AMENDMENT NO. 2 TO ORDINANCE NO. 15 OF 2013

(AN ORDINANCE TO AMEND AND REENACT CERTAIN SECTIONS OF CHAPTER 94 OF THE CODE OF ORDINANCES RELATIVE TO UTILITIES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO)

BY:

Substitute the attached copy of the ordinance for the copy of the ordinance previously introduced.

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EXPLANATION OF MAJOR AMENDMENTS

This amendment:

-Amends Section 94-164 by adjusting the monthly water rates to be charged to residential, commercial and industrial customers beginning October 1, 2013 with periodic adjustments thereafter;

-Amends Section 94-165 by adjusting the monthly rates to be charged for wastewater collection and treatment for customers served by the City's sanitary sewer system beginning October 1, 2013 with periodic adjustments thereafter.

**ORDINANCE NO. ____ OF 2013**

**AN ORDINANCE TO AMEND AND REENACT CERTAIN SECTIONS OF CHAPTER 94 OF THE CODE OF ORDINANCES RELATIVE TO UTILITIES AND TO OTHERWISE PROVIDE WITH RESPECT THERETO**

**BY:**

**BE IT ORDAINED by the City Council of the City of Shreveport in due, regular and legal session convened, that Section 94-1 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-1. Definitions.**

The following words, terms and phrases, when used in this chapter, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

*Department* means the department of water and sewerage.

*Director* means the director of the department of water and sewerage.

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**BE IT FURTHER ORDAINED that Sections 94-2 through 94-22 of the Code of Ordinances are hereby amended to now read as follows:**

**Sec. 94-2. Provisions of chapter deemed incorporated into customer contracts.**

All provisions of this chapter shall be deemed to be incorporated into every contract between the city and its water or sanitary sewerage service customers, and each customer or consumer shall be charged with knowledge of the provisions of this chapter and, by applying for and accepting water or sanitary sewerage service from the city, to have assented to the provisions of this chapter.

**Sec. 94-3. Authority to draft administrative procedures.**

The chief administrative officer, or his designee, shall have the authority to draft administrative procedures necessary to effectively implement the provisions of this chapter.

**Sec. 94- 4. Authority to waive or suspend provisions of chapter.**

(a) The chief administrative officer, after consultation with the director of water and sewerage or the director of finance, may temporarily waive or suspend any provision of this chapter, upon the finding that the imposition of such provision constitutes an unreasonable requirement based on considerations of health, safety, welfare or hardship.

(b) The chief administrative officer shall provide a quarterly report to the city council of any provisions suspended and the reasons therefor.

**Sec. 94-5. Responsibility for work on water and sewer lines; specifications for work.**

The property owner of premises served by water services shall be responsible for the house line to the premises. The property owner of premises served by sewer services shall be responsible for the lateral line from the premises to the sewer main. All work on such lines shall be done in compliance with the plumbing and gas piping code, except where regulations have been established by the director of water and sewerage governing such work within city rights-of-way, alleys and dedicated servitudes pursuant to section 94-12.

**Sec. 94-6. Compliance with building code.**

All new buildings or structures located within or outside the corporate city limits, and any additions, modifications, alterations or repairs of existing buildings that utilize

the water or sewer facilities of the city, or both, shall comply with the requirements of the city comprehensive building code as amended, including the securing of all permits and inspections required by such code.

**Sec. 94-7. Water or sewer service outside city—Request for annexation.**

(a) As a condition precedent to the initial connection into the city water or sewer line, or both, the application for the water or sewer connection must be accompanied by a written request for annexation to the city, and approved by the city council.

(b) If, at the time the initial request for connection is made and the written request for annexation is submitted, the area upon which the facility is located is not contiguous with the city limits, or otherwise not legally available for annexation, the owner of the property shall enter into a contract with the city, to be approved by the city council, which contract shall provide that the property owner shall not withdraw the written request for annexation, that the written request for annexation shall be kept in full force and effect until such time as the area becomes legally available for annexation, and that if the annexation request is withdrawn the facility shall be disconnected from city water or sewerage service. The contract shall be recorded in the conveyance records of Caddo Parish or Bossier Parish, as the case may be, and may not be assigned without approval of the city council.

(c) If the area is acquired by a new owner, the new owner shall, within 90 days of acquiring the property, submit a written request for the annexation of the area to the city and execute a contract as specified in this section to be approved by the city council. If no such request or contract is received within the time specified, the areashall

be disconnected from city water or sewerage service.

**Sec. 94-8. Same—Property to be subject to other city regulations.**

No water or sewerage service shall be furnished to persons or property outside or beyond the limits of the city except upon the full and complete compliance by such persons or property with all regulations and requirements of all departments of the city, including but not limited to street, drainage and subdivision regulations.

**Sec. 94-9. Temporary interruption of water supply and/or sewer service; damage to plumbing, pipes and fixtures.**

(a) The right is reserved by the department to temporarily discontinue and to reconnect the water supply without notice to all users for the purpose of making repairs, connections, extensions and cleaning of mains, machinery, storage reservoirs or any other appurtenances to the water supply and distribution system. All users having boilers, air conditioning equipment or other water-consuming devices which may become damaged due to interruption of water service, and which are supplied directly with city water, do so at their own risk. The city shall not be liable for any damage that may occur on account of the water being cut off for any purpose. The city further shall not be liable for any damage to plumbing, pipes or fixtures on premises caused by pressure from the city water system.

(b) The right is reserved by the department to temporarily discontinue sewer service without notice to all users for the purpose of making repairs, preventing line failures or leaks, maintaining or cleaning equipment, or other such needs. The department may require that private lift stations tied to the sewer system immediately cease discharging during such periods. The city shall not be liable for any damage resulting from such actions.

**Sec. 94-10. Additional rules, regulations and specifications.**

(a) The director is authorized to establish written rules, regulations and specifications, subject to the approval of the chief administrative officer, for the implementation of this chapter, including but not necessarily limited to rules, regulations or specifications.

(1) Governing the construction, repair and maintenance of water and sewer service pipes located within city rights-of-way, alleys and servitudes.

