

AN ORDINANCE OF THE CITY OF NEOSHO, MISSOURI, ESTABLISHING A POLICY AND THE TERMS, CONDITIONS AND METHODS TO BE FOLLOWED IN EXTENDING WATER AND SEWER MAINS OF THE CITY OF NEOSHO AND ESTABLISHING A POLICY OF REIMBURSEMENT TO PERSONS OR CONTRACTORS WHO INITIALLY INSTALL SEWER OR WATER MAINS WITHIN THE CITY OF NEOSHO.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF NEOSHO, MISSOURI AS FOLLOWS:

ARTICLE I

WATER MAIN EXTENSIONS

Section 1. Definition of Terms: The following words or terms, as used in this Ordinance, shall be defined and construed as follows as the same pertains to water line extensions:

(a) The term "user" shall be construed to include any person, firm, corporation or other association of persons receiving water from and through the City water system for personal, domestic or industrial use.

(b) The term "water main" or "main" shall be construed to include all pipes of whatever construction heretofore or hereafter constructed and through which the City shall furnish water to the taps and service lines of users, but shall not include taps and service lines.

(c) The term "single user extension" shall include the extension to any existing water main for the use of a single user, and to which no other taps or service lines are to be connected.

(d) The term "tap" shall include only the coupler by which the service line shall be attached to the water main.

(e) The terms "service line" shall include only that portion of pipe between the meter and the user's building or other use that is used for delivery of water.

(f) The term "applicant" shall be construed to include any person, firm, corporation, government subdivision, or other association of persons who shall make application for the City to extend any water main, and also any person, firm, corporation or other association of persons who shall make application to the City to tap any main or extension thereto and become a user.

ARTICLE II

SEWER MAIN EXTENSIONS

Section 1. Definition of Terms: The following words or terms, as used in this Ordinance, shall be defined and construed as follows as the same pertains to Sewer Main Extensions:

(a) The term "user" shall be construed to include any person, firm, corporation or other association of persons discharging sewage through the City sewer system for personal, domestic or industrial use from any property owned by any user.

(b) The term "sewer main" or "main" shall be construed to include all pipes of whatever construction heretofore or hereafter constructed and through which the City shall receive sewage from users.

(c) The term "single user extension" shall include the extension to any existing sewer main for the use of a single user, and to which no other service lines are to be connected.

(d) The term "tap" shall include only the coupler by which the service line shall be attached to the sewer main.

(e) The terms "service line" shall include only that portion of pipe between the tap and the point of discharge of the sewage.

(f) The term "applicant" shall be construed to include any person, firm, corporation or other association of persons who shall make application for the City to extend any sewer main, and also any person, firm, corporation or other association of persons who shall make application to the City to tap any main or extension thereto and become a user.

Section 2. The provisions of this Ordinance shall be considered a part of all contracts between any applicant or user and the City of Neosho, Missouri providing for the extension of water mains and sewer mains. Regardless of whether or not the City repeals or amends this Ordinance, the City will be bound to administer the recoupment provisions and procedures stated herein for any projects which have been approved by the City Council as set out in Article III, Section 4 herein.

ARTICLE III

APPLICATIONS AND ACCEPTANCE

Section 1. No person desiring to extend a water main or a sewer main shall be obligated to make application under this recoupment Ordinance. Any person can extend a water main or a sewer main by complying with the applicable building codes and

paying the entire cost of such extension without the possibility of recoupment provided by this Ordinance.

Section 2. That portion of a water or sewer main extension which shall be subject to recoupment goes from the existing water or sewer main to the property line of the applicant. Any portion of a water or sewer main extension that is within the applicant's property is not subject to recoupment. Any applicant desiring to extend any existing water main or sewer main and desiring the benefits and obligations of this recoupment Ordinance shall make written application therefore to the Director of Public Works. Such application shall require the approval of the City Council. Such application shall state the name and address of the applicant, the use of such water or sewer extension to be served through such extension. Said application shall be accompanied by a plat of the addition, subdivision or lot to be served, the plans and specifications for such extension along with the bid specifications, contract documents, and project cost estimates prepared by a Missouri registered professional engineer, which plans shall have been approved by the Missouri State Board of Health, when required, and a filing fee of \$200 which is to be non-refundable. All costs incurred in making the application shall be borne by the applicant and are not subject to recoupment.

Section 3. Upon receipt of such application and initial deposit, the Director of Public Works shall notify the City Manager, stating the location and extent of the proposed extension. The Director of Public Works shall forthwith review the estimate of the cost of the proposed extension submitted by the applicant and submit his written report of the same to the City Manager. The Director of Public Works shall thereupon notify said applicant stating the amount of the Director of Public Works' estimate.

Section 4. Prior to issuing any contract the City will issue a bid call using the normal bidding procedure as called for by Ordinance on public works projects. The applicant shall be allowed to bid on the job. Whether or not the applicant bids, the applicant may perform the work called for at the low bid price by notifying the Director of Public Works of the same within three (3) days of the bid openings.

Section 5. In the event that the applicant is not the low bidder and the applicant does not elect to perform the work as set out above, the applicant shall within 14 days of the bid opening pay unto the City the full amount of the low bid. This money shall be placed on interest with all interest earned to be used towards defraying the cost of the project. In the event the applicant shall fail to pay to the City the full amount as stated above, the application shall be denied. If the applicant is the low bidder, or elects to perform the work as set out above, the applicant shall not be required to pay the cost of the project unto the City.

