

**AN ORDINANCE TO AMEND CHAPTER 700 OF THE CODE OF ORDINANCES OF THE CITY OF PECULIAR, MISSOURI, FOR THE PURPOSE OF UPDATING UTILITY SERVICE REQUIREMENTS.**

**WHEREAS**, the City desires to update its Code of Ordinances for Utility Service Requirements by adding Sections to the Code in the Chapter.

**NOW, THEREFORE, BE IT ORDAINED BY THE BOARD OF ALDERMEN OF THE CITY OF PECULIAR, MISSOURI**

**SECTION 1:** That Chapter 700 of the City Code is being amended to add Section 700.051 Administrative Account Disconnection, and shall hereafter read as follows:

**Section 700.051. Utility Service – Administrative Account Disconnection.**

- A. To reduce the number of active utility accounts where service(s) has been disconnected for non-payment in accordance with City Code Section 700.050 Termination of Service, the City shall have the authority to administratively disconnect and/or inactivate any individual utility account where payment to reinstate said disconnected utility service(s) has not been received by the City within nine (9) calendar days of the date of the account disconnect.
  - 1. When an account is administratively disconnected as detailed above, the customer’s deposit will be applied to any outstanding bills. A new deposit will be required to re-establish a disconnected account in accordance with City Code Section 700.010. Utility Service – Cash Deposit and Connection Fees.

**SECTION 2:** That Chapter 700 of the City Code is being amended to add Section 700.080. Utility Leak Adjustments, and shall hereafter read as follows:

**Section 700.080 Utility Service – Utility Leak Adjustments**

- A. Conditions and Qualifications for Adjustments
  - 1. To qualify for a Utility Leak Adjustment under this Section, the following conditions must be met:
    - a. Customer water usage must exceed 20,000 gallons within the month the water leak, break or other issue was identified; and
    - b. Water usage in leakage month must be more than double (at least 200%) of a customer’s average monthly usage over the past twelve (12) months

or over the life of the account if service has been in the customer's name for less than twelve (12) months.

2. Customer needs to also submit a Utility Leak Adjustment Form to the City within thirty (30) days of the billing date of the water/sewer bill to be considered for adjustment under this Section.
  - a. Exceptions to this timeframe are limited and subject to both proof of the extraordinary mitigating circumstances and also the discretion of City Staff
3. Utility Leak Adjustment Maximums
  - a. The maximum number of billing periods an adjustment will be calculated for is two (2) billing periods, as the City acknowledges that sometimes repairs will take time to arrange.
  - b. Only one (1) Utility Leak Adjustment per address will be allowed within a three-year (36-month) period.
4. No Utility Leak Adjustments will occur if any of the following exist:
  - a. Excessive use is the result of customer's usage decisions, some examples include but are not limited to: watering/seasonal use, filling of swimming pools/spas, gardening.
    - i. See City Code Section 705.230 (D) Monthly Rates for the Sod Credit exception to this Section of the City Code.
  - b. Excessive use is the result of a third party that the customer can recover said costs from. Examples include theft, vandalism, construction damage, etc.

#### B. Utility User Responsibilities

1. Upon repair completion, a Utility Leak Adjustment Form (available online and at City Hall) must be completed in full and submitted to the City's Utility Clerk at City Hall. This form is to detail information regarding the abnormal situation or conditions that resulted in the water loss including cause, identification date, and actions taken to remediate the issue (i.e. repairs).
2. To accompany the Utility Leak Adjustment Form, users must provide evidence of a leak repair to support the assertion that repairs were both permanent and of a quality nature. Support includes but not limited to:

- a. Repair bill from Plumber
  - b. A list of materials accompanied by receipts if the user/owner performed the repair.
3. The service user and/or property owner shall bear the responsibility for necessary repairs to eliminate the issue causing the water loss.

