in the types of accounts that the City offers or maintains; and
5. Updates in service provider arrangements.

SECTION 17-511 PROGRAM ADMINISTRATION

- A. The Mayor is responsible for oversight of the program and for program implementation. The Mayor is responsible for reviewing reports prepared by staff regarding compliance with red flag requirements and with recommending material changes to the program, as necessary in the opinion of the Mayor to address changing identity theft risks and to identify new or discontinued types of covered accounts. Any recommended material changes to the program shall be submitted to the Mayor for consideration by the Council.
- B. The Mayor will report to the Mayor at least annually, on compliance with the red flag requirements. The report will address material matters related to the program and evaluate issues such as:
 1. The effectiveness of the policies and procedures of City in addressing the risk of identity theft in connection with the opening of covered accounts and with respect to existing covered accounts;
 2. Service provider arrangements;
 3. Significant incidents involving identity theft and management's response; and
 4. Recommendations for material changes to the Program.
- C. The Mayor is responsible for providing training to all employees responsible for or involved in opening a new covered account, restoring an existing covered account or accepting payment for a covered account with respect to the implementation and requirements of the Identity Theft Prevention Program. The Mayor shall exercise his or her discretion in determining the amount and substance of training necessary.

SECTION 17-512 OUTSIDE SERVICE PROVIDERS

In the event that the City engages a service provider to perform an activity in connection with one or more covered accounts the Mayor shall exercise his or her discretion in reviewing such arrangements in order to ensure, to the best of his or her ability, that the service provider's activities are conducted in accordance with policies and procedures, agreed upon by contract, that are designed to detect any red flags that may arise in the performance of the service provider's activities and take appropriate steps to prevent or mitigate identity theft.

SECTION 17-513 TREATMENT OF ADDRESS DISCREPANCIES

- A. Purpose. Pursuant to 16 CFR §681.1, the purpose of this Chapter is to establish a process by which the City will be able to form a reasonable belief that a consumer report relates to the consumer about whom it has requested a consumer credit report when the City has received a notice of address discrepancy.
- B. Definitions. For purposes of this Section, the following definitions apply:
1. 'Notice of address discrepancy' means a notice sent to a user by a consumer reporting agency pursuant to 15 U.S.C. §1681(c)(h)(1), that informs the user of a substantial difference between the address for the consumer that the user provided to request the consumer report and the address(es) in the agency's file for the consumer.
 2. 'City' means the City of Shidler.
- C. Policy. In the event that the City receives a notice of address discrepancy, the City employee responsible for verifying consumer addresses for the purpose of providing the municipal service or account sought by the consumer shall perform one or more of the following activities, as determined to be appropriate by such employee:
1. Compare the information in the consumer report with:
 - a. Information the City obtains and uses to verify a consumer's identity in accordance with the requirements of the Customer Information Program rules implementing 31 U.S.C. §5318(l);
 - b. Information the City maintains in its own records, such as applications for service, change of address notices, other customer account records or tax records; or
 - c. Information the City obtains from third-party sources that are deemed reliable by the relevant City employee; or
 - d. Verify the information in the consumer report with the consumer.
- D. Furnishing Consumer's Address to Consumer Reporting Agency.

1. In the event that the City reasonably confirms that an address provided by a consumer to the City is accurate, the City is required to provide such address to the consumer reporting agency from which the City received a notice of address discrepancy with respect to such consumer. This information is required to be provided to the consumer reporting agency when:
 - a. The City is able to form a reasonable belief that the consumer report relates to the consumer about whom the City requested the report;
 - b. The City establishes a continuing relation with the consumer; and
 - c. The City regularly and in the ordinary course of business provides information to the consumer reporting agency from which it received the notice of address discrepancy.
 2. Such information shall be provided to the consumer reporting agency as part of the information regularly provided by the City to such agency for the reporting period in which the City establishes a relationship with the customer.
- E. Methods of Confirming Consumer Addresses. The City employee charged with confirming consumer addresses may, in his or her discretion, confirm the accuracy of an address through one or more of the following methods:
1. Verifying the address with the consumer;
 2. Reviewing the city's records to verify the consumer's address;
 3. Verifying the address through third party sources; or
 4. Using other reasonable processes.
- F. The placing of garbage or rubbish or any refuse material in any street or alley within the City limits or the disposal of such refuse at any place within the City limits, except at such place as may be directed by the City Health Officer is prohibited.
- G. The meddling with refuse containers or in any way pilfering, scattering contents, or junking in any alley or street within the City limits is prohibited.