

**AN ORDINANCE AMENDING CHAPTER 54
UTILITY REGULATIONS ORDINANCE**

ORDINANCE NO. 0-2008-005

WHEREAS, the City of Pikeville City Commission is amending the Utility Regulations to combine the Cities Rules and Regulation policy with Chapter 54 set within the ordinance.

WHEREAS, this ordinance will take effect immediately upon passage and publication as required by state statute and will supersede any previous rules and regulations via ordinance or policy.

NOW, THEREFORE, BE IT ORDAINED Chapter 54 “Utility Rules & Regulations” is amended to read as follows:

CHAPTER 54: UTILITY RULES AND REGULATIONS

Cross reference:

Garbage collection billing procedures, see § 50.20

UTILITY BILLING PROCEDURES

~~**§ 54.05 DISCONNECTION DUE TO PAYMENT DISHONORED FOR NON-SUFFICIENT FUNDS.**~~

~~—(A)— When a check, draft, note or other negotiable instrument received by the utility department as a deposit for a utility account is returned without payment and/or dishonored for payment for non-sufficient funds or any other reason, the utility account for which check, draft, note or other negotiable instrument was received shall be subject to immediate termination and immediate disconnection of the utility(s) without any notice to the account holder.~~

~~—(B)— When a check, draft, note or other negotiable instrument is received by the utility department for payment of a utility account and is returned without payment and/or dishonored for payment for non-sufficient funds or any other reason, the account shall be treated as if no payment had been received and the delinquent penalty shall be assessed pursuant to the provisions of § 55.06 of the utility rules and regulations and final notice issued (and tagging of the customer's door) immediately if one has not been issued. If a final notice and/or or a disconnect notice tagged to the customer's door was issued before receipt of the dishonored payment, no notice or tagging of the customer's door will be issued before the utilities are disconnected.~~

§ 54.05 UTILITY RULES AND REGULATIONS

1 All connections and all service shall be made on a fully metered basis and free water service shall not be allowed or permitted to any customer, including the City

itself. Each place of residence and/or commercial entity shall have separate meters and billing accounts.

2. No connections to the water, gas or sewer pipes of the system shall be made except by or under the supervision of a duly authorized officer, agent or employee of the City and after approval of an application submitted with required tap-on fee and any deposit that may be applicable. No service will be installed unless there is a main distribution line existing along the road from which service is required. If service is desired on the same side of the road as the water main, the meter shall be installed within 5 feet of the water main, if feasible, or immediately adjacent to City easement on customer side. If service is desired on the opposite side of the road from the water main the service line will be run under the road and a meter installed on the right of way at no additional cost other than the tap-on fee.

3. The City shall read the utility meters monthly, on or about the first through the 17th of each month, or as soon thereafter as may be practical and feasible. Bills shall be mailed to customers for services on or about the first of each month after reading the meters, or as soon thereafter as may be practical and feasible.

All customers are required to pay the amount of their bill in full and without discount on or before the 15th day of the month when the payment is due. Any outstanding balance of the utility account shall be considered delinquent and a late payment penalty of five (5) percent of the current charge will be added to the delinquent bill. On the next business day after the 15th of the month a delinquent notice will be mailed to all delinquent accounts. The delinquent notice will reflect any previous amount due with the additional five (5) percent added.

The delinquent notice will serve as final notice of payment. The delinquent amount must be paid in full by the close of business of the first working business day of the month. If payment is rendered by the close of business of the first day of the following month that account will be disconnected from service within 24 hours.

At the time of the disconnect order the customer's deposit will be applied to their delinquent account. In order for the customer to have service reconnected the entire outstanding balance of the account must be paid in full. The customer will now be responsible for the delinquent months amount (minus deposit if applicable), the five (5) percent late payment penalty, the new deposit amount if applicable and a reconnect charge. An administrative fee which will be the same charge as the reconnect charge will be applied to the account regardless if service is disconnected in order to cover the costs associated with maintaining the account in good standard.

Example of billing process:

For utility usage for the month of January, the meter will be read between the first and 17th of February.

Bill will be processed and mailed no later than the first of March.

Bill is due by 15th of March.

If payment is not made on the 15th of March the account will be assessed a five (5) percent late payment penalty. Notice of the delinquent will be sent on the 16th.

Bill must be paid in full by April 1, or the next business day thereafter.

On April 2, or next business day, service will be disconnected.

By this time the customer will owe for February and March. The customer would be required to pay all amounts due (less deposit amount) before service is reinstated.

Total owed by the customer will be the bill for February and March, applicable deposit (depending on whether the account is for water or sewer) and a reconnect fee.

The reconnection will be made within 24 hours. If the customer is willing to wait 72 hours the reconnection fee will be less.

