

ORDINANCE #2013-001

TOWN OF BUFFALO GAP UTILITY ORDINANCE

CHAPTER 1 – WATER PROVISIONS

WATER DEPARTMENT SUPERVISION AND JOB DESCRIPTION

The Water Department shall be under the supervision of the Town Council of Buffalo Gap.

The Water Department shall consist of Maintenance Worker(s) and operator(s). The water operator(s) shall maintain a current state certification and have passed State Water Board Exam. They shall be responsible for the management and operation of the water and wells of the Town of Buffalo Gap. He (she) shall read or supervise the reading of meters, over-see all state required testing, connecting and disconnecting water service, and shall perform such other duties as may be assigned to him by the Town Council. Meters shall be read by end of each month.

EMERGENCY WATER LIMITATIONS

The use of water for street, lawn or garden sprinkling is subordinate to domestic use or fire protection, and may be restricted by the Town at any time by resolution of the Town Council; no sprinkling shall be done during a fire. The Town Council may limit or prohibit temporarily the use of the city water for any purpose, except domestic purposes within the consumer's dwelling, during an emergency.

APPLICATION FOR WATER SERVICE

- a) Written application for utility service shall be made to the City Finance Office by the owner or tenant of the property with a one hundred dollar (\$100.00) security deposit and a twenty-five dollar (\$25.00) connection fee, as established by resolution. The deposit is to be made by the person responsible for the utility bill. Said security deposit must be paid in full to the Finance Officer prior to any utility service being connected and/or turned on. Such deposit shall be recorded by the Finance Officer and a receipt issued to the applicant.
- b) Upon discontinuance of the service, the applicant shall be entitled to a refund of such deposit once the utility account is paid in full.
- c) After twelve (12) consecutive monthly payments without a delinquency notice, deposit will be refunded. A new security deposit will be charged to the customer's account if customer has received a minimum of three (3) late fees within one (1) year after having the previous deposit returned.

- d) All city utility customers that do not currently hold a security deposit, shall continue to receive utility services, but in all other respects will comply fully with the requirements of this ordinance. A security deposit of one hundred dollars (\$100.00) will be charged to the customer's account if customer receives a minimum of three (3) late fees within one (1) year.
- e) The Town of Buffalo Gap does not accept credit letters from previous utilities.
- f) If a current utility customer moves to a new location within Town of Buffalo Gap water utilities, a new deposit will not be charged if the customer has maintained at least a year of credit history. A new connection fee of twenty-five dollars (\$25) will be charged.

UNAVAILABILITY OF SERVICE

The city may decline utility service to any person if:

- a) The applicant fails to provide all application information;
- b) The applicant fails to pay the required deposit and connection fee;
- c) The applicant is indebted to the Town for any reason;
- d) The utility service to the proposed premises does not fully meet all Town and other lawful standards; or
- e) The premises have an unpaid prior bill from the same or former occupant.

TAP AND CONNECTION

Where there is no existing tap to the city water mains, or an additional or different tap is to be made, application shall be made in writing to the Town Financial Officer by the owner or agent of the property to be served.

The application shall designate the legal description of the property, the nature of the water use and if residential use, specify the number of families or residences to be served thereby, and shall be accompanied by a fee of one-thousand three hundred dollars (\$1,300.00).

No person shall be permitted connection to the water system until all past water accounts are fully paid.

WATER METERS ARE REQUIRED

All meter pit equipment is property of Town of Buffalo Gap.

All dwellings or places supplied with water from the Town system shall be metered by the Town.

A suitable place for meter pit, preferably on city right of way and accessible for examination shall be chosen by the Town of Buffalo Gap at the expense of the owner or occupant. In any case where the neglect, refusal to repair, or refusal to pay expenses thereof the water supply may be turned off and not turned on until such costs and a fee are paid. If pit or post is harmed they shall be repaired at the owner's expense.

No person shall tamper with a meter or turn on the supply of water to a service pipe from which the supply has been turned off by the Town on account of the nonpayment of a water bill or for any other reason. Anyone violating this provision shall be guilty of a violation and upon conviction thereof shall pay a fine in the amount of one thousand dollars (\$1000.00) which does not include reimbursement or restitution.

The property owner shall be responsible for payment of all water bills incurred on his property whether incurred by property owner, tenant, or any other person with or without the permission of the property owner.

NOTICE OF DISCONTINUANCE REQUIRED

- a) Owners or consumers desiring to discontinue the use of the Town Utility Services shall be required to give notice thereof to the Town Financial Officer, and regular rates shall be charged and billed until such notice is given.
- b) Owners and/or tenants of rental properties must give notice of change of tenants if the utilities are being billed to the tenant.
- c) A disconnection and reconnection is required between tenants and/or owners in order to secure a customer deposit with the Town Financial Officer and to ensure all accounts are paid in full.
- d) A disconnection fee of twenty-five dollars (\$25.00) and/or reconnection fee of twenty-five dollars (\$25.00) will be charged each time the Town is required to turn off or on utility services, including transfer of service.
- e) If the Town becomes aware of the change in occupancy before the proper notification is given to the Financial Officer; the Town reserves the right to immediately disconnect Town Utility Services provided to the place of business and/or residency being serviced.

TERMINATION OF SERVICES

The Town shall have the right to terminate utility service to any customer or refuse reconnection to any customer for any of the following reasons:

- a) Discovery by the Town of material misinformation in the customer's original application for services that may prejudice the Town in continuing service to the customer;
- b) Nonpayment of any utility bill for more than three (3) billing periods or for more than one hundred fifty dollars (\$150.00);
- c) Deterioration of the service system to the customer's premises to such an extent that water would be wasted or leaking if service continues;
- d) Harm the meter pit or remote reader without contacting town, or failure to reimburse town for repairs of any meter and/or meter equipment, including pit and remote reader;
- e) Tampering with the water meter or any part of the system;
- f) Reselling or diverting any utility service without proper approval therefore; or
- g) Vacancy of the premises

LANDLORDS RESPONSIBILITIES FOR TOWN UTILITIES

An owner of rental property, whether commercial or residential, is hereby held responsible for payment of any delinquent water charges, which are not promptly paid by the owner's tenant or tenants.

