CHAPTER 50: SEWER AND WATER SERVICE

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GENERAL PROVISIONS

§ 50.01 DEFINITIONS.

For the purpose of this chapter, the following definitions shall apply unless the context clearly indicates or requires a different meaning.

CONTINUOUS DELINQUENCY. An account is not paid in full for two or more months in a row.

DELINQUENT. An account is considered delinquent if payment is not received by the twentieth day of each month.
(Ord. 444, passed 5-25-00)

§ 50.02 APPLICATION AND OWNER-CUSTOMER RESPONSIBILITY.

(A) *Applications for service; procedure.* Application for a water service installation and for water service shall be made to the City's Administration Office on forms prescribed by the City Council and furnished by the city. Every person applying for water service from the municipal water system, and every owner of property for which such application is made, shall be deemed by such application to consent to all ordinances, rules, and regulations of the city relating to the municipal water system.

(B) *Rental property.*

(1) Rental property may list the tenant as the responsible party for payment of the monthly bill if the owner so wishes. Although, the property owner will also be listed on the account and will be ultimately responsible for water supplied to the property and any charges unpaid by the rental customer.

(2) If the property has individual meters but only one shut-off to the entire property, (meaning the shut-off controls more than one unit) the property owner will be responsible for the water/sewer charges. Renters will not be on the billing statement and therefore; not responsible for payment.

(C) *Private wells.* No well may be drilled in any location to which the municipal water system is reasonably and readily accessible, except by special permit from the City Council based upon a recommendation by the City Engineer and the City Administrator.
(Ord. 444, passed 5-25-00; Am. Ord. passed 7-13-05; Am. Ord. passed 6-9-11; Am. Ord. passed 2-10-15)

§ 50.03 SHUT-OFF FOR NON-PAYMENT.

(A) *Shut-off for non-payment from October 15 and April 15.* City staff shall not disconnect the utility service of a residential customer if the disconnection affects the primary heat source for the residential unit when the following conditions are met:

(1) The disconnection would occur during the period between October 15 and April 15;

(2) The customer has declared inability to pay using forms provided by the city;

(3) The household income of the customer is less than 185% of the federal poverty level, as documented by the customer; and

(4) The customer's account is current for the billing period immediately prior to October 15 or the customer has entered into a payment schedule agreement and is reasonably current with payments under the schedule.

(B) *Notification.* The City's Administration Office shall notify all residential customers of the provisions of division (A). Additionally, all affected property owners shall be notified if shut-off for non-payment is contemplated.

(C) *Notice to residential customers facing disconnection.* Before disconnecting service to a residential customer during the period between October 15 and April 15, the city's Administration Office shall provide the following information to a customer:

(1) A notice of proposed disconnection;

(2) A statement explaining the customer's rights and responsibilities;

(3) A list of local energy assistance providers;

(4) A form on which to declare inability to pay; and

(5) A statement explaining available time payment plans and other opportunities to secure continued utility service.

(D) *Restrictions if disconnection is necessary.*

(1) If the service of a residential customer must be involuntarily disconnected between October 15 and April 15 for failure to comply with the provisions of division (A), the disconnection must not occur on a Friday or on the day before a holiday. Further, the disconnection must not occur until at least 20 days after the notice required in division (B) has been mailed to the customer or, in the alternative, 15 days after the notice has been personally delivered to the customer.

(2) If the customer does not respond to a disconnection notice, the customer must not be disconnected until the City Staff investigates whether the residential unit is actually occupied. If the unit is found to be occupied, the city must immediately inform the occupant of the provisions of this section. If the unit is unoccupied, the utility must give seven days written notice of the proposed disconnection to the local energy assistance provider before disconnecting the service.

(3) If, prior to disconnection, a customer appeals a notice of involuntary disconnection, as provided by the city's established appeal procedure, the City Staff must not disconnect until the appeal is resolved.

(E) *Shut-off for non-payment from April 15 and October 15.* If a customer's account becomes delinquent during the period between April 15 and October 15, and satisfactory arrangements for payment have not been made, the City Staff may, after the procedural requirements of division (F) have been complied with, discontinue service to the delinquent customer by shutting off the water at the stop box. When water service to any premises has been discontinued, a reconnection fee of which is determined annually by City Council resolution will be added to the account balance. Service shall not be restored except upon the payment of all delinquent amounts and the reconnection fee. When an account becomes delinquent due to a returned check, the account will be charged a fee which is determined by City Council resolution. If that account becomes disconnected, cash only will be accepted for payment of the outstanding balance, reconnect fees, and additional deposit.

(F) *Procedure.* Water shall not be shut off under division (E) until notice and an opportunity for a hearing have first been given to the occupant of the premises involved. The notice shall be personally served and shall state that if payment is not made before a date stated on the notice but not less than five days after the date on which the notice is given, the water supply to the premises will be shut off. The notice shall clearly inform the customer of the available opportunities to present to the city objections to the bill, and shall identify the telephone number, address, and officer or employee who will handle the customer's complaint and who has the authority to review the facts and files, to correct any errors

in the billing and to arrange for credit terms. The notice shall also state that the occupant may before such date demand a hearing on the matter, in which case the supply will not be cut off until after the hearing. If the customer requests a hearing before the date specified, a hearing shall be held on the matter by the City Council at the next regularly scheduled City Council meeting after the date on which the request is made. If as a result of the hearing, the City Council finds that the amount claimed to be owing is actually due and unpaid and that there is no legal reason why the water supply of the delinquent customer may not be shut off in accordance with this chapter, the city may shut off the supply.