(2) Governing the replacement of lead service pipes.

(3) Setting conditions under which sewer service will be terminated based on any provision of this chapter except article V.

(4) Establishing procedures for giving notice of termination of water or sewer service based on any provision of this chapter except article V, and procedures for hearing customers' objections to such termination.

(5) Setting guidelines and criteria for authorizing unmetered water use for temporary special purposes and assessing charges therefor under section 94-81(b).

(6) Regarding new meter sets and vaults.

(b) The director shall file all such rules, regulations and specifications with the clerk of council, who shall forward a copy thereof to each councilmember. The rules, regulations and specifications shall go into effect 30 days after filing of the rules, regulations and specifications with the clerk unless a councilmember places the matter on the agenda of a regular or special city council meeting. If placed on the agenda, the city council shall thereafter approve or reject the rules, regulations and specifications.

**Sec. 94-11. Repair and replacement of service pipes—Generally.**

(a) It shall be the responsibility of the owner of the premises served to make all repairs and replacements of sewer lateral lines, at his expense, from the main to the structure being served. The department shall have the right to make such repairs and replacements of sewer lateral lines at the owner's expense in the case of an emergency or potential health hazard. A lien against the property may be filed in the amount of costs incurred by the department in making such repairs or replacements.

(b) It shall be unlawful for any other person to repair or renew service pipes or lateral lines without a valid permit issued by the department.

**Sec. 94-12. Same—Repair of lead water pipes prohibited.**

Under no circumstances shall water service pipes made of lead be repaired. It shall be the responsibility of the party damaging lead service pipes to replace them in their entirety from the water main to the water meter in accordance with the specifications of the department.

**Sec. 94-13. Abandonment of service pipes.**

(a) All water service pipes and sewerage service pipes which are permanently abandoned shall be securely capped or plugged at the city's main.

(b) Sewerage service pipes which will be abandoned temporarily shall be cut and securely plugged at the servitude or property line. If the sewerage service pipe is found to be faulty, the property owner must either cap or plug the service pipe at the city's main or repair the service pipe pursuant to other sections of this Code.

(c) Water service pipes which will be abandoned temporarily shall be cut and plugged at the property line, leaving the meter installation and meter box intact.

(d) Any water service pipe or sewer service lateral temporarily abandoned for more than two years must be inspected by the department before that pipe can be placed into operation. For service laterals, the owner must furnish internal video of the line for review by the department. If the service pipe does not conform to minimum standards, the service pipe shall not be used and shall be abandoned permanently by the owner responsible as provided by section 94-7. Sewer service laterals may be repaired by the owner provided a follow up internal video is submitted to the department for review and the department deems the repairs acceptable.

**Sec. 94-14. Responsibility for water leakage.**

(a) All property owners, or their agents and tenants, shall be held responsible as consumers for loss of water due to leakage in the pipe or plumbing beyond the discharge side of the meter or on the property. If lost water is not paid for according to the rates provided in this chapter when the amount becomes due, the water serviceshall be discontinued until all amounts due are paid. Service will not be restored until all leaks have been repaired to the satisfaction of the department.

(b) In the event that a leak in the pipe or plumbing beyond the discharge side of the meter is causing, or may cause, a public nuisance, the city may terminate water service to the property, upon ten days prior written notice to the owner and occupants of the property. In such event, service will not be restored until all leaks have been repaired to the satisfaction of the department.

**Sec. 94-15. Right of entry of director.**

Every person receiving water and/or sewer service from the department shall at all reasonable times permit the director or his agents to enter the premises and building to examine pipes and fixtures and the manner in which the water and/or sewer service is used. Refusal by any consumer shall result in refusal of water and/or sewer service until such permission is granted.

**Sec. 94-16. Theft of service or meter; interference with meters and unauthorized restoration of service.**

(a) No person shall prevent water from passing through any meter connected directly or indirectly with the public water mains, or prevent any meter from accurately registering the amount of water passing through such meter, or prevent or obstruct a meter from accurately registering the quantity of water supplied, or in any way interfere with the purpose, action or just registration of a meter.

(b) No person shall, without the consent in writing of the director, divert any water from any pipes, lines or mains of the waterworks, or otherwise use or cause to be used any water unlawfully diverted or retain possession thereof.

(c) No person shall refuse to deliver any meter or other appliance loaned to him by the department for the purpose of furnishing water through the meter and registering the quantity thereof.

(d) The presence at any time on or about any meter, water lines or mains of the city, of a pipe or any other device which diverts water or prevents the free passage and registration of water or results in the taking of any water except through a meter shall constitute prima facie evidence on the part of the person owning or having custody or control of the premises where such device or pipe is located or the knowledge of the existence thereof. The knowledge of such existence by the person who would benefit

by the failure of the water to be accurately metered, and shall further constitute prima facie evidence of intention on the part of such person to violate this section.

(e) No person shall receive water through a stolen meter or straight line connection. Stolen meters and straight line connections shall be immediately removed with charges and fines for removal assessed to the customers account.

**Sec. 94-17. Unauthorized water and sewer taps or connections.**

(a) It shall be unlawful for any person other than an authorized employee of the department to tap a water line or main of the city larger than 12 inches in diameter or to make a water tap larger than one and one-half inches on a water main that is 12 inches or smaller, except pursuant to a contract with the city or written authorization of the director.

(b) It shall be unlawful for any person other than an authorized employee of the department, a licensed plumber approved by the city or a utility contractor under contract with the city to tap a sewer main.

(1) The plumber shall be responsible for any damage to the sewer main where the tap is being made. All repairs to the sewer main where damage has occurred shall be made by an authorized employee of the department or a utility contractor/plumber under contract with the city.

(2) The plumber shall be responsible for any repairs to the main where the tap was made due to any defects of materials or workmanship for one year after the tap has been completed.

(c) A licensed plumber approved by the city or a utility contractor under contract with the city may tap a water line or main of the city that is 12 inches or smaller

and extend service pipes therefrom, provided the tap is not greater than one and one-half inches and all permits to make the tap have been issued by the city.