4. When a check, draft, note or other negotiable instrument is received by the utility department for payment of a utility account and is returned without payment and/or dishonored for payment of non-sufficient funds or any other reason, the account shall be treated as if no payment had been received and the late payment penalty will be assessed pursuant to the provision of Paragraph three (3) of the document. In the event of non-sufficient funds occurrence the account will be charged an insufficient fund fee of \$30.00. If notification of non-sufficient funds is after the 15th of the month then the account shall be classified as delinquent as outlined in Section 3 of this document and the same procedures shall be followed. The only additional application is the insufficient fund fee.

5. City may discontinue service to a customer for the theft of service, or for the appearance of theft devices on the premises of customer. The city shall not be required to restore service until the customer has complied with all rules and regulations of the utility and Commission and the City has been reimbursed for the estimated amount of service rendered and for any cost incurred including service charges by reason of the fraudulent use as may be determined by a Court of proper jurisdiction.

6. Customers who wish to have service disconnected must give at least three days notice to that effect; service will be discontinued (meter removed) during working hours Monday – Friday.

7. A deposit for water and/or gas service as set by ordinance may be required prior to service being connected. If a customer is moving from one premise to another a deposit shall be transferred to the new property and the unpaid balance from the prior bill be posted to the current bill. Upon termination of service, the deposit plus interest actually earned after the first year will be applied to any unpaid bills of

the customer, and if any balance or credit remains on the bill that amount will be billed or refunded to the customer.

8. _____ The point of delivery is the point where the meter is located on the customer's premises or right of way. All water and gas lines, and equipment beyond the meter shall be installed and maintained by the customer. All water service lines beyond the meter setting should be installed of material consisting of copper, polyethylene or PVC pipe with a rating of not less than 200 PSI. The size of service line beyond the point of delivery shall not be less than $\frac{3}{4}$.

All gas service lines beyond the meter shall consist of vinyl coated steel on polyethylene pipe (ASTM D-2513, PE2406 or PE3406). Polyethylene pipe shall not be permitted beyond the point of entry into the building or foundation. The size of the service line beyond the point of delivery shall not be less than 1 $\frac{1}{4}$ inch. The customer shall install a shut off valve immediately adjacent to the meter on the customer's side. If the customer's point of use is at a high elevation the customer may not receive adequate pressure. The customer should consult with a reputable engineering firm to size the service line from the point of delivery. System operator shall determine the best location for meter, line, etc., and need for new or replacement of meter equipment.

9. _____ The customer must agree to permit the City to lay, maintain, repair or remove such lines and meters which are the property of the City's located on the customer's property with the right of ingress and egress over customer's property. The customer shall maintain the meter location, keeping it free of debris and accessible to the meter readers or service personnel at all times. If meters are not accessible to the meter readers the customer will be notified in writing and the customer's bill will be estimated no more than three times before being disconnected. The customer will be responsible for service charges for disconnect and reconnect and the actual amount of usage registered on the meter.

10. _____ City will use reasonable consistency in supplying service, but shall not be liable for breach of contract in event of, or for loss, injury or damage to persons or property resulting from interruption, excessive or inadequate water pressure, or otherwise unsatisfactory service, whether or not caused by negligence, as may be determined by a Court of proper jurisdiction.

11. _____ As Noted in No. 2 above and by Ordinance, metered service connections are required by the City for each residential or commercial building and no additional taps on the customer's side of the meter is allowed. Additions or changed in load are reviewed in order to determine theft of service. Should theft of service be discovered, the customer for theft as well as any damage to any of the city's lines or equipment caused by the additional or changed installations.

12. _____ The customer shall notify the City immediately should the service be unsatisfactory for any reason, or should there be any defects, trouble or accidents affecting the water supply.

13. The customer shall pay the cost of any special installation necessary to meet the customer's requirements for service other than the standard tap.

14. No person shall maliciously, willfully, or negligently break damage, destroy, uncover, deface, or tamper with any structure or equipment with is part of the City's public works including specifically metering equipment. Any person violating this provision shall be subject to immediate discontinuation of water service and shall pay the cost of repairing or replacing the equipment.

15. The City may, at the customer's request relocate and/or change existing system owned equipment. The customer shall reimburse the City for such changes at actual cost.

16. There shall be one leak adjustment per customer per twelve-month period. The customer must provide proof that a leak was present and repaired. An adjustment shall be made for not longer than a one-month period.

