BILL 2011-35

****** Second Reading ******

Agenda Item

TO: Mayor and City Council

FROM: Mark S. Gaugh, Director of Utilities/ACM

DATE: April 4, 2011

RE: Modification to Water Ordinance

Issues

The City sometimes sends written notices to customers when a leak is noticed on the service line. Under the Code, customers maintain the service line from the water main to the residence. Whenever a leak is known, we notify the property owners so they can make arrangements to have the leak repaired. The ordinance allows for two days written notice. However, sometimes service line leaks are severe and must be addressed immediately. Although this is not common, the ordinance is not very clear on how large leaks should be addressed. In addition, there were two words recommended for replacement by the City Attorney and now would be an appropriate time to make those changes.

The attached modification to Section 12-153 of Chapter 12 of the City Code of Ordinances covers three issues:

1. Language was added to include the word ***adult*** to be the recipient of notice from the City if water service is about to be discontinued.
2. The word "molesting" was replaced with ***interfering***.
3. Language was added to allow the discontinuance of water service without prior written notice as follows: ***Whenever a leak on the customer service pipe is causing an excessive amount of water loss, is a threat to the public's health, safety or welfare, or could damage property or public infrastructure***.

The main purpose of the ordinance change is to better allow the City to address major water leaks before they become costly to the City or cause damage to nearby infrastructure. Some leaks are too large to allow for the two days written notice that is normally required. For example, a ¾" water service line under 40 pounds per square inch pressure will leak over 300,000 gallons in two days (105 gallons per minute). This equates to a revenue loss of over $800.00. In addition, this much water can damage nearby structures, sidewalks and cause ice problems in winter. Immediate discontinuance of service is necessary when leaks are very large.

Recommendation

Staff recommends that the Council approve the changes to Section 12-153. Three readings are recommended.

Bill 2011-35

AN ORDINANCE REPEALING CODE SECTION 12-153 OF CHAPTER 12 OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI MUNICIPAL CODE AND ADOPTING A NEW SECTION 12-153 OF CHAPTER 12 TO THE CITY OF CAMERON MUNICIPAL CODE REGULATING DISCONTINUANCE OF SERVICE

WHEREAS, the City of Cameron owns and operates a water supply, treatment and distribution system as a non-profit enterprise to serve the citizens of Cameron; and

WHEREAS, the water system must maintain sustainability of operations, which includes meeting demands for flow and quality, and

WHEREAS, the City must establish and maintain rules governing the discontinuance of service.

NOW, THEREFORE, BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF CAMERON, CLINTON AND DeKALB COUNTIES, MISSOURI AS FOLLOWS:

Section 1. Section 12-153 of Chapter 12 to the Cameron Municipal Code is hereby repealed.

Section 2. A new Section 12-153 of Chapter 12 to the Cameron Municipal Code is hereby added to read as follows:

Sec. 12-153. Notice of violation; city's authority.

(a) The city shall not discontinue the water service of any customer for violation of any rule or regulation of the city except on at least two (2) days' written notice mailed to such customer at his address as shown upon the city's records or personally delivered to him or an adult member of his household, advising the customer in particular what such rule has been violated and that service shall be discontinued if the violation is permitted to continue; provided, however, that where fraudulent use of water is detected or where the city's regulating or measuring equipment as been tampered with or where a dangerous condition is found to exist on the customer's premises, service may be shut off without notice in advance.

(b) Subject to the provisions of subsection (a) of this section, service rendered under any application, contract or agreement may be discontinued by the city for any of the following reasons:

(1) Willful or indifferent waste of water for any cause;

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(2) Failure to protect from injury or damage the meter and connections or failure to protect and maintain the service pipe or fixtures on the property of the customer in a condition satisfactory to the city;
(3) Interference or tampering by the customer or another with the knowledge of the customer with any meter, connection, service pipe, curb cock, seal or any other appliance of the city controlling or regulating the customer's water supply;
(4) Failure to provide the city's employees free and reasonable access to the premises supplied or for obstructing the way of ingress to the meter or other appliances controlling or regulating the customer's water supply;
(5) Nonpayment of any account for water supplied, for water service or for meter or service maintenance or for any other fee or charge accruing under this article;
(6) Vacancy of the premises;
(7) Violation of any rule or regulation of the city.

(c) No notice of violation or delinquency is required for the city to discontinue water service for the following reasons:

(1) Nonpayment of bills.
(2) Whenever a leak on the customer service pipe is causing an excessive amount of water loss, is a threat to the public's health, safety, or welfare, or could damage property or public infrastructure.

Section 3. The Mayor is hereby authorized to sign this Ordinance on behalf of the City of Cameron.

Section 4. The City Clerk is hereby directed to attest to the Mayor's signature.

Section 5. This Ordinance shall be in full force and effect from and after its passage.

Passed and approved on first reading this 18th day of April 2011.
Passed and approved on second reading this 2nd day of May 2011.
Passed and approved on third and final reading this _____ day of _____ 2011.

_____
Mayor Dennis M. Clark

ATTEST:

_____
City Clerk

second reading