(1) The plumber shall be responsible for any damage to the water main where the tap is being made. All repairs to the water main where damage has occurred shall be made by an authorized employee of the department or a utility contractor/plumber under contract with the city and the cost of the repair assessed to the plumber in accordance with the fees in the approved departmental rules and regulations.

(2) The plumber shall be responsible for any repairs to the tap or service pipe extensions due to any defects of materials or workmanship for one year after the tap has been completed.

(3) The plumber shall use all professional skills to ensure that there is no contamination of city mains. Any contamination of mains is to be reported immediately to the department and employees of the department will take corrective measures and fees will be assessed to the plumber for all work accomplished.

**Sec. 94-18. Unauthorized service line or pipe extensions.**

(a) After water or sewerage pipes are introduced into a building or upon any premises, the lines shall not be extended by any plumber or any other person to any other building or premises without proper building permits.

(b) It shall be unlawful for any person or plumber to extend service lines prior to the discharge side of the water meter.

**Sec. 94-19. Negligent damage to, tampering with or trespassing upon water or sewerage works.**

(a) It shall be unlawful for any person, individually or in association with others, to willfully break, injure or tamper with any part of the water or sewerage systems of the city, or to trespass inside the fenced enclosure of any city-owned water and sewerage department facility or in any other manner to interfere with or prevent the operation of such systems and the water supply therefor, or any portion thereof.

(b) It is unlawful to turn on city water, or cause it to be turned on at the curb or meter after it has been shut off for failure to pay outstanding bills, fines or fees or for any other violation of this ordinance. Fines for tampering shall be per Sec. 94-166.

**Sec. 94-20. Notice of termination of water or sewer service.**

Whenever the department is authorized under any section of this chapter to terminate or disconnect water or sewer service, notice thereof shall be given in accordance with written rules and regulations established by the director.

**Sec. 94-21. Termination of water service for violations of state plumbing code.**

In the event any building, facility or connection is found to be in violation of any provision of the Louisiana State Plumbing Code incorporated by reference into this Code by the provisions of section 22-26 in addition to other penalties or sanctions which may be applicable, the city may suspend or terminate water service to said building, facility or connection until the violation is corrected.

**Sec. 94-22. Sewer Lift Stations**

All lift stations connected to the City's sanitary sewer system shall be constructed with valves that can be closed by or upon request by the City, to allow for repair or maintenance work on the sanitary sewer system as deemed necessary by the City. All existing lift stations without such valves shall be retrofitted within 180 days of the

effective date of this ordinance. Each lift station owner shall ensure that the City is provided with the name of the operator in charge and up-to-date 24 hour contact information for the operator.

**Secs. 94-23 – 94-40. Reserved.**

**BE IT FURTHER ORDAINED that Section 94-41 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-41. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*Master utility plan* the latest water and sewer master plan or reports promulgated by the city.

*Standard design criteria* means "City of Shreveport Standard Specifications for Paving, Storm Drainage, Water and Sewerage" latest edition, as revised or amended.

**BE IT FURTHER ORDAINED that Section 94-42 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-42. Extensions generally.**

(a) *Approach and boundary mains.* This subsection applies to approach and boundary mains only. The city may extend any main within the system at its cost if it is determined by the director that the extension will relieve potential health concerns or the extension will be of benefit to the city. The director may recommend that departmental funds be utilized for a portion of or for all of the extension.

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**BE IT FURTHER ORDAINED that Section 94-43 of the Code of Ordinances is hereby amended to now read as follows:**

**Sec. 94-43. Accounts; Department of engineering and environmental services; construction contracts; exemptions.**

(a) *Accounts.* The city council may designate funds in the annual operating budget of the department for the purpose of funding approved projects.

(b) *Department of Engineering*.

(1) *Use of private consultants.* The developer may hire a consulting engineer to design extensions or mains within a development. The engineer shall submit three sets of plans and specifications to the department of engineering and environmental services for approval, and one set to the department of water and sewerage for their files. At the conclusion of the project, the engineer shall submit one set of the original plans to the department of engineering and environmental services for preparation of as -built drawings.

(2) *Construction inspection and as-built drawings/Testing; fees for city services.* In either case as provided in subsection (b)(1) of this section, the department of engineering and environmental services shall provide construction inspection and as-built drawings/testing. The cost to the developer for services provided by the department of engineering and environmental services shall be the following percentages of construction costs:

| Inspection | As-Built Drawings/Testing |
|---|---|
| 4½% | ½% |

(3) The contract documents and the donation agreement shall be done in accordance with the department of engineering and environmental services published guidelines for extending water or sewer mains.

(c) Construction contracts; exemptions.

(1) Construction provided by the city or under a construction contract shall be subject to the following:

a. *Construction by city personnel.* City personnel shall only undertake construction work for projects in compliance with R.S. 38:2211 et. seq., as such provisions exist now or may hereafter be amended.

b. *City contracts for construction*. The city shall contract for construction in accordance with the public bid laws. Whenever the city participates in the cost of construction of an extension or an oversized main, the construction contract shall be advertised for public bid by the city purchasing agent.

c. *Negotiation of contract by developer.* At the developer's or applicant's option, a construction contract may be negotiated for extensions or developments for which the applicant or developer shall pay full cost. The developer's or applicant's engineer shall submit plans and specifications for approval. Upon approval, the applicant or developer will negotiate the construction contract. Construction shall be undertaken under the inspection of the department of engineering and environmental services. When construction has been completed according to the plans and specifications, the developer or applicant shall execute a donation agreement with the city for the water or sewer mains or lift station(s). As part of this donation, the developer or applicant shall provide a two-year, 15 percent of construction cost maintenance bond,

and a proper certificate that no liens exist against the mains being donated. If the donation is accepted by the city council, the department shall operate and maintain the mains at the end of a two year maintenance period during which the developer is responsible for the improvements.

(d) Any contractor, builder or developer shall be levied a construction inspection fee based upon construction costs of water and sewer projects on properties privately owned, which are intended to be donated to the city for public use. The cost of the developer for engineering services provided by the department shall be the following percentages of construction costs:

Inspection: 4½%

As-built drawings/testing: ½%

**Secs. 94-44--94-60.Reserved.**

**BE IT FURTHER ORDAINED that Section 94-61 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-61. Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

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*Private fire hydrant* means a discharge pipe with a valve and spout located on private property at which water may only be drawn from the water main to provide fire protection.