(G) *Reconnection.* The Public Works Superintendent shall reinstate service which in any way affects the primary heat source of a residential unit if such service remains disconnected as of October 15 if the residential customer makes application for reinstatement and enters either a reconnection plan or a payment schedule. A residential customer may enter a reconnection plan only if the customer's monthly household income is less than 185% of the federal poverty level. At the time of reconnection by the City of Byron maintenance staff, the property owner/renter or a designated representative must be present.

(H) *Costs.* Any and all costs incurred by digging to locate any shut-off valve shall be borne by the property owner. All shut-off valves shall be kept readily accessible for service by maintenance personnel. In the event that any concrete or bituminous surface must be removed in order to gain access to any shut-off valve, all replacement costs shall be borne by the individual property owner.
(Ord. 444, passed 5-25-00; Am. Ord passed 7-13-05)

§ 50.04 PAYMENT.

Statements for total water charges for the preceding monthly period shall be mailed to each customer on or before the fifth day of the month following the monthly period the statement covers. The amount listed on the statement shall be due on or before the twentieth day of the month following the period covered by such statement. If payment is not made by the twentieth, the account will be considered delinquent. There shall be added to the amount due the sum of 10% of the delinquent statement for each month that the account remains unpaid. If an account remains unpaid at the time of the next month's billing due date, an interest payment will be calculated and added to that account based on 8% of the total due including late fees. The interest payment is in addition to the late fee.
(Ord. 444, passed 5-25-00; Am. Ord. passed 7-13-05)

§ 50.05 COLLECTION OF DELINQUENT WATER AND SEWER ACCOUNTS.

(A) The owner of private property which is connected to the city water and sewer system to convey to and from such property shall, as well as the lessee or occupant of the premises, be liable to the city for the charges for such utilities. The owner shall have personal liability for any unpaid charges, whether he or she is occupying the property or not. In addition, the city may assert a lien upon the property as hereinafter provided.

(B) Continuously delinquent accounts which are defined as an account not paid in full for two or more months in a row or including accounts that are shut off for ten days or more shall be certified by the Byron City Council to the City Clerk-Treasurer who shall prepare an assessment roll each year providing for assessment of the delinquent amounts against the respective properties served. The assessment roll shall be delivered to the City Council as deemed necessary throughout the year for adoption by the City Council. Upon such adoption, the City Clerk-Treasurer shall certify the assessment roll to the County Auditor for collection along with taxes.

(C) All property owners with accounts that are continuously delinquent or disconnected will be notified and a public hearing will be held at the first regularly scheduled City Council meeting to review all continuously delinquent accounts, after which time the property owner will have 30 days to pay the account in full. All continuously delinquent accounts after this time will be certified to the County Auditor for collection with taxes.
(Ord. 445, passed 12-18-96; Am. Ord. passed 7-13-05; Am. Ord. passed 9-8-10)

§ 50.06 USER RATE SCHEDULE.

(A) Operating, maintenance and replacement charges for the operation of the water service will be set by annual City Council resolution.

(B) The consumer will be invoiced for all gallons that are pumped through the water meter with no cap for water.
(Ord. 03-10, passed 11-26-03; Am. Ord. passed 7-13-05)

IRRIGATION POLICY

§ 50.20 SECOND WATER METER FOR IRRIGATION.

(A) The City Council determines that it is in the best interest of customer fairness and public policy to establish a Second Water Meter Irrigation Policy.

(B) All new construction permits, which include irrigation systems, shall be required to have two water meters on the premises, and shall be charged for two meters on the building permit.

(C) The second meter shall be for metering water usage that does not enter the city sanitary sewer system. Both meters shall be installed by a professional plumber and are subject to all costs, conditions, and inspections as required by § 50.06 of the City of Byron Code of Ordinances. Such other reasonable requirements for installation, usage and inspection as determined by the city to be necessary and appropriate to effectively implement the purpose of the second water meter policy.

(1) Sprinkling shall be restricted to early morning hours, during non-peak usage hours and odd and even restrictions shall apply. These restrictions will relieve undue stress on the city wells and pump during peak times. (Example: no watering should occur from 6:30 a.m. to 8:30 a.m. Monday through Friday. House numbers ending in odd number shall only sprinkle on odd calendar days. Even house numbers sprinkle on even days.)

(2) An irrigation system shall be required to get a sprinkler permit, which includes inspection by the City Building Inspector.

(3) The city will not pay replacement costs of sprinkler heads located in a right-of-way or easement that may be damaged by snow plows or other maintenance projects.

(D) Owners of existing structures may request the city for installation of a second meter to meter non-sanitary sewer water usage pursuant to regulations established by the city; however, a second meter will not be issued for an existing irrigation system until a sprinkler permit is issued.

(E) The city shall read both meters according to city policy and billing for sewer usage will be calculated by using the reading from the main water meter. Until the inspection process of the second meter is complete, the rates will include sewer.
(Ord. passed 2-10-10)

§ 50.21 SECOND METER USER RATE SCHEDULE.

Operating, maintenance and replacement charges for the operation of the water service will be set by resolution by the City Council.
(Ord. passed 2-10-10)