#### C. City Staff Responsibilities

1. City Staff shall follow this Section of the City Code when a utility customer has incurred water/sewer utility charges as the result of a water leak, break, or other problem on the customer's side of the water meter resulting in the loss of metered water.
2. City Staff shall review the Utility Leak Adjustment Form provided by the customer and shall determine if the excess water usage was of such a nature and at such a location to not have been discovered with the customer's reasonable diligence, or has occurred as a result of a condition beyond normal and reasonable control of the customer or other parties responsible for the use, care, and maintenance of fixtures and devices that are a part of the customer's water service system.
3. Although the City shall review all incidents, the City does not have a duty to adjust a customer's utility account when the customer's water usage has been metered properly.
  - a. The City shall have discretion to share the cost of the customer's excess usage charges, but ultimately, it is the City's desire to encourage customers to make prompt and permanent repairs to the water meter as necessary.
4. City Staff will not take action to adjust any utility charges that arise from carelessness or a lack of due diligence on the part of the customer. Per City Code Section 710.070 Installation – Responsibility of Occupant or User for Proper Use of Water Service, "The user of each premises receiving water service from the waterworks system shall be held responsible for the proper use thereof."

#### D. Adjustment Procedure

1. Upon City Staff receipt of the completed Utility Leak Adjustment Form and accompanying repair documentation as detailed in subsection (B)(a) above, City Staff will evaluate the water loss situation and appropriateness of provided support. Should the provided information be deemed insufficient upon discretion of City Staff, City Staff will contact the customer to explain the reason the adjustment was declined. Should the provided information be sufficient upon discretion of City Staff, utility adjustments will be calculated with the following guidelines:
  2. Water
    - a. Water usage charges will be calculated at the customer's regular water rate on all water volume used up to two (2) times the customer's average monthly water usage for the property over the past twelve (12) months or over the life of the account if service has been in the customer's name for less than twelve (12) months. Any remaining water usage volume above that specified volume will be charged at the City's wholesale water purchase rate.
    - b. If the property is vacant at the time of the water loss, the City average for utility usage will be used in lieu of the customer's average monthly water use in the calculation of the leak adjustment.
  3. Sewer
    - a. Sewer usage will be calculated at two hundred percent (200%) of the customer's average monthly sewer usage for the property over the past twelve (12) months or over the life of the account if service has been in the customer's name for less than twelve (12) months. Any remaining sewer usage volume above that specified volume will be charged at 75% of the customer's volumetric rate.
      - i. This subsection shall not apply if the Customer is billed via "Winter Average", as described in Section 705.020 of this Code.
    - b. If the property is vacant at the time of the water loss, the City average for utility usage will be used in lieu of the customer's average monthly water use in the calculation of the leak adjustment.
4. All Utility Leak Adjustments under this Section shall require the authorization of the Finance Director before a leak adjustment is made to the customer's account.

- a. Upon authorization of the leak adjustment, a member of the Utility Department staff will contact the customer with the amount of the credit and revised account balance.
  - b. Leak credit adjustment documentation will be saved in the customer's file at City Hall until it is subject to destruction in accordance with the City's Record Retention Policy.
5. Payment
- a. City Staff is not authorized and shall not make any arrangements for payments.

**SECTION 25:** This Ordinance shall be in full force and effect from and after the date of its passage and approval.

**SECTION 26:** The provisions of this Ordinance are severable and if any provision hereof is declared invalid, unconstitutional or unenforceable, such determination shall not affect the validity of the remainder of this Ordinance.

**SECTION 27:** That the City Clerk is authorized by this Ordinance to correct any scrivener's errors identified within this Ordinance.

**SECTION 28:** That all other parts and provisions of the City Code not in conflict herewith shall remain in full force and effect unless previously or subsequently amended or repealed.

**First Reading: December 4, 2023**

**Second Reading: December 18, 2023**

**BE IT REMEMBERED THE PRECEDING ORDINANCE WAS ADOPTED ON ITS SECOND READING THIS 18<sup>th</sup> DAY OF DECEMBER 2023, BY THE FOLLOWING VOTE:**

Alderman Hammack	AYE	Alderman Shatto	AYE
Alderman Conrad	AYE	Alderman Gicante	ABSENT
Alderman Smith	AYE	Alderman Gallagher	AYE

APPROVED:

  
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 Doug Stark, Mayor

ATTEST:

  
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 Melissa Paith, Deputy City Clerk