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**BE IT FURTHER ORDAINED that Section 94-62 of the Code of Ordinances is hereby amended to now read as follows:**

**Sec. 94-62. Drawing water from fire hydrant.**

(a) It shall be unlawful for any person, except a member of the fire department or an employee of the department of water and sewerage or public works in the scope of employment, to open or use water from a fire hydrant, or to take off the cap without permission from the department, or to remove the cap by using any wrench other than the regular wrench made for that purpose.

(b) Drawing water from fire hydrant without the permission from the department shall be assessed a fine per Sec. 94-166.

**BE IT FURTHER ORDAINED that Section 94-64 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-64. Fire line service; fire service storage tanks.**

(a) No connection for a sprinkler or fire service shall be permitted unless application therefore has been made to and granted by the department and approved by the chief building official of the city. In no instance shall any connection be made with any sprinkler or fire service without the written consent of the department. Should it be found that any unauthorized connection has been made, or that any water has been used from a sprinkler or fire service for any other purpose than extinguishing a fire, or that a waste of water is permitted from such connection through leaks in the pipes or fixtures, the water service shall be discontinued until a meter of the kind and size prescribed by the director of water and sewerage shall have been installed at the expense of the customer.

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(c) When ground storage reservoirs or fire pumps are installed on private property, such pumps shall discharge into a fire system approved by the director and the chief building official. An approved backflow preventer shall be installed in the owner's fire service between the point where the pump discharges into such service and the connection of such fire service to the city mains to prevent backflow from the fire pump into the city distribution system. The water in such fire storage tanks will be maintained in a potable condition and subject to periodic inspection by department personnel. Such tanks and water quality shall be maintained in compliance with the standards and requirements of the state department of health and human resources and the city. Such tanks shall not be of the pressure type. The delivery of city water to the tank shall be above the tank flow line with a one-foot air gap. The supply line to this tank shall not be controlled by a quick-acting valve which will cause water hammer in the distribution system. Water tanks shall be equipped with an overflow pipe at least 12 inches below the city inlet pipe. The overflow pipe shall be protected as to prevent access of insects, birds or animal life into the reservoir. The pipe shall be at least two inches in diameter larger than the inlet supply line from the city distribution system. Such storage tank shall be provided with a drain-pipe and valve for easy drainage of the tank. The drain-pipe may not be connected to the city sanitary sewerage system.

**BE IT FURTHER ORDAINED that Section 94-81 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-81. Construction and roving meters; unmetered water use.**

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(b) The director of water and sewerage may authorize unmetered and/or metered water use for temporary special purposes, and enter into agreements for the assessment of charges therefor.

**BE IT FURTHER ORDAINED that Section 94-82 of the Code of Ordinances is hereby amended to now read as follows:**

**Sec. 94-82. New meter sets.**

The director of water and sewerage shall have the authority to establish rules, regulations and specifications regarding new meter sets or meter vaults. All meters shall be purchased from the department. Installation of new meters and construction of meter vaults shall be at the expense of the contractor or customer, and approval by department personnel shall be required before service begins.

**BE IT FURTHER ORDAINED that Section 94-84 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-84. Interference with meter reading.**

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(c) A reconnection charge as provided in section 94-166 shall be assessed to the customer for any nonpayment cutoff of service.

**BE IT FURTHER ORDAINED that sections 94-85 – 94-88 of the Code of Ordinances are hereby amended to now read as follows:**

**Sec. 94-85. Use of separate meter for irrigation or other seasonal purposes.**

Customers using a separate water meter for one or more seasonal purposes, such as but not limited to lawn watering, shall pay at least the minimum monthly charge prescribed in section 94-164 monthly for each account throughout the year, whether

such service is active or not. If such service is disconnected at the request of the customer and the customer requests that the service be reconnected within the next 24 months, a connection charge shall be paid equivalent to the monthly minimum charge times the number of months that such service has been disconnected, and a flat reconnect charge.

**Sec. 94-86. Approval of cooling tower meters.**

The department shall have authority to approve the use of cooling tower meters or other devices and processes for water only use that the customer is requesting sewer charges not be applied to. The department shall have the authority to supervise the installation of, approve calibration of, and periodically inspect cooling tower meters or other devices and processes for water only use. Upon request by the department, the customer will be required to provide a written report from a licensed engineer as to the installation, calibration and plumbing flow of the process water.

**Sec. 94-87. Submetering or re-selling of water.**

(a) It shall be unlawful for any person to construct, occupy or allow to be occupied any structure in which the construction plan provides for a master meter and submetering of the water consumption of one or more owners or tenants, unless the plan has been approved by the director.

(b) It shall be unlawful for any person to connect to a house line for a separate property or multiple properties with the intent to re-sell water which has passed through their water meter without prior authorization from the department.

**Sec. 94-88. Meters to be approved by department.**

The size, type and right to own and control all meters installed or used by consumers of its water or sewerage service shall be determined by the department.

**Secs. 94-89 -- 94-110. Reserved.**

**BE IT FURTHER ORDAINED that Section 94-114 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-114. Definitions and abbreviations.**

(a) *Definitions.* For the purpose of this article, the following words and phrases shall have the meanings ascribed to them in this section except where the context clearly indicates a different meaning.

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*Building drain* shall mean that part of the lowest horizontal piping of a drainage system that receives the discharge waste inside the walls of the building and conveys it to the building sewer, beginning five feet outside the inner face of the building wall.

*Building sewer* shall mean the extension from the building drain to the public sewer.

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*City engineer* shall mean the city engineer of the department of engineering and environmental services of the City of Shreveport, Louisiana.

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*Cooling water means water discharged from any use such as air conditioning, cooling or refrigeration or to which the only pollutant added is heat.*

*Compliance order* means an administrative order issued by authority of federal, state or local regulation or law directing a noncompliant industry to achieve or restore compliance by a date specified in the order.