Section 6. If the Council shall find that the proposed extension is not contrary to the public interest, it shall by Ordinance direct that the application be granted. Such Ordinance shall further state the manner in which the construction of the proposed water main extension is to be done, and approve a contract between said City, a private contractor approved by City, and the applicant for the construction of such extension.

Section 7. The City Council reserves the right to impose a performance bond requirement or seek the security of a satisfactory financial instrument before giving final approval to a recoupment project. In addition the successful bidder, or applicant if he opts to do the work, shall warrant the work done against defects in materials or workmanship for a period of one year after acceptance by the City.

ARTICLE IV

EASEMENTS

Section 1. All easements necessary to complete any water or sewer main extension shall be 15 feet in width, be in favor of the City and be obtained prior to making application to the City for recoupment of the extension. All water mains and sewer mains shall be the property of the City but service lines shall be the property of the individual property owners where located.

Section 2. The cost of obtaining and recording all necessary easements shall be borne by the applicant for the water or sewer line extensions under this Ordinance but shall for purposes of recoupment be added to the total cost of the project and shall be subject to recoupment.

ARTICLE V

COST OVERRUNS OR UNDERRUNS

Should the actual cost of extending the water or sewer main be more than the amount paid in by the applicant, if under Article III, Section 6 the applicant was required to pay in any money, the applicant shall pay such additional amount to the City before water or sewer service shall be commenced. If the actual cost of extending the water or sewer main be less than the amount paid in by the applicant, plus accrued interest, the applicant shall be refunded the amount of his payment less the actual cost upon final approval of the completed project by the City.

ARTICLE VI

RECOUPMENT

Section 1. The City shall keep a ledger account of all

funds on deposit in the "Pro-Rata Utility Fund", showing the amount paid into said fund as a result of each water or sewer main extension, and the applicant making such payment, and all payments made therefrom.

Section 2. No person, firm or entity may make a service tap on or connect to a water or sewer main extension made under the provisions of this Ordinance, for 15 years after final approval of the project by the City, until after first making payment to the City to the "Pro-Rate Utility Fund" for a tap on fee of five cents per square foot of the property to be served or five hundred dollars (\$500.00) per connection whichever is greater.

Section 3. No person, firm or entity shall connect a water or sewer main to a water or sewer main extension made under provisions of this Ordinance, for 15 years after final approval of the project by the City, until after first making payment to the City to the "Pro-Rate Utility Fund" in an amount equal to 25% of the recoupable cost of such project.

Section 4. Ninety percent (90%) of the money paid to the City under Section 2 above shall be returned to the applicant, within 45 days of such payment, and ten percent (10%) retained by the City as administrative rates, until fifteen (15) years from acceptance of the project by the City, providing that more than fifty percent (50%) of the construction costs of the sewer or water line has been paid. If less than fifty percent (50%) of the cost of the sewer or water line extension construction cost has been paid within fifteen (15) years from the date of acceptance by the City then the fifteen (15) year period for the tap on fee provided for in Section 2 shall be extended for another five (5) year period and thereafter terminate. No applicant shall receive more than ninety percent (90%) of the total construction cost, which shall not include surveying or engineering costs, by way of recoupment.

Section 5. In the event any charge provided for in Section 2 or Section 3 of this Article cause the money paid into the "Pro-Rata Utility Fund" to exceed one hundred percent (100%) of the cost of such project, then said charge shall only be that amount which is necessary to make the money paid into the Fund equal one hundred percent (100%) of the cost of the project.

Section 6. The charges provided for in this Ordinance shall be in addition to all other charges of the City of Neosho for hooking on to water and sewer lines.

ARTICLE VII

MISCELLANEOUS

Section 1. No service lines shall be connected to any water or sewer line extension until the water or sewer line

extension shall be totally completed and accepted by the City.

Section 2. In the event that the applicant, if he elected to do the work himself, has not totally completed the extension within two years of the City Councils granting the application, then the City Council reserves the right to withdraw the City from participation in the project. For good cause, the City Council can extend the two year deadline without affecting the right to withdraw the City from participation.

Section 3. The City of Neosho will use a good faith effort to secure federal or state funds to extend water or sewer lines when ever such funds are available. In the event such funding is available, then such funds shall reduce, dollar for dollar, the recoupable expense of the project.

Section 4. All construction of sewer or water main extensions shall be done in compliance with all City Ordinances, City Building Codes and in compliance with all State and Federal laws.

Section 5. If the City, in reviewing the plans and specifications, decides that a larger main than that specified in said plans and specifications is desirable, then the City can require the larger main but will be responsible for the increased cost. This increased cost paid by the City shall be part of the recoupable cost of the project and the City shall receive, pro rata, any money received under this Ordinance from subsequent users, in addition to the 10% administrative fee set out above.

Section 6. If any section, subsection, sentence, clause or phrase of this Ordinance is for any reason held to be invalid by a Court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Ordinance.

Section 7. All Ordinances or parts of Ordinances in conflict with any of the provisions of this Ordinance are hereby repealed insofar as the same are in conflict with the provisions hereof.

Approved after final passage this 5th day of JULY, 1988.

CITY OF NEOSHO, CITY COUNCIL

Dr. Charles E. Baf
Mayor

ATTEST:

James E. Haddock
City Clerk