The adjustment will be computed by the following formulas:

Water:

Total Usage \$ _____

Normal Usage \$ _____

Leak Usage /2 = adjustment amount _____

Gas:

Total Usage \$ _____

Normal Usage \$ _____

Leak Usage _____

Leak usage x *C/Gas Rate () *Columbia Gas of KY

Adjustment Amount \$ _____

17. Whenever a meter in service is found upon periodic request or complaint test to be more than 2% fast, additional tests shall be mad at once to determine the average error of the meter. If the result of the test shows an average error greater than 2% fast or 2% slow, then the customer's bill will be computed for the period in which the meter error occurred. If the period in which the meter error existed is unknown, then the bill will be computer for one-half of the elapsed time since the last previous test, but in case to exceed twelve months. When a meter is tested an it is found necessary to make a refund or back bill a customer, the customer shall be

given written notification of the date, location and results of the test, as well as the amount to be deducted from or added to his regular bill.

18. The city may disconnect service to any property, which has failed to comply with any City Ordinance regarding utilities. At such time as public sewer becomes available to a property served by a private wastewater disposal system a direct connection shall be made to the public system. No unauthorized person shall uncover, make any connections with or opening into, use alter or disturb any public sewer or appurtenance thereof without first obtaining a written permit from the City of City agency.

19. A separate sewer connection shall be provided for every building; except where one building stands at the rear of another on an interior lot.

20. The charge for collection of garbage and trash shall be billed either to the occupant of the property or the owner of property as reflected in the Pike County Property Valuation Administrator's Office. The City may disconnect utility services to any property for which there is an unpaid garbage and/or trash collection fee. The City may include the charge to any utility service bill issued by the City to owner of the property in the event that the occupant does not pay the fee, regardless of whether the utility service bill in which the fee, if added for other utilities being supplied to the property. The City may also disconnect to any person, regardless of whether those utility services are connected to the property in which the outstanding fee incurred.

The charge for collection of garbage and trash shall be billed either to the occupant of the property or the owner of property as reflected in the Pike County Property Valuation Administrator's Office. The City may disconnect utility services to any property for which there is an unpaid garbage and/or trash collection fee.

21. All extensions to the systems transmission or service mains required to service a private development shall be subject to a Line Extension Agreement executed between the developer and the City.

22. In cases where a private developer transfers or assigns line extensions and or appurtenances to the City, the developer agrees to permit an on-site inspector designated by the City to inspect such lines and appurtenances during the construction phase of the project. Such proposed plans of line extensions shall be submitted to proper state authority for approval.

23. A charge will be assessed for a trip to recheck a meter reading when the customer requests the meter to be rechecked for a correct reading and the reading was found to be correct.

24. By request and payment, a customer may have his meter tested provided request by customer is not more frequent than once each twelve months. If such test shows the meter to be more than two percent fast or slow the bill will be credited or adjusted accordingly.

25. A charge per trip shall be made for service investigation during regular working hours if interruption of service is not caused by failure of the City's facilities. Any maintenance and repair of facilities beyond the City's delivery point is the responsibility of the customer.

UTILITY CONSTRUCTION REQUIREMENTS

§ 54.10 REQUIREMENTS FOR CONSTRUCTION OF UTILITIES.

(A) No person, partnership, public or private corporation or other governmental agency or combination thereof shall begin the construction of any plant, equipment, property or facility for the furnishing to the public of water services or natural gas services or sanitary sewage disposal services within the corporate limits of the city or extensions of such existing systems within the corporate limits of the city without first obtaining the approval and waiver of the city.

(B) Any person, partnership, public or private corporation or other governmental agency who has obtained the right and authority to construct any plant, equipment, property or facility for furnishing to the public of any water services, natural gas services or sanitary sewer disposal services shall prior to construction of the same within the corporate limits of the city submit to the City Engineer its plans and specifications, certified by an engineer or architect. The designs and plans must conform with the existing utility construction regulations adopted by the city. Before commencing construction, the City Engineer must certify that the construction of any such plant, equipment, property, facility or extension of the same does conform with the city's existing utility construction regulations.

The ordinance shall be in full force and effect after it is passed and published as required by law. The above ordinance was given first reading this 3 day of Jan , 2008, the ordinance was given a second reading on the 14 day of Jan , 2008.

Passed this 14 day of Jan , 2008.

Commissioner Chaney moved for the adoption of the forgoing ordinance.

Commissioner Carter seconded the motion.

Upon roll call, the votes were as follows:

	Yes	No
FRANK JUSTICE, MAYOR	<u> X </u>	_____
GENE DAVIS, COMMISSIONER	<u> X </u>	_____
DALLAS LAYNE, COMMISSIONER	<u> X </u>	_____
JIMMY CARTER, COMMISSIONER	<u> X </u>	_____
BARRY CHANEY, COMMISSIONER	<u> X </u>	_____

The Mayor declared the within ordinance adopted.

 (s) Franklin D. Justice _____

FRANKLIN D. JUSTICE. II MAYOR

ATTEST:

 (s) Serena Stiltner _____

SERENA STILTNER, CITY CLERK