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*Food service establishment* means any restaurant, eatery, food caterer, cafeteria, or other institution processing and serving food such as but not limited to, motels, hotels, prisons, or schools.

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Grease means a material either liquid or solid, composed primarily of fats, oils, and grease from animal or vegetable sources. The terms “grease”, “fats, oils, and grease (FOG)”, or “oil and grease”, shall all be included within this definition.

*Grease trap* means a device utilized by commercial or industrial generators of liquid waste to intercept, collect and restrict the passage of grease and/or solid waste into the sanitary sewer to which the device is directly or indirectly connected. The terms “grease trap”, “grease interceptor, or “grease recovery device”, shall all be included within this definition.

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*Properly shredded garbage* shall mean that waste from the preparation, cooking, and dispensing of food has been shredded to such a degree that all particles will be carried freely under the flow conditions normally prevailing in public sewer, with no particle greater than ¼ inch in any dimension.

*Public sewer* means pipe or conduit carrying sanitary waste water in which owners of abutting properties shall have the use, subject to control by the city.

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*Sewage* shall mean a combination of the water-carried wastes from residences, business buildings, institutions, and industrial establishments.

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**BE IT FURTHER ORDAINED that Section 94-118 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-118. Repair of defective service lines.**

Sanitary sewer service lines shall be maintained in a good state of repair at all times. The following rules and regulations shall govern defective sanitary sewer lines:

(1) Repair required; notice to property owner.

a. The property owner shall have ten days (or such shorter period as may be determined by the director to be needed due to exigent circumstances) following a written notice by the department to properly repair a sanitary sewer service line which is contributing to health and nuisance problems such as backups, overflows or hydraulic overloading of the sewerage system. If the repairs are not effected within the stipulated period, the department may terminate the water or sewerage services to the property until such repairs are made and/or may levy fines of up to $500 per day for each day the repair is not made. If repairs require more than ten days, the department shall compute the volume of stormwater, surface water or other water discharges prohibited under section 94-120 which have entered the sewerage system and bill accordingly at the established rate.

b. If the defective service does not contribute to potential health and nuisance problems such as backups, overflows and hydraulic overloading of the

sewerage system, the customer shall have 30 days following a written notice by the department to properly repair the service line. The department shall compute the volume of stormwater, surface water or other water discharges prohibited under section 94-120 which have entered the sewerage system and bill accordingly at the established rate if repairs are not effected within the 30 days. Failure to pay may result in the termination of water or sewerage services and/or fines of up to $500 per day for each day the fine remains unpaid.

c. In addition to requiring repair of a leak, the director may, by written notice, require further diagnostic work (including but not limited to videoing of lines and/or the submission of a report to the Department attesting to the condition of the lines) by a licensed plumber at the owner's expense, within the deadlines noted in a. and b. above. Failure to comply with such requirement may result in termination of water or sewerage service to the property and/or fines of up to $500 per day for each day the repair is not made.

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**BE IT FURTHER ORDAINED that Section 94-119 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-119. Prohibited discharge standards.**

Pollutants, substances, or wastewater prohibited by this section shall not be processed or stored in such a manner that they could be discharged to the POTW.

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(3) *Specific pollutant limitations.* The following pollutant limits are established to protect against pass through and interference. These limits apply at the point where

the user's wastewater is discharged to the sanitary sewer system. All concentrations for metallic substances are for "total" metal unless indicated otherwise. The authority may impose mass limitations in addition to, or in place of, the concentration-based limitations. Following are the technical based local limits.

a. 0.07 mg/l antimony (T)

b. 1.2 mg/l arsenic (T)

c. 0.1 mg/l cadmium (T)

d. 4.7 mg/l chromium (T)

e. 3.8 mg/l copper (T)

f. 1.5 mg/l cyanide (T)

g. 1.0 mg/l lead (T)

h. 0.005 mg/l mercury (T)

i. 1.5 mg/l molybdenum (T)

j. 3.6 mg/l nickel (T)

k. 0.14 mg/l selenium (T)

l. 0.1 mg/l silver (T)

m. 3.2 mg/l zinc (T)

n. 100 mg/l oil and grease

Total toxic organics (TTO) for all categoricals shall be regulated according to the definition for that point source as established by EPA. All other facilities shall be regulated according to the definition of metal finishing point source category as established by EPA in 40 CFR Part 433.11(e). Should regulations, state or federal, reduce the limitation for any specified pollutant, the more stringent limit shall become

the standard.

**BE IT FURTHER ORDAINED that the title of Section 94-122 of the Code of Ordinances is hereby amended to now read as follows:**

**Sec. 94-122. Interceptors.**

***

**BE IT FURTHER ORDAINED that Section 94-131 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-131. Discharge of septage.**

***

(e) Septage haulers must provide a waste-tracking form for every load. This form shall be designed by the city and shall be a part of the liquid waste hauler permit. The form shall identify the origin of the wastes. The fee for the form shall be established by the director.

**BE IT FURTHER ORDAINED that Section 94-134 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-134. Right of entry, inspection and sampling.**

***

(b) *Inspection.* The authority shall inspect all significant industrial users at least once a year in accordance with 40 CFR 403.8(f)(2)(v).

***

**BE IT FURTHER ORDAINED that Section 94-138 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-138. Permits required.**

(a) *Industrial users.* Industrial users, except as provided in (b) below,shall be required to obtain a wastewater discharge permit, and shall not commence any construction, modification or addition to any industrial facility which discharges or will discharge industrial waste without first submitting a discharge permit application.

***

(b) *Food Service Establishments.* Food Service Establishments shall obtain coverage under a general permit issued by the city's department of engineering and environmental services in order to be authorized to discharge wastewater into the sanitary sewer system. Permit coverage shall be obtained as follows:

***

(3) Permit fees shall be prorated and assessed as an annual charge on each restaurant's water bills. Continued coverage under the general permit shall be contingent upon timely payment of the annual charge.