This applies to all rental property, whether commercial; single family residential, apartment complexes, mobile home courts, or other rental property. The owner shall be furnished with a copy of the notice of delinquency that is served upon the tenant.

MORE THAN ONE CUSTOMER FROM ONE SERVICE

~~Two or more premises, business or residential, shall not be supplied from the same service pipe or meter unless each has its own meter.~~ Owners who lease or subdivide shall be responsible for water used in said premises. If more than one meter is placed on a service pipe, the meters shall be set so that no one of them shall measure water which has passed through another meter.

In those situations where both residential and commercial activities are taking place on the same water hookup that then, and in that event the owner or user of said property shall be required to pay two (2) water minimums. (One for the residential use and one for the commercial use) And further, where more than one commercial enterprise is operating off of the same water meter, but have separate facilities, the owner or user of said property shall be required to pay two (2) water minimums.

WATER RATES

- a) For the purposes of this section, "users of water" shall mean the owner or occupant of each individual residential or commercial premise, including, but not limited to, the owner or occupant of each apartment in a multiple family dwelling, each mobile home in a mobile home park and hotel and motel facilities.
- b) All users of water within the Town of Buffalo Gap shall pay to the Town of Buffalo Gap for water used by them as follows:
 - 1) A monthly maintenance fee of twenty-five dollars (\$25.00) per water pit.
 - 2) A minimum of nine dollars (\$9.00) which entitles the user to 3,000 gallons of water per month.
 - 3) All water used over 3,000 gallons per month shall be paid for at a rate of three dollars (\$3.00) per additional 1,000 gallons of water used or fraction thereof.
- c) All non-water users with meters servicing within the Town of Buffalo Gap shall pay to the Town of Buffalo Gap the following:
 - 1) A monthly maintenance fee of twenty-five dollars (\$25.00) per water pit.
- d) All users/non-users shall pay a late fee of ten dollars (\$10.00) if payment is received after the twentieth (20th) of the month.
 - 1) Any payment after that time is considered delinquent. The Financial officer will send a water bill stating the total amount due plus the late fee and the date by which to pay the utility bill or the utility service will be disconnected.
 - 2) Any person unable to fully pay any utility bill, on account of financial or economic hardship may make a timely written request to the Financial Officer to have any bill or bills or part thereof set up on a payment arrangement plan of so much per week or month as the Financial Officer shall allow. So long as the applicant abides by the payment plan, The Town shall not consider termination of service.
 - 3) If water service is terminated (disconnected), the Town will restore the water service only after the account and fees are paid in full to the Financial Officer.
- e) If after six (6) months non-payment of water fees has occurred, a lien shall be taken out against the property (owner/s) in Custer County.
- f) All users/non-users shall pay a fee of twenty-five dollars (\$25.00) for any returned checks.

In cases where meters fail to register the amount of water used, charges shall be based upon the average used during two or more preceding periods of similar length and during a similar time of year.

Water rates shall be reviewed annually and changed by resolution from time to time as needed by the Town Council.

SLEEP/VACATION WATER RATES

- a) Requirements include a minimum of five (5) months absence from the household.
- b) A disconnection/reconnection fee of twenty-five dollars (\$25.00) each must be paid.
- c) A monthly maintenance fee of twenty-five dollars (\$25.00) shall be paid.
- d) The water department will continue to read the meter monthly and any water consumed over the 3,000 gallon minimum will be charged to the customer's account.
- e) During this time, the Town is not liable for any frozen water lines or water breaks from the meter pit to the residence.
- f) The customer is held responsible to notify the Financial Officer of their return in order to have regular water fees resumed.

OWNERS WITH MULTIPLE METERS ON LOT

The owner or tenant may avoid the obligation to pay the monthly maintenance fees on additional meter(s) by having the town remove the additional meter(s) with the understanding that when a new tap is made, the charge will be four hundred and fifty dollars (\$450.00). This only applies to lot owners who have more than one meter on said lot. Monthly maintenance fees shall still be paid on first meter by property owner.

This opt-out period shall take place for ninety days from the date of this ordinance and will not be offered in the future.

CHAPTER 2 – SANITATION

SANITATION

All property owners shall be given a container for trash.

All property owners shall pay a monthly fee of eighteen dollars (\$18.00).

Sanitation charges shall be billed and be due and payable with monthly water bills.

Monthly fees are determined by the Town Council of Buffalo Gap and rate changes shall be done by resolution from time to time as needed.

IMPLIED CONTRACT BETWEEN TOWN, USER, AND PROPERTY OWNER

The rules, regulations and water and sanitation rates in this ordinance provided or as elsewhere set out in this code or future ordinances and resolutions of the governing body shall be considered a part of the contract of every person applying for water and sanitation service from the Town of Buffalo Gap, and every owner of property for which such application is made, and every such person by taking water, or by virtue of their ownership of the land for which application is made, shall be considered to express his assent to be bound. This ordinance shall supersede all other utility ordinances from the past.

TOWN COUNCIL OF BUFFALO GAP SIGNATURES

Robert H. Shook

Jim Dutton

Shawn Clship

1st read - ~~Feb~~ Feb 2013
2nd read - March 4, 2013
Vote - all in favor
Published March 12, 2013

Heather G. Basso
attested by Finance
Officer