***

**BE IT FURTHER ORDAINED that Section 94-141 of the Code of Ordinances is amended as follows:**

**Sec. 94-141. Miscellaneous provisions.**

(a) *Pretreatment charges and fees.* The following wastewater discharge permit fees shall apply:

***

(3) Non-significant user (except food service establishments).

***

(4) Food service establishments, per year .....$100.00

***

**BE IT FURTHER ORDAINED that Section 94-142 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-142. Enforcement.**

(a) Administrative enforcement.

***

(9) *Appeals of administrative enforcement actions.* Users desiring to dispute any enforcement actions must file a written appeal with the comprehensive environmental board of appeals in accordance with the procedures established by the board. A timely and properly filed appeal shall suspend the effect of the action appealed until the board has ruled on the appeal, except for actions taken in order to stop an actual or threatened discharge determined by the director of the department of water and sewerage to present or cause imminent or substantial endangerment to the health or welfare of persons, the operation of the POTW, or the environment.

***

**BE IT FURTHER ORDAINED that Section 94-161 is hereby amended as follows:**

**Sec. 94-161. - Definitions.**

The following words, terms and phrases, when used in this article, shall have the meanings ascribed to them in this section, except where the context clearly indicates a different meaning:

***

*Commercial customer class* means all persons, businesses or entities not included in the residential or industrial customer class having metered water or sewerage service, including but not limited to roominghouses, retail and wholesale operations, office buildings, warehouses, bakeries, laundries, food service establishments, hotels, combined residential/commercial buildings and multiresidential structures housing four or more individual living units.

***

*Industrial customer class* means facilities involved in manufacturing, fabrication, packing, brewing and processing. Manufacturing facilities include, but not limited to, metal processing and fabricating operations and hard and soft goods manufacturing. Food processing includes meat, poultry, fish, vegetables and dairy food, bottling, processing and canning facilities.

***

*Other customer class* means unclassified users who have metered water consumption or sewage discharge.

***

*Reuse water* means treated effluent from the city's wastewater treatment plants that can be used for industrial purposes provided the reuse water is discharged back into the sewer system. At no time will reuse water be utilized for drinking water.

***

*Wholesale water* means the City will sell and deliver or cause to be delivered to a person or company at a specified location who then transmits and distributes to its specified service areas.

**BE IT FURTHER ORDAINED that Section 94-162 of the Code of Ordinances are hereby amended to now read as follows:**

**Sec. 94-162. Recycled product collection fee.**

The recycled product collection fee established in subsection 74-31(h) shall be added to the customer's water and sewer bill.

**BE IT FURTHER ORDAINED that Section 94-163 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-163. Deposit.**

(a)

**

(3) No interest shall be paid to a customer on any deposit.

(b)(1) Deposits when required shall be in the following amounts:

| Water Meter Size (inches) | Effective April 1, 2013 Amount of Deposit |
|---|---|
| ⅝ | $150.00 |
| ¾ | $150.00 |
| 1 | $150.00 |

| | |
|---|---|
| 1½ | $200.00 |
| 2 | $250.00 |
| 3 | $1100.00 |
| 4 | $1,500.00 |
| 6 | $2,500.00 |
| 8 | $6,850.00 |
| 10 | $8,500.00 |
| Construction or roving meter | $500.00 |

***

(c) These deposit amounts may be increased by the director of water and sewerage in accordance with the rules and regulations issued pursuant to section 94-168.

(d) For sewerage only metered accounts or special unmetered accounts, the amount of the account deposit will be determined by the director of water and sewerage, with $150.00 being the minimum deposit required.

***

(f) The chief administrative officer, after consultation with the director of water and sewerage, may waive account deposits for the following entities:

***

**BE IT FURTHER ORDAINED that Section 94-164 of the Code of Ordinances are hereby amended to now read as follows:**

**Sec. 94-164. Water charges.**

The following monthly rates shall be charged for water furnished to residential, commercial and industrial customers:

*(1) Monthly water customer charge.* Effective October 1, 2013, the monthly water customer charge shall be as follows:

| Water Meter Size (inches) | Inside City | Outside City |
|---|---|---|
| ⅝ | $4.80 | $9.60 |
| ¾ | $5.53 | $11.06 |
| 1 | $6.24 | $12.48 |
| 1½ | $9.98 | $19.96 |
| 2 | $14.06 | $28.12 |
| 3 | $29.87 | $59.74 |
| 4 | $51.65 | $103.30 |
| 6 | $101.54 | $203.08 |
| 8 | $151.69 | $303.38 |
| 10 | $205.77 | $411.54 |

(2) *Monthly water customer charge.* Effective January 1, 2016, the monthly water customer charge shall be as follows:

| Water Meter Size (inches) | Inside City | Outside City |
|---|---|---|
| ⅝ | $4.90 | $9.80 |

| | | |
|---|---|---|
| ¾ | $5.64 | $11.28 |
| 1 | $6.36 | $12.72 |
| 1½ | $10.18 | $20.36 |
| 2 | $14.34 | $28.68 |
| 3 | $30.47 | $60.94 |
| 4 | $52.68 | $105.36 |
| 6 | $103.57 | $207.14 |
| 8 | $154.72 | $309.44 |
| 10 | $209.89 | $419.78 |

(3) *Monthly water customer charge.* Effective January 1, 2020, the monthly water customer charge shall be as follows:

| Water Meter Size (inches) | Inside City | Outside City |
|---|---|---|
| ⅝ | $5.19 | $10.38 |
| ¾ | $5.98 | $11.96 |
| 1 | $6.74 | $13.48 |
| 1½ | $10.79 | $21.58 |
| 2 | $15.20 | $30.40 |
| 3 | $32.30 | $64.60 |
| 4 | $55.84 | $111.68 |
| 6 | $109.78 | $219.56 |
| 8 | $164.00 | $328.00 |
| 10 | $222.48 | $444.96 |

(4) *Monthly water customer charge.* Effective January 1, 2022, the monthly water customer charge shall be as follows:

| Water Meter Size (inches) | Inside City | Outside City |
|---|---|---|
| ⅝ | $5.40 | $10.80 |
| ¾ | $6.22 | $12.44 |
| 1 | $7.01 | $14.02 |
| 1½ | $11.22 | $22.44 |
| 2 | $15.81 | $31.62 |
| 3 | $33.59 | $67.18 |
| 4 | $58.07 | $116.14 |
| 6 | $114.17 | $228.34 |
| 8 | $170.56 | $341.12 |
| 10 | $231.38 | $462.76 |

[Bulk water purchase]. In all cases, monthly water customer charges for bulk water purchase shall be the same as for regular commercial quantity rate, plus an administrative fee of $10.00 per month.

(5) *Quantity charges.* Effective October 1, 2013, the monthly water customer quantity charge shall be as follows:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $3.05 | $6.10 |
| Commercial | $3.05 | $6.10 |
| Industrial | $3.05 | $6.10 |

(6) *Quantity charges.* Effective January 1, 2016, the monthly water customer quantity charge shall be as follows:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $3.11 | $6.22 |
| Commercial | $3.11 | $6.22 |
| Industrial | $3.11 | $6.22 |

(7) *Quantity charges.* Effective January 1, 2020, the monthly water customer quantity charge shall be as follows:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $3.30 | $6.60 |
| Commercial | $3.30 | $6.60 |
| Industrial | $3.30 | $6.60 |

(8) *Quantity charges.* Effective January 1, 2022, the monthly water customer quantity charge shall be as follows:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $3.43 | $6.86 |
| Commercial | $3.43 | $6.86 |
| Industrial | $3.43 | $6.86 |

(9) *Contract customers.* The city council may authorize contracts with municipalities, political subdivisions, government entities or private firms to furnish water at rates and charges other than those set forth herein.

(10) *Nonmetered customers.* Users who do not have metered water consumption shall be charged in a manner both adequate to the operation, maintenance and replacement needs of the water system and proportional to metered users in accordance with the rules and regulations issued pursuant to section 94-168.

**BE IT FURTHER ORDAINED that Section 94-165 of the Code of Ordinances are hereby amended to now read as follows:**

**Sec. 94-165. Sewerage charges.**

The following rates shall be charged for wastewater collection and treatment provided for customers served by the sanitary sewer system of the city. The charges provided in this section are to be for the payment of the costs of operation and maintenance, including replacement, of the wastewater collection and treatment system.

(1) *Monthly sewerage charge.* A monthly service charge for all users is established as follows:

*a. Effective October 1, 2013:*
Inside city— $5.55
Outside city— $11.10

*b. Effective January 1, 2015:*
Inside city— $6.33
Outside city— $12.66

*c. Effective January 1, 2016:*
Inside city— $7.22
Outside city— $14.44

*d. Effective January 1, 2017:*
Inside city— $7.87
Outside city— $15.74

*e. Effective January 1, 2018:*
Inside city—$8.42
Outside city— $16.84

*f. Effective January 1, 2019:*
Inside city— $9.01
Outside city— $18.02

*g. Effective January 1, 2020:*
Inside city— $9.55

Outside city— $19.10

*h. Effective January 1, 2021:*
Inside city— $9.74
Outside city— $19.48

*i. Effective January 1, 2022:*
Inside city— $9.93
Outside city— $19.86

*(2) Quantity charge.*

a. *Residential customers.* Quantity charges for metered residential customers shall be based on 100 percent of water consumption unless the individual customer's average monthly water usage is less for the months of November, December, January and February, calculated after the month with the highest metered water usage and the month with the lowest metered water usage have been eliminated.

b. *Commercial and industrial customers.* Quantity charges for commercial and industrial customers connected to the sewerage system shall be based on 100 percent of metered water usage, provided that the director of water and sewerage or his authorized designee shall be authorized to adjust these charges to account for such factors as product use and cooling tower evaporation. The customer shall bear the burden of proof regarding product use or evaporation losses when requesting an adjustment.

c. *Calculation.* Effective October 1, 2013, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $5.55 | $11.10 |
| Commercial | $5.55 | $11.10 |
| Industrial | $5.55 | $11.10 |

d. *Calculation.* Effective January 1, 2015, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $6.33 | $12.66 |
| Commercial | $6.33 | $12.66 |
| Industrial | $6.33 | $12.66 |

e. *Calculation.* Effective January 1, 2016, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $7.22 | $14.44 |
| Commercial | $7.22 | $14.44 |
| Industrial | $7.22 | $14.44 |

f. *Calculation.* Effective January 1, 2017, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $7.87 | $15.74 |
| Commercial | $7.87 | $15.74 |
| Industrial | $7.87 | $15.74 |

g. *Calculation.* Effective January 1, 2018, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $8.42 | $16.84 |
| Commercial | $8.42 | $16.84 |
| Industrial | $8.42 | $16.84 |

h. *Calculation.* Effective January 1, 2019, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $9.01 | $18.02 |
| Commercial | $9.01 | $18.02 |
| Industrial | $9.01 | $18.02 |

i. *Calculation.* Effective January 1, 2020, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $9.55 | $19.10 |
| Commercial | $9.55 | $19.10 |
| Industrial | $9.55 | $19.10 |

j. *Calculation.* Effective January 1, 2021, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $9.74 | $19.48 |
| Commercial | $9.74 | $19.48 |
| Industrial | $9.74 | $19.48 |

k. *Calculation.* Effective January 1, 2022, all quantity charges shall be calculated at the following rates per each 1,000 gallons of metered water use:

| Customer Class | Rate Per 1,000 Gallons Inside City | Rate Per 1,000 Gallons Outside City |
|---|---|---|
| Residential | $9.93 | $19.86 |
| Commercial | $9.93 | $19.86 |
| Industrial | $9.93 | $19.86 |

(3) *Excessive strength surcharge.* In addition to the charges listed in subsection (2), all monitored commercial and industrial customers shall pay for excessive wastewater strengths (BOD and SS) based upon the following formula:

S= Vs X 8.34 ($0.0749 (BOD -250) + $0.0252 (SS - 250)
Where:

| | |
|---|---|
| S | = surcharge in dollars |
| Vs | = Sewage volume in million gallons |
| 8.34 | = Pounds per gallon of water |
| $0.0749 | = Unit charge for BOD in dollars per pound |

| | |
|---|---|
| BOD | = Strength index in parts per million by weight |
| $0.0252 | = Unit charge for suspended solids in dollars per pound |
| SS | = Suspended solids strength index in parts per million by weight |

(4) *Contract customers.* The city council may authorize contracts with municipalities, political subdivisions, governmental entities or private firms to furnish sewerage services at rates and charges as set forth in this section.

(5) *Nonmetered customers.* Users who do not have metered sewerage discharge shall be charged in a manner both adequate to the operation, maintenance and replacement needs of the sewerage system and proportional to one-time users.

(6) *Flat rate charges.* The following residential customers shall be assessed flat rate monthly charges:

a. All customers who are served by the sanitary sewer system but not served by the water distribution system; and

b. All customers who are served by both the sanitary sewer system and water distribution system, but who have not established an average monthly water usage for the months of November, December, January and February.

1. The sewer quantity charges for metered residential customers shall be based on 100 percent of water consumption or the established class average charges, whichever is less.

2. Effective October 1, 2013, the flat rate charges shall be as follows:

QUANTITY CHARGE
*Inside City*
$42.41
*Outside City*
$84.82

3. Effective January 1, 2015 charges shall be as follows:

QUANTITY CHARGE

*Inside City*
$48.36
*Outside City*
$96.72

4. Effective January 1, 2016 charges shall be as follows:

QUANTITY CHARGE
*Inside City*
$55.13
*Outside City*
$110.26

5. Effective January 1, 2017 charges shall be as follows:

QUANTITY CHARGE
*Inside City*
$60.09
*Outside City*
$120.18

6. Effective January 1, 2018 charges shall be as follows:

QUANTITY CHARGE
*Inside City*
$64.30
*Outside City*
$128.60

7. Effective January 1, 2019 charges shall be as follows:

QUANTITY CHARGE
*Inside City*
$68.80
*Outside City*
$137.60

8. Effective January 1, 2020 charges shall be as follows:

QUANTITY CHARGE
*Inside City*
$72.93
*Outside City*
$145.86

9. Effective January 1, 2021 charges shall be as follows:

QUANTITY CHARGE
*Inside City*
$74.39
*Outside City*
$148.78

10. Effective January 1, 2022 charges shall be as follows:

QUANTITY CHARGE
*Inside City*
$75.88
*Outside City*
$151.76

(7) *Rate review.* The rate structure will be periodically reviewed to accomplish the following:

a. Ensure that the current charges are adequate to cover operation, maintenance and replacement costs.

b. Ensure that operation, maintenance and replacement costs are being distributed appropriately among users and user classes.

(8) *Payment of increased costs.* Any user which discharges any toxic pollutants which cause an increase in operation, maintenance and replacement costs shall pay for such increased costs.

(9) *Use of city water service.* Any user of the city's sanitary sewerage system is required to also contract with the city for water service, if available.

(10) *Application of rates after October 1, 2013.* For rates which become effective on or after October 1, 2013, the new rate shall apply to the first billing cycle in which all consumption occurs after the effective date.

(11) *Reuse water charges.* Any user desiring to use reuse water shall contact the director of the department of water and sewerage to determine the availability of reuse water. If the director of the department of water and sewerage determines that reuse water is available, the director shall then establish a reasonable charge for same based upon the quantity of reuse water consumed.

**BE IT FURTHER ORDAINED that Section 94-166 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-166. Fees.**

(a) The following fees shall be charged for services provided:

(1) Leak inspection requested by customer, if no leak found .....$350.00
(2) Reread request by customer, if no reading error found .....$20.00
(3) Tampering with meter $250.00
   a. must be paid within 30 days of the receipt of bill in addition to any current and past due balance, if not paid, the department will terminate water service by removal of the meter.
(4) Removal of stolen meter or straight connection .....$500.00
   a. must be paid within 30 days of the receipt of bill in addition to any current and past due balance, The department may pursue criminal charges with a subsequent stolen meter or straight line connection violation.

***

(8) Connection for new service .....$25.00
(9) Restoration of disconnected service at the meter .....$50.00
(10) Restoration of service after removal of meter .....$150.00

***

(12) Drawing water from fire hydrant without authorized use…$500.00

***

(17) Effective January 1, 1994, a late fee of five percent (5%) of the original bill shall be charged to an account for payment received after the delinquency date.

***

(20) The charge for termination of service at the main shall be the cost of termination, as determined by the director of water and sewerage.

***

**BE IT FURTHER ORDAINED that Section 94-167 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-167. Discontinuance of services; adjustments.**

(a) If a bill for water or sewerage service and/or recycled product collection service is not paid in full by the delinquent date, the city shall have the right to turn off or disconnect the water service or sewerage service after notice given in accordance with the rules established under section 94-168. The service shall not be restored or turned on until such time as all of the following amounts are paid:

***

(4) A payment plan has been established by the direction of the director of water and sewerage.

***

(c) The director of finance and/or the director of water and sewerage through his designees, shall have the authority to make billing adjustments, including the back-billing of charges due, when verifiable errors are discovered, in accordance with rules and regulations established pursuant to section 94-168.

**BE IT FURTHER ORDAINED that Section 94-168 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-168. Additional rules and regulations.**

(a) The director of water and sewerage shall establish written rules and regulations for the implementation of this article, which shall include but not necessarily be limited to the following:

***

**BE IT FURTHER ORDAINED that Section 94-169 of the Code of Ordinances is hereby amended as follows:**

**Sec. 94-169. Payment assistance program.**

(a) A fund is established to assist needy low income persons who live within the boundaries of the city to pay water and sewerage bills.

***

BE IT FURTHER ORDAINED that if any provision of item of this ordinance or the application thereof is held invalid, such invalidity shall not affect other provisions, items or applications of this ordinance which can be given effect without the invalid provisions, items or applications and to this end the provisions of this ordinance are hereby declared severable.

BE IT FURTHER ORDAINED that all ordinances or resolutions or parts thereof in conflict herewith are hereby repealed.

APPROVED AS TO LEGAL FORM:

_____

City Attorney's Office